



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 27, 2021

Call to Order/ Roll Call.

The meeting was called to order at 5:47 p.m.

Council Members Present:

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

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
Leslie Scott, Director of Library Services
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.

BNSF Railroad will be replacing the current concrete pavement on either side of the tracks at the Prosper Trail intersection. The concrete will be removed and repoured to allow a smoother transition over the tracks. The dates for the upcoming repair will be posted on the Town's Facebook page once they are available.

The Prosper Police and Fire Departments and Prosper ISD PD held a Drug Take Back event this past Saturday and collected their highest volume ever. A total of 20 boxes of expired, out of date, and unused medications were collected, keeping these drugs off the streets and out of our water supply.

Prosper Fire Rescue has been recognized for their dedication and commitment to excellence in pediatric care. "EMS For Children" is a federally recognized and funded program whose purpose is to improve the quality and care of pediatric patients nationwide. After a lengthy evaluation of our entire pediatric care delivery system, which includes EMS protocols, advanced level equipment, specialized training, participation in injury prevention initiatives and community outreach, Prosper Fire Rescue received the EMS For Children Gold Level recognition. The formal presentation of the award will be scheduled at an upcoming council meeting.

The Town's Engineering Services Department will host a virtual public meeting regarding Fishtrap Road Construction and Landscaping from Teel to Stuber Elementary on Thursday, April 29, at 6:00 p.m. via Zoom. Visit the Town's Facebook page for more information.

Election Day for the Prosper Town Council and Prosper ISD School Board Elections is this Saturday, May 1, from 7:00 a.m.-7:00 p.m. Collin County Residents may vote at Prosper Town Hall or any Collin County Vote Center. Prosper residents who reside in Denton County may vote at Prosper Fire Station 2 on Teel Parkway. A full list of polling locations and hours is available on the Town website.

The Prosper Public Safety Chaplains will host a National Day of Prayer Event on Thursday, May 6, at noon, outside the south entrance of Prosper Town Hall. Limited seating will be available, and residents are encouraged to bring lawn chairs or blankets. This annual observance is held on the first Thursday of May, inviting people of all faiths to pray for our nation.

Prosper residents are encouraged to contribute their ideas to the Downtown Master Plan, a joint project between the Town and the Prosper Economic Development Corporation. Visit the Prosper EDC Facebook page to learn more about the project, complete a survey, and share your ideas for downtown.

The Neighbors Nourishing Neighbors Hot Dogs and Hot Rods event has a new location in downtown Prosper. Enjoy vintage cars, live music, vendors, and of course, hot dogs, on Saturday, May 8, from 5:00-8:00 p.m. Drop off your nonperishable food donations in the shopping carts located throughout the downtown area. Visit n3foodpantry.org for more information.

A reception will be held on May 11 at 5:00 p.m. in the Town Hall lobby to honor and acknowledge outgoing Councilmember Jason Dixon, to congratulate Councilmember Craig Andres for his unopposed re-election, and to welcome the newly elected Councilmember for Place 6.

The Council would like to take a moment to acknowledge Mayor Pro-Tem Dixon during tonight's meeting for his many years of service to the Town.

Councilmember Ray congratulated Rock Hill High School for their recent victories at the state wrestling tournament. Councilmember Ray thanked Jim Wicker for his service as the former President of the Prosper EDC and congratulated David Bristol as the recently appointed President of the Prosper EDC.

Deputy Mayor Pro-Tem Dixon expressed gratitude to everyone for his time on the Prosper Town Council.

Presentations.

1. Library Volunteer Recognition. (LS)

Leslie Scott, Director of Library Services, recognized Library volunteer Jagannath Ravindran for his 6 years with the Prosper Library and his recent Certificate of Merit award from the National Merit Scholarship Program. Jagannath Ravindran is currently ranked 7th at Prosper High School graduating in May 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 the minutes from the April 13, 2021, Town Council Meeting. (ML)**
- 3. Consider and act upon Resolution No. 2021-18 to deny the application of Oncor Electric Delivery Company LLC for approval to amend its distribution cost recovery factor to increase distribution rates within the Town. (BP)**
- 4. Consider and act upon Ordinance No. 2021-19 rezoning 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)**
- 5. Consider and act upon authorizing the Town Manager to execute a First Amended Development Agreement between Prosper Villages at Legacy, LLC, and the Town of Prosper, Texas, related to the Prosper Center development. (AG)**
- 6. Consider and act upon an Ordinance No. 2021-20 amending 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 subdistrict of the Gates of Prosper, located on the northwest corner of Preston Road and Lovers Lane. (Z21-0001). (AG)**
- 7. Consider and act upon authorizing the Town Manager to execute a Development Agreement between 380 & 289, L.P., and the Town of Prosper, Texas, related to the Gates of Prosper. (AG)**
- 8. Consider and act upon Ordinance No. 2021-21 amending 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)**
- 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 ISD Elementary School, No. 15 and Wild Fork Foods. (AG)

Mayor Pro-Tem Dixon made a motion and Deputy Mayor Pro-Tem Andres seconded the motion to approve all items on the Consent Agenda.

