



*Prosper is a place where everyone matters.*

**MINUTES**  
**Regular Meeting of the**  
**Prosper Town Council**  
Prosper Independent School District  
Central Administration Building  
Board Room  
605 East 7th Street, Prosper, TX 75078  
Tuesday, October 27, 2015

**1. Call to Order/Roll Call.**

The meeting was called to order at 6:02 p.m.

**Council Members Present:**

Mayor Ray Smith  
Mayor Pro-Tem Meigs Miller  
Deputy Mayor Pro-Tem Curry Vogelsang, Jr.  
Councilmember Kenneth Dugger  
Councilmember Michael Korbuly  
Councilmember Mike Davis  
Councilmember Jason Dixon (arrived at 6:11 p.m.)

**Staff Members Present:**

Harlan Jefferson, Town Manager  
Robyn Battle, Town Secretary  
Edwin Voss, Town Attorney  
Hulon Webb, Executive Director of Development and Community Services  
John Webb, Development Services Director  
Alex Glushko, Senior Planner  
Paul Naughton, Landscape Architect  
Matt Richardson, Senior Engineer  
Frank Jaromin, Public Works Director  
Tristan Cisco, Administrative Assistant/Water Conservation Coordinator  
Cheryl Davenport, Finance Director  
Baby Raley, Human Resources Director  
Doug Kowalski, Police Chief  
Stuart Blasingame, Assistant Fire Chief  
Bryan Ausenbaugh, Fire Marshal

**2. Invocation, Pledge of Allegiance and Pledge to the Texas Flag.**

Jeremy Nottingham of Prestonwood Baptist Church led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were recited.

**3. Announcements of recent and upcoming events.**

Mayor Pro-Tem Miller read the following announcements:

Early Voting on the 7 Proposed State Constitutional Amendments continues through this Friday, October 30. Collin County Voters may vote in Prosper Municipal Chambers from 7am-7pm. On November 3, Collin County voters may vote at the Prosper ISD Central Administration Building. Election information for Collin and Denton County voters is

available on the Town's website, or by contacting the Collin or Denton County Elections Administrations.

Several Prosper youth took part in the second annual Punt, Pass, and Kick competition at all Prosper Elementary Schools and Rogers Middle School. The boys and girls from each school and age group will advance to the regional competition at a future Dallas Cowboys game, and will have the opportunity to advance to the national finals to be held during an NFL playoff game. Last year, two Prosper contestants advanced to the regional competition.

The Town Council and the Prosper Fire Department would like to remind residents that Daylight Savings Time ends on Sunday, November 1st at 2:00 a.m. Please remember to set your clocks back one hour. This is also an ideal time to replace the batteries in your home's smoke, fire, carbon monoxide detectors, and irrigation and sprinkler system controllers.

### **Presentations**

- **Presentation on Earthkind Research Garden. (FJ)**

Tristan Cisco, Administrative Assistant/Water Conservation Coordinator for the Public Works Department, provided a presentation on the Earthkind Research Garden and thanked all of the contributing organizations. Certificates of Appreciation were presented to Joan Syme, Patty Felan, Janet Valz, and Mike Dalton who represented some of the contributing organizations for the project.

- **Proclamation presented to members of the Prosper Police Department declaring October 23-31, 2015, as *Red Ribbon Week*. (DK)**

Police Chief Doug Kowalski received the Proclamation on behalf of the Police Department.

- **Presentation to members of the Town of Prosper Finance Division for receiving a Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association for the Comprehensive Annual Financial Report for the fiscal year ended September 30, 2014. (CD)**

Finance Director Cheryl Davenport received the award on behalf of the Finance Department.

- **Presentation to the Town of Prosper Finance Department for receiving the Achievement of Excellence in Procurement Award for 2015 from the National Procurement Institute, Inc. (CD)**

Finance Director Cheryl Davenport and Purchasing Agent January Cook received the award on behalf of the Finance Department.

#### **4. CONSENT AGENDA:**

**(Items placed on the Consent Agenda are considered routine in nature and non-controversial. The Consent Agenda can be acted upon in one motion. Items may**

be removed from the Consent Agenda by the request of Council Members or staff.)

- 5a. Consider and act upon minutes from the following Town Council meetings. (RB)
- Regular Meeting – October 13, 2015
- 5b. Consider and act upon Resolution No. 15-67 accepting and approving the 2015 tax roll. (HJ)
- 5c. Consider and take action upon Resolution No. 15-68 expressing official intent to reimburse costs of Town capital improvement program projects that may be funded with proceeds of bonds or other obligations, if those costs are paid prior to the issuance of such bonds or other obligations. (CD)
- 5g. Consider and act upon Resolution No. 15-69 in support of statewide Proposition 7 for increased state funding for transportation. (RB)

Mayor Smith removed Item 5f from the Consent Agenda.

Councilmember Davis removed Item 5d and Item 5e from the Consent Agenda.

