



*Prosper is a place where everyone matters.*

## Minutes

**Prosper Town Council Meeting**  
Council Chambers  
Prosper Town Hall  
250 W. First Street, Prosper, Texas  
Tuesday, March 09, 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 Jim Lugar, Life Journey 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 Town Council would like to express our gratitude to Prosper ISD for their assistance during the recent winter storm. Freezing conditions and icy roads caused several local gas stations to

run low on fuel. Prosper ISD transportation staff allowed Fire Department vehicles to refuel at PISD's main fueling station, and also opened the Rock Hill location for first responders only. Thanks to their generous assistance, Prosper Public Safety staff remained ready and able to respond to emergency calls. Special thanks go out to Curtis McDonald, Supervisor of Fleet Operations; Director of Transportation Annamarie Hamrick, Deputy Superintendent Dr. Greg Bradley; and Superintendent Dr. Holly Ferguson for their assistance during the emergency.

Our newest virtual Book Club is featuring this year's One Book, One Town selection, Here in the Real World, by Sara Pennypacker. You can view the latest book club discussion on the Library's YouTube channel.

The Prosper Community Library is hosting a community blood drive. The Carter BloodCare Bus will be parked at the Library on March 16 & 17 from 7:30 a.m. to 6:00 p.m. Visit the Library's Facebook page to learn more about the event and to sign up online.

The Pecan Grove Park Public Input Meeting will take place during a special meeting of the Parks and Recreation Board on Wednesday, March 17, in Council Chambers. A Zoom link will be provided on the Agenda for those who wish to attend virtually.

The Mayor's Fitness Challenge continues through April 18. Residents are encouraged to walk or run at least 100 miles or bike at least 300 miles. Turn in your completed tracking sheets by April 23 to receive a free t-shirt and the opportunity to win a Fitbit.

Town Manager Harlan Jefferson introduced Khara Dodds, the new Development Services Director for the Town of Prosper.

#### **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 February 13, 2021, Town Council Strategic Planning meeting minutes. (ML)**
2. **Consider and act upon the February 23, 2021, Town Council Minutes. (ML)**
3. **Receive the January financial report. (BP)**
4. **Consider and act upon awarding CSP No. 2021-29-B to C. Green Scaping, LP, related to construction services for the Downtown Monument Sign (1922-PK); and authorizing the Town Manager to execute a construction agreement for same. (DR)**
5. **Consider and act upon authorizing the Town Manager to execute a Third Amended Annexation Agreement between Y-C Nurseries, Inc., and the Town of Prosper, Texas, related to a wireless communication and/or support structure, on 12.4± acres, generally located north of US 380, west of Dallas Parkway. (PC)**
6. **Consider and act upon Ordinance No. 2021-13 rezoning 55.8± acres, located on the west side of Good Hope Road, south of Parvin Road, from Agricultural (A) to Planned Development-40 (PD-40), generally to incorporate tracts of land into the Windsong Ranch development. (Z20-0023). (SI)**

7. **Consider and act upon authorizing the Town Manager to execute a Second Amended Development Agreement between VP Windsong Operation, LLC and VP Windsong Investments, LLC, and the Town of Prosper, Texas, related to the Windsong Ranch development. (SI)**

Mayor Pro-Tem Dixon removed Item No. 8 from the Consent Agenda.

Councilmember Miller made a motion and Councilmember Hodges seconded the motion to approve Items 1 thru 7 on the Consent Agenda.

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

8. **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 Denton ISD Middle School, No. 9 and Oncor Electric Substation. (SI)**

Town of Prosper Senior Planner Scott Ingalls answered questions on the site plan for the Oncor Electric Substation, specifically, the screening wall and landscaping. Oncor Project Manager Seth Sampson discussed the increased reliability to Prosper residents the substation would offer. Thomas Fletcher with Kimley-Horn discussed site landscaping and the screening wall.

Mayor Pro-Tem Dixon made a motion and Councilmember Ray seconded the motion to approve the Denton ISD Middle School, No. 9 site plan.

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

Mayor Pro-Tem Dixon made a motion and Councilmember Bartley seconded the motion to approve the proposed Oncor site plan, with a revision to the proposed landscaping with 4-inch caliper trees 20 feet on center, with all landscaping subject to Town staff approval.

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

**CITIZEN COMMENTS:**

There were no citizen comments.

**REGULAR AGENDA:**

**Items for Individual Consideration:**

9. **Consider and act to authorize the Town Manager to execute a Development Agreement between Founders Classical Academy of Prosper and the Town of Prosper, Texas, related to the Founders Classic Academy Charter School development on the southwest corner of First Street and Custer Road. (RZ)**

Rebecca Zook, Executive Director of Development & Infrastructure Services, provided the Town Council a historical overview of this item. At the January 12, 2021, February 9, 2021, and February 23, 2021, Town Council meetings, this item was tabled to allow

the applicant additional time to consider revisions that would allow for enhancements to the north side building elevation, landscaping berming along First Street and Custer Road, and the future use of temporary/modular buildings. Since the last meeting the applicant has incorporated berms into the proposed development along Custer Road.