The motion passed by a vote of 7 – 0.

CITIZEN COMMENTS:

There were no citizen comments.

REGULAR AGENDA:

Items for Individual Consideration:

10. Consider and act upon Ordinance No. 2021-22 amending Ordinance No. 2020-71 (FY 2020-2021 Budget). (BP)

Chuck Springer, Executive Director of Administrative Services, provided the Town Council information on the budget amendment that will cover landscape plant loss that occurred during the winter freeze in early February 2021.

Dudley Raymond, Director of Parks and Recreation, discussed with the Town Council the type of replacement landscaping that would be purchased and the timing of planting it. Staff has received quotes for 4,210 plants as well as for the mulch and bedding material that will be required. The cost is as follows:

- Plants – \$ 49,900
- Mulch / bedding material – \$ 11,837

The Town is receiving separate bids for the labor to remove the dead shrubs / grasses, install new plants, repair any irrigation damage, clean up and mulch beds. Staff estimates this cost to be approximately \$100,000.00.

Councilmember Hodges made a motion and Councilmember Ray seconded the motion to approve Ordinance No. 2021-22 amending Ordinance No. 2020-71 (FY 2020-2021 Budget).

The motion passed by a vote of 7 – 0.

11. Conduct a Public Hearing, and consider and act upon a request to amend the Future Land Use Plan from Medium Density Residential to Tollway District, generally located on the south side of Frontier Parkway, east of Dallas Parkway. This is a companion case to Z20-0026. (CA20-0004). (AG)

12. Conduct a Public Hearing, and consider and act upon a request to amend Planned Development-69 (PD-69), on 74.3± acres, generally to amend the residential tract to allow for non-residential uses, located on the southeast corner of Dallas Parkway and Frontier Parkway. This is a companion case to CA20-0004. (Z20-0026). (AG)

Mayor Smith opened Item 11 and 12 concurrently.

Alex Glushko, Planning Manager, provided the Town Council an overview of Item 11 regarding amending the Future Land Use Plan from Medium Density Residential to Tollway District, and Item 12 regarding amending Planned Development-69 to allow for non-residential uses.

The Town Council discussed any public opposition received to date regarding this development, the fence line running on the north side of the Lakes of Prosper North subdivision, and the proposed landscaping.

Matt Moore with Claymoore Engineering, Inc., discussed the use of a board-on-board fence style on top of the retaining wall located on the north side of the Lakes of Prosper North subdivision and addressed the issue of single-story restrictions on building height. Setbacks from the buffer line and landscaping as a visual screen was discussed.

Mayor Smith opened the public hearing.

Chris Bozic, 920 Waterview Drive, spoke in opposition to Item 12 and commented on the negative line of sight that could occur with the proposed business development adjacent to his property.

Jeremy Whistler, 851 Waterview Drive, spoke in opposition to Item 12 and wanted the area to remain residential.

Ron and Jeanine Kirk, 991 Waterview Drive, submitted a comment card expressing their support of the Lakes of Prosper North Enclave rezoning effort.

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

The Town Council discussed the proposed allowable non-residential uses regarding this site with Mr. Moore.

Mayor Smith re-opened the public hearing.

Dev Khosla, 871 Waterview Drive, spoke in opposition to Item 12 and supported removal of the cross access between the Lakes of Prosper North and the subject tract.

Mayor Smith closed the public hearing.

After discussion Mayor Pro-Tem Dixon made a motion and Councilmember Miller seconded the motion to approve the request to amend the Future Land Use Plan from Medium Density Residential to Tollway District, generally located on the south side of Frontier Parkway, east of Dallas Parkway.

The motion passed by a vote of 7 – 0.

Councilmember Miller made a motion and Councilmember Ray seconded the motion to approve the request to amend Planned Development-69 (PD-69), on 74.3± acres, generally to amend the residential tract to allow for non-residential uses, located on the southeast corner of Dallas Parkway and Frontier Parkway subject to:

(1) No cross access between the Lakes of Prosper North and the subject tract, and Developer, in a development agreement, agrees to pay for the costs of right-of-way abandonment for that right-of-way currently reflecting cross access between the Lakes of Prosper North and the subject tract;

(2) Building materials and the prohibition of non-family friendly business establishments shall be included in a development agreement;

(3) Developer shall endeavor to maintain an 8-foot fence, board-on-board with a cap, on the north side of the Lakes of Prosper North subdivision; and

(4) Only one-story structures are allowed within 84 feet of the south property line of Tract 2.

The motion passed by a vote of 7 – 0.

13. Consider and act upon approving Resolution No. 2021-23 strongly opposing the proposed alignment of FM 1461 from SH 289 (Preston Road) to FM 2478 (Custer Road). (HW)

Hulon Webb, Engineering Services Director, discussed the proposed alignment of FM 1461 from SH 289 (Preston Road) to FM 2478 (Custer Road) by TxDOT. The proposed alignment affects the existing trees and landscape berms along the corridor. In addition, TxDOT's decision to construct a new bridge south of the existing bridge, instead of widening both sides of the existing bridge, further compound the inequity of additional right-of-way required on the south side of the roadway.