Councilmember Dugger made a motion and Mayor Pro-Tem Miller seconded the motion to approve all remaining items on the Consent Agenda. The motion was approved by a vote of 7-0.

- 5d. Consider and act upon approving the purchase of three pick-up trucks for the Building Inspections Division, from Caldwell Country Chevrolet, through the Texas Local Government Purchasing Cooperative; and two chassis with flat bed trucks for the Streets Division, from Chastang Ford, through the Houston-Galveston Area Council (HGAC) Cooperative Purchasing Program. (JC)

Purchasing Agent January Cook clarified the number and types of vehicles that were being proposed for purchase: three Chevy pickups, one F350 with a 12-foot flatbed, and one F550 with a 16-foot flatbed.

Councilmember Davis made a motion and Councilmember Dugger seconded the motion to approve Item 5d. The motion was approved by a vote of 7-0.

- 5e. Consider and act upon approving the purchase of two fire engines, from Siddons-Martin Emergency Group, through the Houston-Galveston Area Council (HGAC) Cooperative Purchasing Program, and a pre-payment discount option. (JC)

Purchasing Agent January Cook clarified the terms of the prepayment discount.

Councilmember Dixon made a motion and Councilmember Vogelsang seconded the motion to approve Item 5e. The motion was approved by a vote of 6-1, with Councilmember Davis casting the opposing vote.

- 5f. **Consider and act upon authorizing the Town Manager to execute a Development Agreement between the Town of Prosper, Texas, and CADG Prosper Lakes North, LLC., related to early issuance of building permits and Town cost participation on a retaining wall for the Lakes of Prosper North, Phase 2 development. (HW)**

Mayor Smith stepped down from the Council bench due to a conflict of interest.

Mayor Pro-Tem Miller made a motion and Councilmember Korbuly seconded the motion to approve Item 5f. The motion was approved by a vote of 6-0.

Mayor Smith returned to his place at the Council bench.

5. **CITIZEN COMMENTS:**

**(The public is invited to address the Council on any topic. However, the Council is unable to discuss or take action on any topic not listed on this agenda. Please complete a "Public Meeting Appearance Card" and present it to the Town Secretary prior to the meeting.)**

**REGULAR AGENDA:**

**(If you wish to address the Council during the regular agenda portion of the meeting, please fill out a "Public Meeting Appearance Card" and present it to the Town Secretary prior to the meeting. Citizens wishing to address the Council for items listed as public hearings will be recognized by the Mayor. Those wishing to speak on a non-public hearing related item will be recognized on a case-by-case basis, at the discretion of the Mayor and Town Council.)**

There were no Citizen Comments.

**PUBLIC HEARINGS:**

6. **Conduct a Public Hearing, and consider and act upon a request to rezone 15.7± acres, from Commercial (C) and Planned Development-25 (PD-25) to Planned Development-Retail (PD-R), located on north side of US 380, 580± feet west of Custer Road. (Z15-0011). (JW)**

Development Services Director John Webb presented this item before the Town Council. The applicant has requested to table this item to the December 8, 2015, Town Council meeting to have an opportunity to revise the proposed elevations.

Councilmember Davis made a motion and Councilmember Vogelsang seconded the motion to table Item 7 to the December 8, 2015, Town Council meeting. The motion was approved by a vote of 7-0.

7. **Presentation of service plan and first Public Hearing to consider the involuntary annexation of a 0.2± acre tract of land, located on the north side of First Street, 1.2± miles east of Coit Road. (A15-0002). (AG)**

Senior Planner Alex Glushko presented this item before the Town Council. In 2008, the Town began initiating involuntary annexations and annexation agreements for a majority

of the remaining unincorporated properties within the Town limits. It was recently determined that the subject property was unintentionally excluded from past annexation processes. Because the subject property is not eligible for an annexation agreement, the Town is initiating involuntary annexation of the property. Mr. Glushko responded to questions from Council regarding other areas of annexation within the Town.

Mayor Smith opened the Public Hearing.

With no one speaking, Mayor Smith closed the Public Hearing.

No further action was taken.

**DEPARTMENT ITEMS:**

8. **Consider and act upon authorizing the Town Manager to execute a Benefit Program Application with Blue Cross Blue Shield for group medical insurance, effective January 1, 2016; and, a renewal letter acceptance with Delta Dental for group dental insurance, effective January 1, 2016. (BR)**

Human Resources Director Baby Raley presented this item before the Town Council. She reviewed the bidding process, the companies who responded to the request for proposals, and the recommendations made by the employee benefit committee and the Council Benefits Subcommittee. Lance Pendley representing the Town's benefits consultant answered additional questions regarding the utilization of the Compass services provided by the Town. He stated that he would provide Council with a utilization report at a future date. Council stated that the benefit selection process should begin earlier in the year in the future, and that the Town should consider becoming a self-funded entity for medical and dental benefits. Mr. Pendley recommended meeting with the Council Benefits Subcommittee in March of 2016, and also explained the dollar differential between the Aetna and Concordia proposals.

