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Minutes

Prosper Town Council Meeting
Council Chambers
Prosper Town Hall
250 W. First Street, Prosper, Texas
Tuesday, June 22, 2021

Call to Order/ Roll Call.

The meeting was called to order at 5:45 p.m.

Councilmembers Present:

Mayor Ray Smith
Deputy Mayor Pro-Tem Craig Andres
Councilmember Marcus E. Ray
Councilmember Amy Bartley
Councilmember Charles Cotten

Councilmembers Absent:

Councilmember Meigs Miller
Councilmember Jeff Hodges

Staff Members Present:

Harlan Jefferson, Town Manager
Terry Welch, Town Attorney
Melissa Lee, Town Secretary
Robyn Battle, Executive Director of Community Services
Chuck Springer, Executive Director of Administrative Services
Kent Bauer, Emergency Management Coordinator
Betty Pamplin, Finance Director
Khara Dodds, Development Services Director
Hulon Webb, Engineering Services Director
Dan Heischman, Assistant Director of Engineering Services - Development
Alex Glushko, Planning Manager
Dudley Raymond, Director of Parks and Recreation
Doug Kowalski, Police Chief
Stuart Blasingame, Fire Chief
Scott Brewer, Assistant Police Chief

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

Police Chaplain Isaac Varella led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were recited.

Announcements of recent and upcoming events.

Councilmember Cotten read the announcements.

The myPROSPER mobile app has a new look, and features several new updates to help residents connect with the Town. Residents can access the ACE water portal, submit service requests, and access a variety of online services and information. The app is available to download on Google Play and the Apple App Store.

The Prosper Economic Development Corporation celebrated an Open House and Ribbon Cutting on Wednesday, June 18. The newly-remodeled office is located in downtown Prosper on the

corner of Main Street and Broadway. Visit www.prosperedc.com to find out more about how the EDC supports businesses in Prosper.

Prosper Fire Rescue is now accepting applications for the Citizens Fire Academy. Participants who live or work in the Town of Prosper will meet for nine weeks on Thursday evenings from 6:30-9:00 p.m. at Prosper Fire Station 2. Registration ends on July 19, and classes begin on August 5. Please visit www.prosperfire.com to register.

Children are invited to participate in the Prosper Community Library's Independence Day Parade on Thursday, July 1, at 10:30 a.m. Mayor Ray Smith, the Town Council, and the Prosper Police and Fire Departments will join in the fun. Find out more on the Library's Facebook page.

Summer camps and classes are now open for registration through the Prosper Parks and Recreation Department. Classes available include Baseball Camp, Golf Camp, Soccer Sparks, and Destination Science. Adult activities include yoga, tennis, outdoor Zumba at Frontier Park, and a bowling league for Active Adults. Visit www.prosperparksandrec.org for a full list of programs.

Presentations.

1. EMS for Children - Gold Recognition (SB)

Mr. Samuel Vance, Program Manager for the EMS for Children program (EMSC), joined via Zoom. The EMSC program is the only federally funded program to ensure that all children and adolescents receive appropriate emergency medical care when critically ill or injured. The EMS for Children – Gold Recognition recognized the Prosper Fire Department for providing exemplary pediatric emergency care to all children. Prosper Fire Chief Stuart Blasingame, Assistant Chief Shaw Eft, and Division Chief Bill Bonny accepted the award. Chief Blasingame also wanted to express his appreciation to all the hard working firefighters that work on the ambulance each and every day and who made this recognition possible.

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.

- 2. Consider and act upon the minutes of the June 8, 2021, Town Council meeting. (ML)**
- 3. Consider and act upon authorizing the Town Manager to execute a Professional Services Agreement between Peak Program Value, LLC, and the Town of Prosper, Texas, related to providing additional cost management of the construction budget of the Public Safety Complex, Phase 2 (Central Fire Station and Fire Administration) facility project. (SB)**
- 4. Consider and act upon approving the purchase of one skid steer loader from RDO Equipment Co., through the Sourcewell Purchasing Cooperative; one sewer cleaning machine from HotJet USA and one tractor from Landmark Equipment, through the Texas Local Government Purchasing Cooperative; and authorizing the Town Manager to execute documents for the same. (FJ)**
- 5. Consider and act upon approving the purchase of manhole rehabilitation services from Fuquay, Inc., through the Texas Local Government Purchasing**

