



Prosper is a place where everyone matters.

Minutes

Prosper Town Council Meeting
Council Chambers
Prosper Town Hall
250 W. First Street, Prosper, Texas
Tuesday, April 13, 2021

Call to Order/ Roll Call.

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

Council Members Present:

Mayor Ray Smith
Mayor Pro-Tem Jason Dixon
Councilmember Marcus E. Ray
Councilmember Amy Bartley
Councilmember Jeff Hodges
Councilmember Meigs Miller

Council Members Absent:

Deputy Mayor Pro-Tem Craig Andres

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
Betty Pamplin, Finance Director
January Cook, Purchasing Manager
Rebecca Zook, Executive Director of Development & Infrastructure Services
Khara Dodds, Development Services Director
Hulon Webb, Engineering Services Director
Dan Heischman, Assistant Director of Engineering Services - Development
Alex Glushko, Planning Manager
Frank Jaromin, Director of Public Works
Leigh Johnson, Director of Information Technology
Dudley Raymond, Director of Parks and Recreation
Doug Kowalski, Police Chief
Stuart Blasingame, Fire Chief

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

Pastor Connor Bales, Prestonwood Baptist Church, led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were recited.

Announcements of recent and upcoming events.

Councilmember Bartley read the announcements.

The 7-Eleven Evolution Store Grand Opening and Ribbon Cutting was held on April 9. The company presented a donation of \$20,000 to the PEDC to sponsor the "Kids and Pets" safety

program. The donation will be used to create, construct, install and maintain awareness signs in shopping centers throughout Prosper, reminding people not to leave children or pets in unattended vehicles.

The Mayor's Coffee for Active Adults is scheduled for April 14 at 9:00 a.m. via Zoom. Please visit the Parks and Recreation Facebook page for more information.

A Celebration of Life for Celina Police Detective KC Robinson and his daughter, Brynlee, will be held on Thursday, April 15, at 1:00 pm at Prestonwood Baptist Church in Prosper. The public is welcome to attend.

The BNSF Railroad will be completely closing Prosper Trail at the railroad crossing at daybreak on April 15 through the evening of April 16 to replace the rails and grade crossing. Motorists are encouraged to use an alternate route during this time.

The Mayor's Fitness Challenge continues through April 18. Please remember to turn in your completed tracking sheets by April 23 to receive a free t-shirt and the opportunity to win a Fitbit.

The Library Volunteer Academy is back, and we are now accepting applications for summer volunteers. Applications must be returned in person by 6:00 p.m. on Monday, April 26. Positions are limited, and volunteers must be at least 12 years old. Visit the Library's Facebook page for more information.

Join Prosper Fire Rescue, the Prosper Police Department and the Prosper ISD Police Department for our Drug Take Back event on Saturday, April 24 from 10:00 a.m. – 2:00 p.m. at Prosper Central Fire Station. Residents may drop off unused or expired over the counter and prescription drugs free of charge, no questions asked.

Summer camp registration for Parks & Recreation programs is now open. Visit www.prosperparksandrec.org for a list of camps and classes for all ages.

Discussion Items.

1. Fire Department Recognition for Child Delivery and CPR Save. (SB)

Stuart Blasingame, Fire Chief, recognized EMS and Dispatch staff for a child delivery that took place in November 2020. Former Prosper residents Steve and Stephanie Taylor were present via Zoom and thanked staff for their life saving efforts delivering their son Sawyer Taylor. Chief Blasingame also recognized staff for outstanding performance and lifesaving efforts regarding a CPR save that took place in February 2021.

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 in the minutes from the March 16, 2021, Town Council Special Called Meeting. (ML)