After discussion, Councilmember Dixon made a motion and Councilmember Vogelsang seconded the motion to authorize the Town Manager to execute a Benefit Program Application with Blue Cross Blue Shield for group medical insurance, effective January 1, 2016; and, a renewal letter acceptance with Delta Dental for group dental insurance, effective January 1, 2016. The motion was approved by a vote of 7-0.

9. **Consider and act upon awarding Bid No. 2015-40-B to Tiseo Paving Co. related to construction services for the Coleman Street Improvements (Victory Way to SH 289) project; and authorizing the Town Manager to execute a construction agreement for same. (MR)**

Senior Engineer Matt Richardson presented this item before the Town Council. The contract will construct two new two-lane concrete roadways consisting of the two northern lanes of an ultimate four-lane minor arterial on Coleman Street from Victory Way to SH 289. The contract specifies a completion date of 90 calendar days, with provisions in the contract for liquidated damages, should the project not be substantially complete on time.

After discussion, Councilmember Dugger made a motion and Mayor Pro-Tem Miller seconded the motion to award Bid No. 2015-40-B to Tiseo Paving Co. related to construction services for the Coleman Street Improvements (Victory Way to SH 289)

project; and authorize the Town Manager to execute a construction agreement for same. The motion was approved by a vote of 7-0.

10. **Consider and act upon approving the purchase of lighting and installation services for the Frontier Park - Southeast Corner, Phase 2 Field Lighting project, from Musco Sports Lighting, LLC, through the Texas Local Government Purchasing Cooperative. (PN)**

Landscape Architect Paul Naughton presented this item before the Town Council. This project is for the remaining lights on the area south of the soccer fields at the southeast corner of Frontier Park.

After discussion, Councilmember Dixon made a motion and Councilmember Dugger seconded the motion to approve the purchase of lighting and installation services for the Frontier Park - Southeast Corner, Phase 2 Field Lighting project, from Musco Sports Lighting, LLC, through the Texas Local Government Purchasing Cooperative. The motion was approved by a vote of 7-0.

11. **Conduct an annual review of the Town's Comprehensive Plan. (JW)**

Development Services Director John Webb presented this item before the Town Council. The current Comprehensive Plan by the Town's consultant, Freese and Nichols, recommends an annual review. Mr. Webb provided an overview of completed projects since the last annual review, trends the Town is currently facing, such as the probability of future demand for higher density housing and age restricted housing, as the market demands. Ongoing and future projects include updating the Town's land use chart, subdivision ordinance, non-residential development standards, phase one of the Old Town planning assessment, and reformatting the Town's Zoning Ordinance. Another major project will be aligning the Town's Future Land Use Plan with the Zoning Districts.

After discussion, Councilmember Dugger made a motion and Councilmember Dixon seconded the motion to accept the annual review of the Town's Comprehensive Plan with respect to current conditions and trends and request staff to initiate the formal process for amending the Plan. The motion was approved by a vote of 7-0.

12. **EXECUTIVE SESSION:**

**Recess into Closed Session in compliance with Section 551.001 et seq. Texas Government Code, as authorized by the Texas Open Meetings Act, to deliberate regarding:**

**13a. *Section 551.087 – To discuss and consider economic development incentives.***

**13b. *Section 551.072 – To discuss and consider purchase, exchange, lease or value of real property for municipal purposes and all matters incident and related thereto.***

The Town Council recessed into Executive Session at 7:09 p.m.

13. **Reconvene in Regular Session and take any action necessary as a result of the Closed Session.**

The Town Council reconvened the Regular Session at 7:35 p.m.

**14. Possibly direct Town staff to schedule topic(s) for discussion at a future meeting.**

- **Discuss cancelling the November 24 and December 22 Town Council Meetings. (RB)**

Town Secretary Robyn Battle inquired as to whether the Town Council would prefer to cancel the November 24 and December 22 Town Council meetings due to the Thanksgiving and Christmas holidays. Town Council provided direction to do so. A formal action item will be placed on the November 10 Town Council agenda.

Councilmember Dixon inquired about mowing on the north side of the US 380 and Preston Road intersection. Hulon Webb responded that the Public Works Department mows that area periodically.

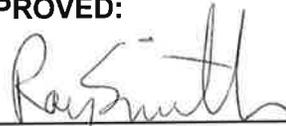
Councilmember Dixon added that he would like Town staff to inquire about placing an emblem reading "In God We Trust" on police and fire vehicles. Town Manager Harlan Jefferson indicated that the Fire Department had already obtained a design incorporating an eagle, and the Police Department had obtained an estimate of approximately \$150 to place the emblems on their vehicles. Councilmember Dixon asked that the item be placed on a future agenda for consideration.

**15. Adjourn.**

The meeting was adjourned at 7:44 p.m. on Tuesday, October 27, 2015.

These minutes approved on the 27th day of October, 2015.

**APPROVED:**



**Ray Smith, Mayor**

**ATTEST:**

  
**Robyn Battle, Town Secretary**