



*Prosper is a place where everyone matters.*

**MINUTES**  
**Regular Meeting of the**  
**Prosper Town Council**  
Prosper Municipal Chambers  
108 W. Broadway Street, Prosper, Texas  
Tuesday, November 10, 2015

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

The meeting was called to order at 6:00 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

**Staff Members Present:**

Harlan Jefferson, Town Manager  
Robyn Battle, Town Secretary  
Terrence Welch, Town Attorney  
Hulon Webb, Executive Director of Development and Community Services  
John Webb, Development Services Director  
Will Mitchell, Parks & Recreation Manager  
Paul Naughton, Landscape Architect  
Matt Richardson, Senior Engineer  
Cheryl Davenport, Finance Director  
January Cook, Purchasing Agent  
Doug Kowalski, Police Chief  
Ronnie Tucker, Fire Chief  
Kent Bauer, Emergency Management Specialist

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

John Fowler of First Presbyterian Church of Prosper led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were recited.

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

Councilmember Dugger read the following announcements:

Atmos Energy is beginning Phase 2 of their pipeline replacement project between the Dallas North Tollway and the BNSF Railroad. The underground pipeline will cross through the Villages of Prosper Trail and the Lakes of Prosper subdivisions as well as Frontier Park. Atmos has met with the Parks Department staff, and the pipeline installation should have minimal effect on activities at Frontier Park.

TxDOT is performing pavement maintenance on Coleman Street between US 380 and Broadway through Friday, November 13. Crews will have the roadway reduced to one lane from 8:00 a.m. – 4:00 p.m. A temporary traffic signal will control the directional flow of traffic, and flagmen will be posted at cross-streets to assist with traffic flow. Minor delays should be anticipated. Motorists may use Preston Road as an alternate route. Motorists should obey all traffic signs and workmen instructions and should use caution in the work zone.

The Prosper Police Department has received a donation from Dallas Scottish Rite of two Police patrol bicycles. The bicycles will be presented at a ceremony at Lee Masonic Lodge here in Prosper on Thursday night.

Entries for the December 5 Prosper Christmas Parade are still being accepted through November 21. Community groups, civic organizations, scout troops, and businesses are encouraged to participate. More information and entry forms are available on the Parks & Recreation website.

The Prosper Christmas Festival will be held downtown immediately following the parade on December 5. From 3:00 – 6:00 p.m. families can enjoy a traditional hometown celebration with food, activities, live performances, vendors, and the lighting of the Town Christmas tree. Shuttle service will be provided from Reynolds Middle School to downtown. For more information, see the Parks & Recreation website.

#### 4. **Presentations**

- **Presentation of a Proclamation to members of the Prosper Historical Society and local veterans proclaiming November 11, 2015, as *Veterans Day*.**

Mayor Smith invited all veterans in attendance to come forward to be recognized. The Proclamation was presented to the Prosper Veterans Committee.

- **Presentation of a Proclamation to members of the Pulmonary Hypertension Association proclaiming November 2015 as *Pulmonary Hypertension Awareness Month*.**

Gary Bruce was present to receive the Proclamation.

#### 5. **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 27, 2015**

- 5b. **Consider and act upon canceling the November 24, 2015, and the December 22, 2015, Prosper Town Council meetings. (RB)**

- 5c. **Receive the Quarterly Investment Report ending September 30, 2015. (CD)**
- 5e. **Consider and act upon approving the purchase of two pick-up trucks for the Building Inspections Division, from Caldwell Country Chevrolet, through the Texas Local Government Purchasing Cooperative; one pick-up truck for the Park Operations Division, from Silsbee Ford, through the Houston-Galveston Area Council (HGAC) Cooperative Purchasing Program; and three public safety rated sport utility vehicles for the Police Department, from Holiday Chevrolet, through the State of Texas Cooperative Purchasing Program. (JC)**
- 5f. **Consider and act upon authorizing the Town Manager to execute Amendment Nine to the Interlocal Agreement between Collin County and the Town of Prosper, extending the agreement through FY 2015-2016, relating to Animal Control Services. (JW)**
- 5g. **Consider and act upon authorizing the Town Manager to execute Amendment Nine to the Interlocal Agreement between Collin County and the Town of Prosper, establishing the service fee for FY 2015-2016 relating to Animal Sheltering Services. (JW)**

Councilmember Davis removed Item 5d from the Consent Agenda.

Councilmember Dixon removed Item 5h 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 authorizing the Town Manager to execute a Priority Support Agreement between VP Imaging, Inc., dba DocuNav Solutions, and the Town of Prosper, Texas, related to the expansion of the Town's Laserfiche software system, through a Texas Department of Information Resources (DIR) contract. (RB)**

Town Secretary Robyn Battle and Development Services Director responded to questions regarding the number of users for the Building Inspections Department. Ashley Landes from DocuNav answered questions from Council regarding training and implementation.