Cooperative; and authorizing the Town Manager to execute documents for the same. (FJ)

6. Consider and act upon authorizing the Town Manager to execute a License, Maintenance and Hold Harmless Agreement between 1385 & 380 Investments LP, and the Town of Prosper, Texas, related to the installation and maintenance of landscaping, pedestrian walkways and other associated amenities within right-of-way of Kent Drive in the Glenbrooke development. (DH)
7. Consider and act upon authorizing the Town Manager to execute an Escrow Agreement between 1385 & 380 Investments LP, and the Town of Prosper, Texas, related to the future reconstruction of improvements on US Highway 380 to serve the Westside development. (HW)
8. Consider and act upon Ordinance No. 2021-33 rezoning 5.3± acres from Downtown Commercial (DTC) to Planned Development-Multifamily (PD-MF), to facilitate a townhome-style multifamily development, located on the east and west sides of future McKinley Street, north of Fifth Street. (Z21-0006). (AG)
9. 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, including Prosper Business Park. (AG)

Mayor Ray Smith commented on Item 8 and commended Harlan and Town staff for their idea to relocate the detention pond for the downtown multifamily to the west side of the railroad tracks. Because of this forward thinking and partnership, the developer was able to preserve 5.3 acres and 30 dwelling units. Town Manager Harlan Jefferson advised it was Hulon Webb who came up with this solution.

Councilmember Ray made a motion and Deputy Mayor Pro-Tem Andres seconded the motion to approval all items on the Consent Agenda. The motion passed by a vote of 5-0.

CITIZEN COMMENTS:

One citizen comment card submitted from Justin Grube but he did not attend the meeting.

Items for Individual Consideration:

10. Conduct a Public Hearing, and consider and act upon a request to amend the Future Land Use Plan from Medium Density Residential to Retail & Neighborhood Services, generally located on the northwest corner of Legacy Drive and Prosper Road. This is a companion case to Z20-0013. (CA20-0003). (AG)

11. **Conduct a Public Hearing and consider and act upon a request to rezone 5.5± acres, from Agriculture (A) to Planned Development-Retail (PD-R), for Legacy Storage, located on the west side of Legacy Drive, north of Prosper Road. This is a companion case to CA20-0003. (Z20-0013). (AG)**

Mayor Smith opened Items 10 and 11 concurrently. The applicant has requested to table both items until the July 13, 2021 meeting. Deputy Mayor Pro-Tem Andres made a motion and Councilmember Bartley seconded the motion to table both items to the July 13, 2021 Town Council meeting. The motion passed by a vote of 7-0

12. **Consider and act upon Conceptual Development Plans for Encompass Health, on 8.2± acres, located on the east side of Mahard Parkway, north of US 380. The property is zoned Planned Development-47 (PD-47). (D21-0034). (AG)**

Planning Manager Alex Glushko presented this item before the Town Council. Per PD-47, "prior to application for a Preliminary Site Plan on any tract of land within a given area, a Conceptual Development Plan shall be submitted for each tract, and receive a recommendation from the Planning & Zoning Commission and be approved by the Town Council." The Conceptual Development Plans show a 74,473-square-foot in-patient rehabilitation facility, Encompass Health, which is proposed to be constructed in two phases. The Conceptual Development Plans also include building elevations. The building is proposed to be constructed primarily of brick and stone. The applicant is also proposing the use of metal panels to screen the rooftop mounted mechanical equipment. While the metal screening is permitted, staff has recommended the parapet wall be raised to screen the majority of the equipment with brick and stone. The Conceptual Development Plans conform to the PD-47 development standards. The Planning & Zoning Commission and staff are in support of this request and recommend approval.

Deputy Mayor Pro-Tem Andres made a motion and Councilmember Cotton seconded the motion to approve Conceptual Development Plans for Encompass Health, on 8.2± acres, located on the east side of Mahard Parkway, north of US 380. The motion passed by a vote of 5-0.

13. **Project update for the Dallas North Tollway Design Guidelines. (KD)**

Khara Dodds presented an update to the Dallas North Tollway Design Guidelines. Ms. Dodds reviewed maps showing vacant parcels in the Dallas North Tollway (DNT) corridor and the existing zoning for property along the corridor.