3. Consider and act upon the minutes from the March 23, 2021, Town Council meeting. (ML)
4. Receive the February Financial Report. (BP)
5. Consider and act upon approving a contract between the Town of Prosper and OpenGov, Inc., for licensing and supporting application software; and authorizing the Town Manager to execute a contract for the same. (BP)
6. Consider and act upon approving an amendment to the Online Services Agreement between the Town of Prosper and Governmentjobs.com, Inc., dba NEOGOV, Inc., for additional software subscriptions; and authorizing the Town Manager to execute documents for the same. (JE)
7. Consider and act upon authorizing the Town Manager to execute an Interlocal Agreement between the City of Frisco, Texas, Town of Little Elm, Texas, and the Town of Prosper, Texas, related to roadway illumination maintenance and improvements on US 380 from 1,300 feet west of FM 720 and the Denton/Collin County Line. (HW)
8. Consider and act upon authorizing the Town Manager to execute an Agreement for Construction, Maintenance and Operation of Continuous Highway Lighting Systems Within a Municipality between the Texas Department of Transportation and the Town of Prosper, Texas, for the installation of roadway illumination along US 380 between Legacy Drive and FM 1385. (HW)
9. Consider and act upon authorizing the Town Manager to execute an Advance Funding Agreement for Voluntary Local Government Contributions to Transportation Improvement Projects with No Required Match for On-System Improvements between the Texas Department of Transportation and the Town of Prosper, Texas, related to the construction of direct left turn lanes along US 380 between Legacy Drive and FM 1385. (HW)
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)
12. Consider and act upon Ordinance 2021-17 abandoning a portion of Good Hope Road prescriptive right-of-way, located north of Windsong Parkway, beginning at a point approximately 850 feet north of Mill Branch Drive and extending northward approximately 600 feet. (AG)
13. 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 Gates of Prosper, Phase 3, Prosper ISD Temporary Administration Building, and Windmill Hill, Phase 2. (AG)

Councilmember Miller made a motion and Councilmember Ray seconded the motion to approve all items on the Consent agenda.

The motion passed by a vote of 6 – 0.

CITIZEN COMMENTS:

There were no citizen comments.

REGULAR AGENDA:

Items for Individual Consideration:

14. **Conduct a Public Hearing, and consider and act upon a request to rezone 9.5± acres from Planned Development-65-Single Family (PD-65) to Office (O) District, located on the northwest corner of Mahard Parkway and Prairie Drive. (Z21-0002). (AG)**

Alex Glushko, Planning Manager, provided the Town Council information on the request to rezone 9.5± acres from Planned Development-65-Single Family (PD-65) to Office (O) District. The applicant has agreed to enter into a Development Agreement with the Town of Prosper regarding architecture and building materials.

Mayor Smith opened the public hearing. Clint Richardson representing the applicant discussed the subject property and the preliminary site plan, which is expected by May 2021.

With no one else speaking Mayor Smith closed the public hearing.

After discussion, Mayor Pro-Tem Dixon made a motion and Councilmember Hodges seconded the motion to approve the request to rezone 9.5± acres from Planned Development-65-Single Family (PD-65) to Office (O) District, located on the northwest corner of Mahard Parkway and Prairie Drive, subject to the approval of a development agreement regarding architecture and building materials.

The motion passed by a vote of 6 – 0.

15. **Conduct a Public Hearing, and consider and act upon a request to amend Subdistrict 4 of Planned Development-67 (PD-67), on 71.4± acres, generally to modify the single family development standards, and to allow for retail uses in the residential neighborhood district of the Gates of Prosper, located on the northwest corner of Preston road and Lovers Lane. (Z21-0001). (AG)**

Alex Glushko, Planning Manager, provided the Town Council information on the request to amend Subdistrict 4 of Planned Development-67 (PD-67), on 71.4± acres. This request has two main components, amendments to the residential development standards, and allowances for retail uses in the residential neighborhood subdistrict.

Scott Shipp, Blue Star Land, discussed the proposed site plan and the use of a specific use permit (SUP) and/or a development agreement regarding certain retail activity at this site.

Mayor Smith opened the public hearing. With no one speaking, Mayor Smith closed the public hearing.

After discussion, Councilmember Ray made a motion and Councilmember Miller seconded the motion to approve the request to amend Subdistrict 4 of Planned Development-67 (PD-67), on 71.4± acres, generally to modify the single-family development standards, and to allow for retail uses in the residential neighborhood district of the Gates of Prosper, located on the northwest corner of Preston road and Lovers Lane, subject to the following:

1. A minimum of 40% of the lots provided are Type B Lots.
2. The uses on the retail tract shall be as discussed individually via SUP and a package store shall be subject to a development agreement.

The motion passed by a vote of 6 – 0.

16. **Conduct a Public Hearing, and consider and act upon a request to amend Subdistrict 1 of Planned Development-67 (PD-67), on 44.1± acres, located on the northwest corner of US 380 and Preston Road, generally to modify the boundary, developments standards and concept plan. (Z21-0004). (AG)**

Alex Glushko, Planning Manager, provided the Town Council information on the request to amend Subdistrict 1 of Planned Development-67 (PD-67), on 44.1± acres. This request has three main components, including 1) a modification to the boundary of Subdistrict 1; 2) a modification to development standards for a portion of Subdistrict 1, to facilitate the development of a big box retailer; and 3) to generally update the Concept Plan to reflect the proposed amendments, as well as recent approvals and development.