After discussion, Councilmember Davis made a motion and Councilmember Dugger seconded the motion to authorize the Town Manager to execute a Priority Support Agreement between VP Imaging, Inc., dba DocuNav Solutions, and the Town of Prosper, Texas, related to the expansion of the Town's Laserfiche software system, through a Texas Department of Information Resources (DIR) contract. The motion was approved by a vote of 7-0.

- 5h. **Consider and act upon whether to direct staff to submit a written notice of appeal on behalf of the Town Council to the Development Services Department, pursuant to Chapter 4, Section 1.5(C)(7) and 1.6(B)(7) of the Town's Zoning Ordinance, regarding action taken by the Planning & Zoning Commission on any site plan or preliminary site plan. (AG)**

Development Services Director John Webb responded to questions from the Town Council related to the retention pond. Terrence Welch, Town Attorney, clarified the process and criteria for the Town Council to appeal a Planning & Zoning Commission recommendation.

After discussion, Councilmember Dixon made a motion and Councilmember Dugger seconded the motion to approve Item 5h. The motion was approved by a vote of 7-0.

**6. 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.)**

There were no Citizen Comments.

**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.)**

**PUBLIC HEARINGS:**

**7. Presentation of service plan and second 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). (JW)**

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.

Mayor Smith opened the Public Hearing.

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

No further action was taken.

**8. Conduct a Public Hearing, and consider and act upon a request for a Special Purpose Sign District, on 35.7± acres, located on the northwest corner of US 380 and Custer Road. (MD15-0004). (JW)**

Development Services Director John Webb presented this item before the Town Council. The purpose of the request is to allow for wall signage for the proposed Lowe's and Kroger to exceed the maximum height requirement within the Prosper Plaza

development. The intent of the request is to allow for signage that is more proportional in size to the scale of the buildings.

Mayor Smith opened the Public Hearing.

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

After discussion, the Town Council concurred that they were in favor of approval of the Lowe's signage, but it would be premature to approve the Kroger signage, since the Council has not yet seen the final building elevations.

Councilmember Dixon made a motion and Councilmember Korbuly seconded the motion to approve the request for a Special Purpose Sign District for Lowe's, on 35.7± acres, located on the northwest corner of US 380 and Custer Road, and to table the request for a Special Purpose Sign District for Kroger, on 35.7± acres, located on the northwest corner of US 380 and Custer Road to the December 8, 2015, Town Council meeting. The motion was approved by a vote of 7-0.

**9. Conduct a Public Hearing and consider and act upon a request to amend Chapter 2, Zoning Districts, and Chapter 3, Permitted Uses and Definitions of the Zoning Ordinance regarding the list of Permitted Uses, the Use Chart, Conditional Development Standards and Definitions. (Z15-0007). (JW)**

Development Services Director John Webb presented this item before the Town Council. Town staff provided briefings on the proposed changes on May 12, 2015, and August 11, 2015. Many of the proposed changes are necessary to update the Zoning Ordinance and remove obsolete language. Mr. Webb reviewed the proposed changes as compared to the existing ordinance. The Town Council asked specific questions about outdoor storage, and limited service hotels, and indicated that they would prefer that a limited service hotel require an SUP.

Mayor Smith opened the Public Hearing.

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

After discussion, Councilmember Dugger made a motion and Councilmember Vogelsang seconded the motion to approve a request to amend Chapter 2, Zoning Districts, and Chapter 3, Permitted Uses and Definitions of the Zoning Ordinance, regarding the list of Permitted Uses, the Use Chart, Conditional Development Standards and Definitions, with the addition of a requirement for a Specific Use Permit for limited service hotels. The motion was approved by a vote of 7-0.

**DEPARTMENT ITEMS:**

**10. Consider and act upon authorizing the Town Manager to execute a Professional Services Agreement between the Town of Prosper, Texas, and Dunaway Associates, LP., related to the Frontier Park - North Field Improvements project. (PN)**

Landscape Architect Paul Naughton presented this item before the Town Council. Mr. Naughton provided an overview of the details of the project including the scope of services and the improvements to be included in the project. He then responded to

questions from the Town Council related to artificial turf, field lighting, and spectator seating. Dunaway Associates has based the projected costs on the use of artificial turf.

After discussion, Councilmember Korbuly made a motion and Councilmember Dugger seconded the motion to authorize the Town Manager to execute a Professional Services Agreement between the Town of Prosper, Texas, and Dunaway Associates, LP., related to the Frontier Park - North Field Improvements project. The motion was approved by a vote of 7-0.

