



*Prosper is a place where everyone matters.*

## **Minutes**

**Prosper Town Council Meeting**  
Council Chambers  
Prosper Town Hall  
250 W. First Street, Prosper, Texas  
Tuesday, December 8, 2020

### **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  
Deputy Mayor Pro-Tem Craig Andres  
Councilmember Marcus E. Ray  
Councilmember Amy Bartley  
Councilmember Jeff Hodges  
Councilmember Meigs Miller

#### **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  
John Webb, 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 Phil Sallee, 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.

Prosper Parks and Recreation and CoServ are sponsoring a Light Up The Night Christmas light display contest. Residents are encouraged to decorate their homes and yards with Christmas lights for their neighbors to enjoy. Winners will earn bragging rights, a yard sign and a prize. Sign

up to enter on the Town website by December 13. Judging will take place on December 16 and 17, and winners will be announced via social media on December 18.

Coserv and the Town of Prosper are partnering with Neighbors Nourishing Neighbors for a community food drive through December 15. Please drop off non-perishable food items in the lobby of Town Hall. A list of needed items is available on the Neighbors Nourishing Neighbors website at [www.n3foodpantry.org](http://www.n3foodpantry.org)

Cornerstone Assistance Network of North Central Texas is preparing for their Cornerstone Christmas event to provide gifts, trees, stockings, food, and new coats to families in need. Volunteers are needed to help with shopping, wrapping and stuffing stockings. Sign up to volunteer at [www.cornerstonenct.org](http://www.cornerstonenct.org)

The Town Council appreciates those who are able to help fellow community members in need this holiday season.

Early Voting for the Senate District 30 Runoff Election will be held December 9th-December 15th. Election Day is December 19th. Prosper voters who live in Collin County may vote at Town Hall for Early Voting and Election Day. Denton County voters may vote at any Denton County early voting location, and at Aubrey City Hall on Election Day. Please check the Town's Facebook page, or the Collin County or Denton County Election websites for more information.

The December 22 Town Council Meeting has been canceled due to the Christmas holiday. The Town Council would like to wish everyone a very Merry Christmas!

#### **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.

1. **Consider and act upon the minutes of the November 17, 2020, Town Council meeting to Canvass the Election. (ML)**
2. **Consider and act upon the minutes from the November 24, 2020, Town Council Meeting. (ML)**
3. **Receive the October Financial Report. (BP)**
4. **Consider and act upon Ordinance No. 2020-90 amending Ordinance No. 19-65 (FY 2019-2020 Budget). (BP)**
5. **Consider and act upon Ordinance No. 2020-91 amending Ordinance No. 2020-71 (FY 2020-2021 Budget). (BP)**
6. **Consider and act upon Resolution No. 2020-92 to suspend the January 23, 2021 effective date of CoServ Gas Ltd's requested increase to permit the Town time to study the request and establish reasonable rates. (BP)**
7. **Consider and act upon approving an interlocal cooperation agreement with the City of Allen for Mutual Aid for Information Technology Services, and authorizing the Town Manager to execute an agreement for same. (LJ)**

8. Consider and act upon approving a list of qualified firms to provide professional park design and related services to the Town of Prosper. (DR)
9. Consider and act upon authorizing the Town Manager to execute a Roadway Impact Fees Credit Agreement between First Texas Homes, Inc., and the Town of Prosper, Texas, related to the construction of Coleman Street to serve the Cambridge Park Estates development. (HW)
10. Consider and act upon authorizing the Town Manager to execute a Water Impact Fees Credit Agreement between First Texas Homes, Inc., and the Town of Prosper, Texas, related to the extension of a water line to serve the Cambridge Park Estates development. (HW)
11. Consider and act to authorize the Town Manager to execute an Amortization and Settlement Agreement between Lattimore Materials Corporation and the Town of Prosper, Texas, related to the establishment of a compliance date of the Lattimore Materials concrete batch plant at 890 Dallas Parkway. (JW)
12. Consider and act to authorize the Town Manager to execute an Amortization and Settlement Agreement between Argos USA, LLC and the Town of Prosper, Texas, related to the establishment of a compliance date of the Southern Star concrete batch plant at 770 Dallas Parkway. (JW)

Mayor Pro-Tem Dixon made a motion and Councilmember Hodges seconded the motion to approve Items 1 thru 12 on the Consent agenda.

The motion was approved by a vote of 7 – 0.

#### **CITIZEN COMMENTS**

Cary Carroll, 4271 Fisher Rd, commented on three Town of Prosper Citizen complaint forms that he had completed regarding lot-to-lot drainage issues and his lot. Mr. Carroll delivered the forms to Town Secretary Melissa Lee.