Ms. Dodds recapped further the idea of developing an Overlay District, as was previously discussed by previous Development Services Director, John Webb. In an Overlay District, the base zoning and property rights are still maintained. They can be effective as a stand alone or in conjunction with a Planned Development. The other option is Design Guidelines which involves the same type of criteria but it is more of a guiding framework and elevates the community's expectations. This option can be most effective when used in addition to a Planned Development.

Ms. Dodds explained the current progress of developing the Design Guidelines. Part of this process was meeting with Councilmembers and Town staff. Both Ms. Dodds and Rebecca Zook attended the last Developer's Council and gave them a brief overview of the Design Guidelines. Ms. Dodds and her staff have also reviewed other communities and the Town's existing plans. One location often brought up to her is the Grandscape in The Colony and Ms. Dodds recapped some of the other cities she

has visited. In other communities there is a sense of identity, a theme, and public art, and all of these elements can be included in the Town of Prosper guidelines.

Ms. Dodds reviewed components of the Town's Comprehensive Plan which specifically mentions maximizing development along the Dallas North Tollway. She explained the importance of Public Spaces which allow people to come together and socialize, which can promote the Live, Work, and Play feel that the Town wants to incorporate. Public Art is also very important to bring the community together, including showcasing public artists.

Mayor Smith asked for clarification on the guidelines for the architecture and what would prevent four gas stations or four liquor stores from developing at all four corners of an intersection. Ms. Dodds answered that Design Guidelines would not prevent that from happening, as neither an Overlay District or Design Guidelines would affect existing zoning or owners' property rights. Mayor Smith requested developing a map where liquor stores and gas stations would be allowed by right along the DNT corridor.

Councilmember Bartley mentioned a chart that was previously presented by former Development Services Director John Webb which lists uses that are permitted by right. Ms. Dodds confirmed that staff will be meeting with land owners along the DNT corridor so future plans can be discussed. Councilmember Bartley requested a timeline for the water sewer installation for the DNT corridor. Lastly, regarding landscaping, the Council inquired how the Town can ensure a consistent appearance along the corridor. Ms. Dodds responded that there is an extensive landscaping section in the Zoning regulations but staff can also look to see different ways to bring uniformity.

Councilmember Ray wanted to know what kind of feedback was given by the Developers Council. Ms. Dodds answered there wasn't much feedback given other than requesting the Town start an open communication about the plans in the area.

Deputy Mayor Pro-Tem Andres asked what are the neighboring cities doing along the DNT corridor. Ms. Dodds answered that the City of Celina will be incorporating an Overlay District and can work with them to make sure it is consistent.

Ms. Dodds asked the Council to confirm whether they would like staff to pursue the development of Design Guidelines. Councilmember Ray said he would like a more hybrid option of both Overlay District and Design Guidelines. Councilmember Bartley mentioned her concern with doing something different from the surrounding communities and doesn't want to change what is already allowed in the established PD's.

Councilmember Cotten joined the discussion stating an Overlay District can give more strict rules to the property owners. Ms. Dodds further explained that neither option would take away existing property rights. Councilmember Ray feels they want to have structured guidelines instead of only suggestions, as proposed with the Design Guidelines.

Town staff will prepare the requested maps and list the allowable uses for each property in the corridor. More information will be presented at a future Town Council meeting. No further action was taken.

14. **Consider and act upon authorizing the Town Manager to accept a grant award from the U.S. Department of Commerce through the State of Texas Economic Development Administration (EDA). (KB)**

Emergency Management Coordinator Kent Bauer presented this item before the Town Council. The Town of Prosper is one of only two municipalities that have been awarded this grant. With only sixty days to prepare the grant, Town staff utilized strategic collaborations with our partners to obtain letters of support from various elected officials, local social service organizations and businesses within the Town. The \$3 million grant will be used for the Lower Pressure Plane Project which will extend water service to businesses on the west side of Town which includes two hospitals and the master planned community Windsong Ranch.

