



Prosper is a place where everyone matters.

Minutes
Prosper Town Council Meeting
Council Chambers
Prosper Town Hall
250 W. First Street, Prosper, Texas
Tuesday, May 25, 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 Meigs Miller
Deputy Mayor Pro-Tem Craig Andres
Councilmember Jeff Hodges
Councilmember Marcus E. Ray
Councilmember Amy Bartley (arrived at 5:48)
Councilmember Charles Cotten

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 John Fowler, First Presbyterian Church of Prosper, 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.

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 Prosper Community Library will kick off this year's Summer Reading Program on June 1. This year's theme is "Destination: 7-Continent Exploration." Summer reading participants will learn all about the continents, their cultures, foods, and natural beauty. Library staff will lead an exploration of a different continent each week. Teens can participate in the Town's own Amazing Race, and family-friendly movies will tie into each week's destination continent. Visit the Library's website or Facebook page for more information.

The Prosper Tree Tour will take place on Thursday, May 27, at 5:30 p.m. at Whitley Place Park. Join Town staff for a walk in the park to learn about trees and foliage and the role trees play in the life of our community. Bring the family and your sneakers for this relaxed, informal, and fun evening! Visit the Parks & Recreation website or Facebook page for more information.

Summer camps and classes are now open for registration through the Prosper Parks and Recreation Department. Visit prosperparksandrec.org for a full list of programs.

The Prosper Town Council would like to congratulate the Prosper High School and Rock Hill High School Class of 2021, as well as college students from Prosper who are finishing their degrees this semester. Our best wishes to the 2021 graduates and their families.

Councilmember Ray noted the upcoming Prosper Police and Fire associations softball game at Reynolds Middle school, Saturday June 5, and invited everyone to attend. Councilmember Ray congratulated the Prosper High School and Rock Hill High School Class of 2021 and thanked those who participated in the Prosper Plunge fundraising event.

Presentations.

1. Mayor's Fitness Challenge Recognition. (DR)

Mayor Smith recognized those who participated in the 2021 Mayor's Fitness Challenge. There were 96 participants documenting a total of 20,572 miles completed by walking, running, or cycling. Mayor Smith announced fitness challenge participant Tim Lynch as the random drawing winner of a Fitbit.

2. Bike Week Proclamation. (DR)

Mayor Smith presented a proclamation to Joel Hobach, James and Susan Dianto, and Danny Wilson of the Shawnee Trail Cycling Club recognizing the month of May 2021 as Bike Month and the week of May 23-29, 2021, as Bike to Work Week.

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.

3. Consider and act upon the minutes from the May 11, 2021, Town Council Canvass Election Meeting. (ML)

4. Consider and act upon the minutes from the May 11, 2021, Town Council Meeting. (ML)

5. Consider and act upon Resolution No. 2021-27 to deny the rate change application proposed by CoServ. (BP)
6. 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)
7. 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)
8. Consider and act upon Ordinance No. 2021-28 amending 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)
9. Consider and act upon Ordinance No. 2021-29 amending 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)
10. Consider and act upon authorizing the Town Manager to execute a Development Agreement between Metten Real Estate, L.P., and the Town of Prosper, Texas, related to development at the southeast corner of Dallas Parkway and Frontier Parkway. (AG)
11. 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 Brookhollow Multifamily and Fishtrap EST Non-Commercial Antennas. (AG)

Deputy Mayor Pro-Tem Andres requested confirmation on Item 11, specifically, if the Brookhollow Multifamily PD did not include a section outlining bedroom distribution. Alex Glushko, Planning Manager, confirmed PD-86 does not include any provisions regarding the requirements for the number of bedrooms in the multifamily dwelling units.

Mayor Smith asked how many PDs were associated with Item 10. Town Attorney Terry Welch confirmed there was one PD with two tracts.