#### **REGULAR AGENDA:**

##### **Items for Individual Consideration:**

13. Consider and act upon approving Resolution No. 2020-93 supporting Collin County's contract award for the construction of Frontier Parkway from the Dallas North Tollway to Preston Road (SH 289), and reaffirming the Town's cost participation in the project per the terms of the 2018 Interlocal Agreement. (HW)
14. Consider and act upon authorizing the Town Manager to execute an Interlocal Agreement between Collin County, the Town of Prosper, and the City of Celina related to construction inspection services of Frontier Parkway from the Dallas North Tollway to Preston Road (SH 289). (HW)

Mayor Smith opened Items 13 and 14 concurrently.

Hulon Webb, Engineering Services Director, provided an overview of the contract award for the construction of Frontier Parkway from the Dallas North Tollway to Preston Road (SH 289). At the May 8, 2018, Town Council meeting, the Town Council approved an Interlocal Agreement between the City of Celina, Collin County, and the Town of Prosper, outlining the cost participation obligations for the design and construction of Frontier Parkway from the Dallas North Tollway to Preston Road (SH 289).

On October 22, 2020, Collin County received five (5) Competitive Sealed Proposals (CSP) for the construction of Frontier Parkway from the Dallas North Tollway to Preston Road (SH 289). Although the estimated construction cost was significantly over the \$1.5M threshold the Town of Prosper is limited to on utilizing the CSP Construction alternative procurement method, Counties do not have that legal restriction. Therefore, Collin County was able to use the Competitive Sealed Proposal Construction alternative procurement method to allow them to award the project to the contractor that offers the best value proposal.

The verified cost proposal ranged between \$21,917,967.50 to \$32,766,170.58, and the proposed final completion times ranged from 633 calendar days to 960 calendar days. The Engineer's estimate was \$23,760,000, and 960 calendar days. Mario Sinacola & Sons Excavating, Inc., was the firm that ranked the highest after consideration of Costs, Time, and Qualifications with a cost of \$21,917,957.50, and project timeline of 693 calendar days.

Per the terms of the 2018 Interlocal Agreement, the Town shall be responsible for a payment to Collin County of \$3,650,000 plus one-third of the difference between the actual total project cost for the four-lane bridge alternate and \$16,000,000. The project is being built with a six-lane bridge and the City of Celina is providing the additional funding associated with cost for the design and construction of the other two lanes. Total project cost includes design, right-of-way acquisition, construction, wetland mitigation, materials testing and bridge inspection. In addition, the Town will be responsible for the costs of additional features to the project that will be solely for the benefit of the Town.

In late 2018, the Town submitted the initial \$3,650,000 payment to Collin County. The current total project cost for a four-lane bridge alternate is \$29,033,365, which equates to the Town's additional participating being one-third of the difference between \$29,033,365 and \$16,000,000, or \$4,344,455. The costs for the additional features: sidewalk with pedestrian railings on the south side east and west of the bridge, standard stamped and stained concrete behind the curb leading up to the bridge, stone veneer on bridge rail, and PVC sleeves for future median lighting and irrigation added \$861,021.40 to the Town's obligation. This results in a payment of \$5,205,476 due to Collin County by December 31, 2020. The FY2020-2021 Capital Improvement Program includes \$5,750,000 in Account No. 750-6610-10-00-1307-ST. At the close out of the project, when final costs are determined, an adjustment will be made to the amount paid by the Town. If the total project cost is less than the payment amount, the Town will receive a refund from Collin County. If the total project cost is more than the payment amount, the Town will submit payment to Collin County within 90 days.

The Town Council discussed the notification process to the residents of Prosper regarding detours and construction updates. Deputy Mayor Pro-Tem Andres requested any Broadband opportunities regarding this project be identified by staff.

Councilmember Miller made a motion and Deputy Mayor Pro-Tem Andres seconded the motion to approve Resolution No. 2020-93 supporting Collin County's contract award for the construction of Frontier Parkway from the Dallas North Tollway to Preston Road (SH 289), and reaffirming the Town's cost participation in the project per the terms of the 2018 Interlocal Agreement.

The motion passed by a vote of 7 – 0.

Engineering Services Director Webb continued with an overview of the Interlocal Agreement for construction inspection services of Frontier Parkway from the Dallas North Tollway to Preston Road (SH 289). At the May 8, 2018, Town Council meeting, the Town Council approved an Interlocal Agreement between the City of Celina, Collin County, and the Town of Prosper, outlining the cost participation obligations for the design and construction of Frontier Parkway from the Dallas North Tollway to Preston Road (SH 289). Since both the City of Celina and the Town of Prosper provide construction inspection services for their projects, the approved Interlocal Agreement did not include additional costs for construction inspections services. Instead, the City of Celina and the Town of Prosper agreed to work jointly on providing the necessary construction inspection services for the project. Collin County will manage the material testing and specialized bridge inspection under separate contracts. The cost for those services were included in the approved Interlocal Agreement.