Councilmember Ray made a motion and Councilmember Bartley seconded the motion to accept the grant award from the U.S. Department of Commerce through the State of Texas Economic Development Administration (EDA). The motion passed by a vote of 5-0

15. Discussion to review the upcoming budget process and receive Town Council priorities for incorporation into the FY2021-2022 Proposed Budget. (BP)

Finance Director Betty Pamplin reviewed the current budget calendar detailing important dates. A few highlights discussed were property valuations and increasing sales tax revenue. Ms. Pamplin asked the Council to review several budget considerations, including implementation of the \$210 million bond program, items identified in the Strategic Plan, the compensation market study, merit/step compensation increases, and supplemental request for 35 new staff positions.

The Town Council Finance Subcommittee recommended the Town Manager present two optional budgets; one that maintains the current \$.52 tax rate, and a second option that increases the tax rate to fund the first year of the 2020 bond election program. Other recommendations include considering conducting the Comprehensive Plan update in-house and reducing the scope of the Traffic Signal Communications/Connectivity Plan.

Robyn Battle, Executive Director of Community Services, provided an update on the Strategic Plan. The Policy Top Ten items are on track and approximately 20% complete. Most of the Management Top Ten items are on track, with 39% of the items complete, and 4% having encountered some disruption. The Town is using a new software program, Envisio, to track the progress of the Strategic Plan. Council will receive monthly updates with the Departmental Monthly Reports. Later this fall, a public dashboard will be posted on the Town website so residents will be able to track the progress of the Plan.

Ms. Pamplin continued the presentation with a review of the Town's benchmark cities, an overview of the compensation market study. Town Manager Harlan Jefferson will present another budget update at the July 27, 2021, Town Council meeting. No further action was taken.

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:

Section 551.087 – To discuss and consider economic development incentives.

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.

Section 551.074 - To discuss and consider personnel matters and all matters incident and related thereto.

The Town Council recessed into Executive Session at 6:45 p.m.

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

The Town Council reconvened the Regular Session at 8:11 p.m.

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

16. BBQ & Blues Update. (DR)

Dudley Raymond gave an update on the upcoming event. The date is September 25, 2021 at Frontier Park. One idea is to change the name of the Event to "Celebrate Prosper" and put BBQ & Blues at the bottom. This allows more flexibility to change food or music options in the future.

CoServ has agreed to sponsor the food by providing barbecue sandwiches. Community partners include Prosper United Methodist Church, Lighthouse Christian Fellowship, and Prosper Ladies Association providing hot dogs, beverages, and dessert, as has been done in previous years.

Recommendations include selling t-shirts to promote the event. Other options are live-streaming the event so others can participate if not at the event. At this time, staff recommends continuing the tradition of focusing on non-profit partners at the event, rather than offering space for vendors. The Council concurred with staff's recommendations. No further action was taken.

17. Broadband Committee Mission. (HJ)

Town Manager, Harlan Jefferson, reviewed the results of the Broadband study that was conducted in 2019. Deputy Mayor Pro-Tem Andres asked the Council to provide direction to the Broadband Committee on it's role and the desired outcomes. Jason White, a Prosper resident, addressed the Council, noting that fiber to the home is now the standard in broadband service, and what was acceptable a few years ago is no longer adequate when it comes to internet service. He asked the Council to come up with an actionable plan to improve broadband service Town-wide. David Bristol, a Prosper resident and member of the Broadband Committee, encourage the Council to provide a vision and direction to the Committee, noting that improving broadband service may require a change in philosophy. Broadband service is now considered by some to be a fourth utility, similar to electricity, gas, and water service. After discussion, the Council asked the Broadband Committee to develop options to improve broadband service for areas that do not have fiber to the home. Town Manager Harlan Jefferson recommended the Town focus on the legacy neighborhoods first, then work on options for large-lot homes. Creative solutions may include partnerships between the Town, providers, and HOAs. No further action was taken.

Mayor Smith and the Town Council thanked Town Secretary Melissa Lee for her service. Ms. Lee is moving to California with her family.

Deputy Mayor Pro-Tem Andres announced that the Prosper Ladies Association Summer Lunch Program needs drivers and encouraged the Town Council members to sign up.

Councilmember Ray requested that Town staff work with the Prosper Historical Commission to relocate the historical marker at the old post office to Town Hall.

Adjourn.

The meeting was adjourned at 9:14 p.m. on Tuesday, July 13, 2021




APPROVED:



Ray Smith, Mayor

ATTEST:



Robyn Battle, Interim Town Secretary