Councilmember Ray 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:

12. **Consider and act upon authorizing the Town Manager to execute an Escrow Agreement between BG-GBT Broadway & Preston LP, and the Town of Prosper, Texas, related to the future construction of improvements on Broadway (FM 1193) to serve the Windmill Hill development. (DH)**

Dan Heischman, Assistant Director of Engineering Services – Development, provided an overview of the Escrow Agreement between BG-GBT Broadway & Preston LP and the Town of Prosper. As part of the obligations and construction of the Windmill Hill Phase 1 development, two deceleration lanes, one median opening, one left turn lane, and a perimeter sidewalk along Broadway (FM 1193) were required. The estimated costs for the design and construction of the improvements is \$141,137.12. The developer has recently completed Phase 1 of Windmill Hill and has submitted development plans for Phase 2 to the Town for review. Due to the ongoing development of the Windmill Hill development, the developer has requested to defer payment of the Phase 1 escrow until final acceptance of Windmill Hill, Phase 2. The presented agreement obligates the developer to escrow the Phase 1 escrow (\$141,137.12), prior to the final acceptance of Windmill Hill, Phase 2.

Councilmember Miller made a motion and Councilmember Hodges seconded the motion to authorize the Town Manager to execute an Escrow Agreement between BG-GBT Broadway & Preston LP, and the Town of Prosper, Texas, related to the future construction of improvements on Broadway (FM 1193) to serve the Windmill Hill development.

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.

Section 551.071 - Consultation with the Town Attorney regarding legal issues associated with the payment of impact fees, pursuant to Section 395.018 of the Texas Local Government Code, and all matters incident and related thereto.

Section 551.071 - Consultation with Town Attorney regarding legal issues related to Article 1.02 of the Town's Code of Ordinances, and all matters incident and related thereto.

The Town Council recessed into Executive Session at 6:04 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 7:54 p.m.

Councilmember Miller made a motion and Councilmember Hodges seconded the motion to authorize the Town Manager to execute an Impact Fee Payment Letter Agreement with Prosper United Methodist Church pursuant to section 395.018 of the Texas Local Government Code.

The motion passed by a vote of 7 – 0.

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

13. Brookhollow Multifamily Development Agreement Discussion (RZ)

Rebecca Zook, Executive Director of Development & Infrastructure Services, discussed with the Town Council the Brookhollow Multifamily Development Agreement. Mrs. Zook provided an exhibit of the proposed site and discussed the northern edge of the proposed development depicting the water line easement location necessary for the 42 in. lower pressure plane line. The developer has agreed to dedicate the easement at no cost but wants the Town to waive future water impact fees. Staff believes this is an equitable exchange.

Additionally, the developer is requesting a dry detention pond along the eastern side of the proposed development due to the natural terrain in this area. The Town is requesting its standard architectural and building materials standards.

The Town Council discussed the proposed dry detention pond and amenities around it. Dan Heischman, Assistant Director of Engineering Services – Development, discussed the design of the dry detention pond.

14. Proposal for use of Town Hall balconies. (RB)

Robyn Battle, Executive Director of Community Services, discussed the proposal for use of the Town Hall balconies to include four receptions per year on the first Thursday of the month from 6 to 8 p.m. as social events for various stakeholder groups. The total cost budgeted is \$6,900 to include catering (\$600 per event) and furniture (one-time cost). The Town Council discussed the type of furniture to be purchased and was in favor of the proposal as presented.

Harlan Jefferson, Town Manager, commented on the recent rise in service-related inquiries to Community Waste Disposal (CWD) by Town residents. CWD is currently experiencing a labor pool shortage and sustained high material volumes due to the pandemic and recent winter storm. To address the extra brush and debris in our waste stream, the Town of Prosper will open its Public Works drop off site for brush and bulk trash every Saturday from 8:00 a.m. until noon.

Mr. Jefferson then discussed possible community engagement activities for the Town Council in coordination with Windsong Ranch regarding their community events. Town staff will develop a program and present it for consideration at a future Town Council meeting.

Adjourn.

The meeting was adjourned at 8:24 p.m. on Tuesday, May 25, 2021.

These minutes approved on the 8th day of June 2021.

APPROVED:



Ray Smith, Mayor

ATTEST:



Melissa Lee, Town Secretary