The purpose of the Interlocal Agreement is to outline the obligations of the City of Celina, Collin County, and the Town of Prosper, related to construction inspection services for the Frontier Parkway (DNT – Preston Road) project. The project is currently expected to begin in early 2021 and take nearly two (2) years to complete.

Councilmember Miller made a motion and Councilmember Hodges seconded the motion to approve authorizing the Town Manager to execute an Interlocal Agreement between Collin County, the Town of Prosper, and the City of Celina related to construction inspection services of Frontier Parkway from the Dallas North Tollway to Preston Road (SH 289).

The motion passed by a vote of 7 – 0.

**15. Discussion on Credit Access Businesses. (JW)**

John Webb, Development Services Director, discussed Credit Access Businesses, aka, Payday Loans, Vehicle Title Loans, that are known to practice abusive and predatory lending practices, with interest rates of 400% being common. From a land use perspective, the businesses are a blighting influence on neighborhoods. Currently, these businesses are permitted by right in any non-residential zoning district in Prosper and would be treated in the same manner as a bank.

In recognition of limited state and federal regulations, 58 cities in Texas have enacted business and/or land use regulations regarding credit access businesses. Commonly found regulations include,

1. Registration
2. Separation between other credit access businesses
3. Minimum distance from primary thoroughfares and residential districts

The Town Council discussed the proposed land use regulations, specifically the minimum suggested 1,000 ft. separation for credit access businesses and the minimum 500 ft. setback from the rights-of-way of Preston Road, Dallas Parkway and US 380. The Town Council suggested FM 423 as an additional thoroughfare to consider regarding the 500 ft. setback from thoroughfare right-of-way.

**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.***

***Section 551.074 - To discuss and consider election of Mayor Pro-Tem and Deputy Mayor Pro-Tem.***

***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, and Planning & Zoning Commission.***

The Town Council recessed into Executive Session at 6:31 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 9:27 p.m.

Councilmember Miller made a motion and Deputy Mayor Pro-Tem Andres seconded the motion to appoint the following:

- Board of Adjustment/Construction Board of Appeals- Place No. 2 (Alternate) Grant Mendeljian, Place No. 4 (Alternate) Cliff Freeman and Place No. 6 CJ Alexander
- Prosper Economic Development Corporation - Place No. 4 David Bristol
- Library Board - Place No. 2 Jennifer Lawler, Place No. 4 Mary Beth Randecker and Place No. 6 Catherine Kozul
- Parks and Recreation Board - Place No. 2 Gina Kern, Place No. 4 Matthew Cely and Place No. 6 Matt Furay
- Planning and Zoning Commission - Place No. 2 Mike Pettis, Place No. 4 Doug Charles and Place No. 6 Chris Long

The motion passed by a vote of 7 – 0.

Mayor Pro-Tem Dixon made a motion and Councilmember Hodges seconded the motion to appoint the following:

- Council Broadband Subcommittee - Greg Creek
- Community Engagement Committee - Damon Jackson, Sekou Harris, Trovette Tottress, Christine Strobush, Josh Carson, Grant Mendeljian, Brent Kirby, Kimberly Loveland, Doyle Clark, Rodolfo Sierra and Maona Ngwira

The motion passed by a vote of 7 – 0.

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

**16. Town Council Subcommittee Discussion (RB)**

Robyn Battle, Executive Director of Community Services, discussed with the Town Council the four Town Council Subcommittees. Current members are as follows:


- Council Technology/VERF Subcommittee - Councilmember Meigs Miller and Deputy Mayor Pro-Tem Craig Andres
- Council Finance Subcommittee - Mayor Ray Smith, Mayor Pro-Tem Jason Dixon and Councilmember Marcus Ray
- Council Benefits Subcommittee - Mayor Pro-Tem Jason Dixon, Councilmember Jeff Hodges and Councilmember Amy Bartley
- Council Broadband Subcommittee - Deputy Mayor Pro-Tem Craig Andres, Councilmember Meigs Miller, Councilmember Marcus Ray, David Bristol of the Prosper EDC Board and Greg Creek (resident)

**Adjourn.**

The meeting was adjourned at 9:33 p.m. on Tuesday, December 8, 2020.

These minutes approved on the 12th day of January 2021.

**APPROVED:**

  
\_\_\_\_\_  
Ray Smith, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Melissa Lee, Town Secretary