Since TxDOT has commenced with completing the design of the project without addressing the Town's comments and is currently engaged in the right-of-way acquisition phase of the project, it is necessary that the Town provide a resolution strongly opposing the proposed alignment of FM 1461 from SH 289 (Preston Road) to FM 2478 (Custer Road). Resolution No. 2021-23 also requests TxDOT stop all negotiations on the proposed right-of-way until an alternative design is considered to address the Town's comments.

George Dupont, 1400 Harvest Ridge Lane, spoke in favor of Item 13 stating the proposed alignment of 1461 with the ultimate six-lane configuration is not in keeping with Prosper's vision of wide-open spaces.

The following submitted a comment card expressing support for Item 13:

- Paul Dietz, 2501 Fair Oaks Lane, Prosper
- Eric and Pamela Nishimoto, 1021 Harvest Hill Dr., Prosper

Mayor Pro-Tem Dixon made a motion and Councilmember Hodges seconded the motion to approve Resolution No. 2021-23 strongly opposing the proposed alignment of FM 1461 from SH 289 (Preston Road) to FM 2478 (Custer Road).

The motion passed by a vote of 7 – 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 7:24 p.m.

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

- 14. Consider and act upon awarding RFP No. 2021-35-B Construction Manager-At-Risk for Public Safety Complex Phase 2 (Central Fire Station and Fire Administration) to Pogue Construction Co., LP; and authorizing the Town Manager to execute documents for the same. (SB)**

Stuart Blasingame, Fire Chief, discussed awarding RFP No. 2021-35-B Construction Manager-At-Risk for Public Safety Complex Phase 2 (Central Fire Station and Fire Administration) to Pogue Construction Co. The proposals received were evaluated by the evaluation committee comprised of 11 members representing Fire, Police, Development Services, Administrative Services, Building Inspections, Information Technology, and the Town's contracted architect for this project. Upon completion of the evaluation, Pogue Construction Co., LP, was the top-ranked contractor. The entire project budget is \$18,000,000.00 with the construction budget for this project at \$14,300,000.00.

Mayor Pro-Tem Dixon made a motion and Mayor Smith seconded the motion to table Item 14 until the May 11, 2021, Town Council Meeting to allow for additional review time of the materials submitted.

The motion failed by a vote of 3 – 4 with Deputy Mayor Pro-Tem Andres, Councilmember Ray, Councilmember Hodges, and Councilmember Miller opposed.

Councilmember Ray made a motion and Councilmember Miller seconded the motion to approve awarding RFP No. 2021-35-B Construction Manager-At-Risk for Public Safety Complex Phase 2 (Central Fire Station and Fire Administration) to Pogue Construction Co., LP; and authorizing the Town Manager to execute documents for the same.

The Town Council discussed the construction budget for this project of \$14,300,000.00. Roby Bledsoe with Pogue Construction reviewed the design process and the expected timing of updates that will be provided to the Town Council on construction costs.

The motion passed by a vote of 6 – 0 with Councilmember Bartley abstaining.

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

15. Thoroughfare Plan Amendment (Football Discussion). (DH)

Dan Heischman, Assistant Director of Engineering Services – Development, discussed with the Town Council the Thoroughfare Pan Amendment. In 2010, the Town's Thoroughfare Plan was amended at the request of the adjacent property owners showing the alignments of Prairie/Shawnee Drives and Mahard/Lovers Lane curving into one another (the football) to facilitate traffic in the area. The Planned-Development for Prosper West was amended in 2017 and followed with a Preliminary Site Plan showing a squared-up intersection and considered a roundabout with the condition that the Thoroughfare Plan be amended, and a traffic study provided.

The Town Council expressed favor in the squared-up intersection option provided by staff as it was more conducive to economic development. Staff will present the Thoroughfare Plan Amendment for consideration at the June 8, 2021, Town Council Meeting.

16. Legislative Update. (RB)

Robyn Battle, Executive Director of Community Services, began with reviewing the Town's Legislative Agenda with the Town Council. Mrs. Battle continued with providing an update on the CSP (Competitive Sealed Proposal) Legislation with delegates testifying in the House Urban Affairs Hearing on April 21, 2021. Mrs. Battle discussed recommended bills to support and oppose noting Town staff will continue to monitor these and other bills as they move through the legislative process.

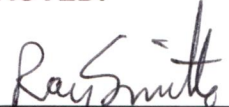
Mayor Smith and the Town Council each thanked Mayor Pro-Tem Dixon for his commitment and service to the Prosper Town Council.

Adjourn.

The meeting was adjourned at 9:34 p.m. on Tuesday, April 27, 2021.

These minutes approved on the 11th day of May 2021.

APPROVED:



Ray Smith, Mayor

ATTEST:



Melissa Lee, Town Secretary