Mayor Smith opened the public hearing. Scott Shipp, Blue Star Land, discussed the proposed site plan including parking lot lighting and the proposed parking canopy materials. With no one else speaking, Mayor Smith closed the public hearing.

After discussion, Councilmember Hodges made a motion and Councilmember Ray seconded the motion to approve the request to amend Subdistrict 1 of Planned Development-67 (PD-67), on 44.1± acres, located on the northwest corner of US 380 and Preston Road, generally to modify the boundary, developments standards and concept plan.

The motion passed by a vote of 6 – 0.

17. **Conduct a Public Hearing, and consider and act upon a request for a Sign Waiver for Cook Children’s Medical Center, regarding monument signs and internal directional signage, located on the northeast corner of Windsong Parkway and US 380. (MD21-0014). (AG)**

Alex Glushko, Planning Manager, provided the Town Council information on the request for a sign waiver for Cook Children’s Medical center, regarding monument

signs and internal directional signage. Cook Children's Medical Center is requesting a sign waiver for two types of signage within their development, Monument Signs and Internal Directional Signs.

Mayor Smith opened the public hearing. Kevin Greene, Cook Children's Healthcare System, discussed the proposed internal directional signs and the overall customer experience. Jason Williamson, Dunaway Associates, discussed the request for a second monument sign and the Cook Children's mascot Peaks the Dragon. Heather Chandler, Babendure Design Group, discussed the size and possible material type regarding the proposed internal directional signs.

With no one else speaking Mayor Smith closed the public hearing.

After discussion Mayor Pro-Tem Dixon made a motion and Councilmember Ray seconded the motion to approve the request for a Sign Waiver for Cook Children's Medical Center, regarding monument signs and internal directional signage, located on the northeast corner of Windsong Parkway and US 380.

The motion passed by a vote of 6 – 0.

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 6:53 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 8:26 p.m.

Councilmember Miller made a motion and Mayor Pro-Tem Dixon seconded the motion to authorize the Town Manager to execute the Fifth Amended Economic Development Incentive Agreement between Northeast 423/380 Ltd. and Northwest 423/380 LP and take all necessary action incident and related thereto.

The motion was approved by a vote of 6 – 0.

Councilmember Miller made a motion and Mayor Pro-Tem Dixon seconded the motion to approve the Second Amendment to a Real Estate Sales Contract between 701/709 Stadium Drive, LLC, Blue Star Land, L.P., for the purchase of a 2.8738-acre tract of land and authorize the Town Manager to execute the same and take all necessary action incident and related thereto.

The motion was approved by a vote of 6 – 0.

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

18. Update on Zoom Meetings (RB)

Robyn Battle, Executive Director of Community Services, provided the Town Council an update on conducting meetings via Zoom. In March 2020, Governor Abbott granted a temporary suspension of the Open Meetings Act due to COVID-19. The Town held virtual-only meetings through May 2020. The Town transitioned to an in-person and virtual option in June 2020. The Texas Legislature is considering S.B. 861 that would make Governor Abbotts amendments to the Open Meetings Act permanent by allowing public access to meetings and public comment via telephone and video conference. Mrs. Battle then reviewed H.B. 768, H.B. 1888/S.B. 1515, and H.B. 2683/S.B. 924 for their impacts to the Open Meetings Act. Town Staff will continue utilizing Zoom meetings indefinitely and will monitor legislative action and impact.

19. Above and Beyond Recognition. (HJ)

Harlan Jefferson, Town Manager, discussed the Above and Beyond Recognition program to recognize outstanding service by Town employees. Currently the Town utilizes the Monthly Employee Newsletter to acknowledge outstanding service leading up to the Annual Awards for employee recognition. The new program will consist of recognition on a quarterly basis at Town Council meetings with the Employee Engagement Committee to review the proposed program and make recommendations.

Adjourn.

The meeting was adjourned at 8:39 p.m. on Tuesday, April 13, 2021.

These minutes approved on the 27th day of April 2021.

APPROVED:



Ray Smith, Mayor

ATTEST:



Melissa Lee, Town Secretary