- 11. Consider and act upon awarding Bid No. 2016-04-B to Quality Excavation, Ltd., related to construction services for the Frontier Park – Parking Lot Improvements 2016 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 proposed contract will expand two parking areas at Frontier Park for a net increase of 128 parking spaces in what is currently vacant parkland. Modifications to handicap parking spaces near Windmill Playground are also included within the project scope.

After discussion, Councilmember Korbuly made a motion and Councilmember Dugger seconded the motion to award Bid No. 2016-04-B to Quality Excavation, Ltd., related to construction services for the Frontier Park – Parking Lot Improvements 2016 project; and authorize the Town Manager to execute a construction agreement for same. The motion was approved by a vote of 6-1, with Councilmember Davis casting the opposing vote.

- 12. Discussion on Water and Wastewater Capital Improvement Projects. (HW)**

Hulon Webb, Executive Director of Development and Community Services, introduced Jeff Payne of Freese and Nichols. Mr. Payne provided an update on the Lower Pressure Plane Storage Tank project. He reviewed water demands, historical data for Prosper, and explained the need for elevated storage tanks and the recommended capacity for the Prosper Trail elevated storage tank based on projected population and a 2017 target date for completion. Mr. Payne reviewed the 2016 Capital Improvement Projects and Impact Fee Update which will analyze the Water and Wastewater Master Plan and water, wastewater, and roadway impact fees. No further action was taken.

- 13. Consider and act upon authorizing the Town Manager to execute a Professional Engineering Services Agreement between the Town of Prosper, Texas, and Freese & Nichols, Inc., related to the 2016 Impact Fee Update project. (MR)**

Senior Engineer Matt Richardson presented this item before the Town Council. The Town of Prosper adopted its current roadway, water, and wastewater impact fees on November 8, 2011. The Local Government Code requires that impact fees be reviewed and updated at least every five years. Town staff has negotiated a contract with Freese and Nichols to provide an update to the Town's impact fees. Mr. Richardson reviewed the scope and terms of the contract.

After discussion, Councilmember Dugger made a motion and Mayor Pro-Tem Miller seconded the motion to authorize the Town Manager to execute a Professional Engineering Services Agreement between the Town of Prosper, Texas, and Freese &

Nichols, Inc., related to the 2016 Impact Fee Update project. The motion was approved by a vote of 7-0.

Mayor Smith skipped to Item 16.

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

• **Discuss “In God We Trust” decals. (HJ)**

Town staff presented several options for decals to be placed on Town vehicles. The Town Council gave direction to form a committee to decide the final design of the decal.

• **Update on the Town’s Emergency Management Plan. (KB/RT)**

Kent Bauer, Emergency Management Specialist, and Fire Chief Ronnie Tucker provided an update on the Town’s Emergency Management plan. Mr. Bauer explained that his main function is to identify risks, and coordinate emergency response procedures and training among the Town departments. Chief Tucker explained that the Town relies on mutual aid agreements with the surrounding counties and municipalities in the event of an emergency, with Chief Tucker serving as incident commander for the Town.

**14. 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:**

**14a. *Section 551.087 – To discuss and consider economic development incentives.***

**14b. *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.***

**14c. *Section 551.074 – To discuss appointments to the Board of Adjustment/Construction Board of Appeals, Parks & Recreation Board, Library Board, Prosper Economic Development Corporation Board, Planning & Zoning Commission, Tax Increment Financing Reinvestment Zone (TIRZ) No. 1 Board of Directors, and Tax Increment Financing Reinvestment Zone (TIRZ) No. 2 Board of Directors.***

**14d. *Section 551.071 – Consultation with the Town Attorney regarding legal issues associated with annexation agreements in Town ETJ areas, development issues associated with areas subject to annexation agreements, and all matters incident and related thereto.***

The Town Council recessed into Executive Session at 9:01 p.m.

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

The Town Council reconvened the Regular Session at 10:10 p.m. No action was taken as a result of Executive Session.

Mayor Smith returned to Item 16.

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

- **Discuss possible dates for 2016 Strategic Planning Session. (RB)**

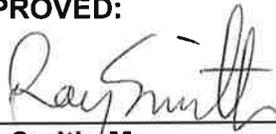
Town Secretary Robyn Battle proposed January 27, 2016, as the date of the next Town Council Strategic Planning Session. The Town Council was in favor of the date.

**17. Adjourn.**

The meeting was adjourned at 10:20 p.m. on Tuesday, November 10, 2015.

These minutes approved on the 8th day of December, 2015.

**APPROVED:**

  
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**Ray Smith, Mayor**

**ATTEST:**

  
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**Robyn Battle, Town Secretary**