The Town Council had questions on the proposed ornamental metal fence location and discussed the proposed landscaping for the dumpster enclosure.

After discussion, Mayor Pro-Tem Dixon made a motion and Councilmember Ray seconded the motion to approve the Development Agreement between Founders Classical Academy of Prosper and the Town of Prosper, Texas, related to the Founders Classic Academy Charter School development on the southwest corner of First Street and Custer Road.

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

10. **Consider and act upon Resolution No. 2021-14 of the Town Council of the Town of Prosper, Texas, declaring the necessity to acquire certain properties for right-of-way and drainage easements for the construction of the Fishtrap Road (Stuber Elementary School - Dallas North Tollway) project; determining the public use and necessity for such acquisition; authorizing the acquisition of property rights necessary for said Project; appointing an appraiser and negotiator as necessary; authorizing the Town Manager to establish just compensation for the property rights to be acquired; authorizing the Town Manager to take all steps necessary to acquire the needed property rights in compliance with all applicable laws and resolutions; and authorizing the Town Attorney to institute condemnation proceedings to acquire the property if purchase negotiations are not successful. (HW)**

Hulon Webb, Engineering Services Director, presented information on Resolution 2021-14 declaring the necessity to acquire certain properties for right-of-way and drainage easements for the construction of the Fishtrap Road (Stuber Elementary School - Dallas North Tollway) project. As with other similar road construction projects, it is not anticipated that all parcels will require the use of eminent domain to complete the acquisition process, however, staff is requesting advance authorization to pursue acquisition by eminent domain if standard negotiations are unsuccessful.

Councilmember Ray made a motion and Councilmember Miller seconded the motion to approve Resolution No. 2021-14 of the Town Council of the Town of Prosper, Texas, declaring the necessity to acquire certain properties for right-of-way and drainage easements for the construction of the Fishtrap Road (Stuber Elementary School - Dallas North Tollway) project; determining the public use and necessity for such acquisition; authorizing the acquisition of property rights necessary for said Project; appointing an appraiser and negotiator as necessary; authorizing the Town Manager to establish just compensation for the property rights to be acquired; authorizing the Town Manager to take all steps necessary to acquire the needed property rights in compliance with all applicable laws and resolutions; and authorizing the Town Attorney to institute condemnation proceedings to acquire the property if purchase negotiations are not successful. The Town Council voted as follows:

Councilmember Miller: Approve  
Mayor Smith: Approve

Deputy Mayor Pro-Tem Dixon: Approve  
Councilmember Hodges: Approve  
Councilmember Ray: Approve  
Councilmember Bartley: Approve

**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 review the Town Manager's performance evaluation.***

The Town Council recessed into Executive Session at 6:30 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 7:10 p.m.

Councilmember Miller made a motion and Councilmember Hodges seconded the motion to approve the recently revised development agreement with BBG Investments, Inc., and authorize the Town Manager to execute it on behalf of the Town.

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

Councilmember Miller made a motion and Councilmember Hodges seconded the motion to approve the revisions to the Town Manager Harlan Jefferson's Employment Agreement as discussed in closed session, and authorize the Mayor to execute the agreement on behalf of the Town.

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

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

**11. Community Engagement Committee Update (RB)**

Robyn Battle, Executive Director of Community Services, briefed the Town Council on the Community Engagement Committee. The Committee held its first meeting on March 3, 2021, at 6 p.m., in Council Chambers and broadcast via Zoom. All 11 Committee members were present with three Council representatives present, Councilmember Bartley, Councilmember Hodges, and Councilmember Miller, with Deputy Mayor Pro-Tem Andres attending some of the meeting. The Committee discussed the proposed scope, purpose, and structure of the group with the next meeting set for March 24, 2021, and regular meetings occurring the first Wednesday

of the month in Council Chambers and via Zoom. The Committee appointed Sekou Harris as Chairman and Rodolfo Sierra as Vice Chairman. Councilmember Hodges commented positively on the level of engagement from the Committee. Councilmember Bartley was impressed with the discussions from the group and how well they worked together. Councilmember Ray noted a resident panel with a diverse geographic location within the Town of Prosper and thanked Mrs. Battle for her assistance with the Community Engagement Committee.

**Adjourn.**

The meeting was adjourned at 7:18 p.m. on Tuesday, March 9, 2021.

These minutes approved on the 23rd day of March 2021.

**APPROVED:**

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

**ATTEST:**

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

