



Prosper is a place where everyone matters.

Minutes
Prosper Town Council Meeting
Council Chambers
Prosper Town Hall
250 W. First Street, Prosper, Texas
Tuesday, November 10, 2020

Call to Order/ Roll Call.

The meeting was called to order at 5:48 p.m.

Council Members Present:

Mayor Ray Smith
Mayor Pro-Tem Curry Vogelsang, Jr.
Deputy Mayor Pro-Tem Jason Dixon (arrived at 6:53 p.m. via phone)
Councilmember Marcus E. Ray
Councilmember Craig Andres
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 Jason McConnell, Prosper United Methodist Church, led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were recited.

Announcements of recent and upcoming events.

Councilmember Ray read the announcements.

The Town Council would like to thank everyone who participated in the Light The Town Red campaign. Residents and businesses across Town showed their appreciation to our Fire Department staff by lighting their homes and businesses in red during Fire Prevention Month.

The November 3 election brought record voter turnout in the Town of Prosper and across the country. Approximately 80% of registered voters cast their vote during Early Voting and Election Day for Town Council Place 3 and Place 5, the three bond propositions, and the two local option election propositions. Final election results will be certified by the Town Council on November 17. We appreciate everyone who took the opportunity to exercise their right to vote.

Tomorrow is November 11th, which is a day where we honor all veterans who have served our country in war or peace. Veterans Day is an opportunity to pay special recognition to the men and women who protect our freedoms, and to honor their patriotism, love of country, and willingness to serve and sacrifice for the common good. Thank you for your service.

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 Prosper Police Department welcomed their newest staff members at a swearing-in ceremony this afternoon. Officer Aaron Lopez, Officer Joseph Buttery, Officer Dustin Suitors, Officer McKenzie Morrison, Officer Lauren Steadman, and Officer Sam Walkiewicz are the most recent additions to the Prosper PD staff. Corporal Seth Cockerham, Corporal Zach Carter, Sergeant Preston Robinson, Lieutenant Ron Castro, and Lieutenant Paul Boothe were also recognized for their recent promotions. Congratulations to all.

Councilmember Andres mentioned Mr. and Mrs. Glover of Prosper whose son Victor Glover will be among the crew of four astronauts that will launch the SpaceX this Sunday from NASA's Kennedy Space Center.

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 from the October 27, 2020, Town Council Meeting. (ML)**
2. **Receive the September Financial Report. (BP)**
3. **Receive the Quarterly Investment Report. (BP)**
4. **Consider and act upon Ordinance 2020-80 amending Ordinance No. 2020-71 (FY 2020-2021 Budget). (BP)**
5. **Consider and act upon authorizing the Town Manager to accept a grant award from the Department of Justice through the State of Texas Office of the Governor. (DK)**
6. **Consider and act upon authorizing the Town Manager to execute a Professional Engineering Services Agreement between David C. Baldwin Inc., d/b/a DCBA Landscape Architecture, and the Town of Prosper, Texas, related to the design of the Coleman Street Median Landscaping (Talon – Victory) project. (HW)**

Councilmember Ray removed Item 7 from the Consent agenda.

Councilmember Miller made a motion and Councilmember Hodges seconded the motion to approve Items 1 - 6 on the Consent agenda.

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

7. **Consider and act upon approving Change Order Number 01 for Bid 2020-57-B to Accelerated Critical Path, Inc., related to construction services for the Church Street and Parvin Street Sanitary Sewer and Drainage Improvements and Old Town Retention Pond projects; and authorizing the Town Manager to execute Change Order Number 01 for same. (HW)**

Councilmember Ray discussed a notation regarding the donated land that the pipeline will be installed and if the paperwork will be in place when construction starts. Hulon Webb, Engineering Services Director, confirmed the easement paperwork is currently in place.

Councilmember Ray made a motion and Councilmember Andres seconded the motion to approve Change Order Number 01 for Bid 2020-57-B to Accelerated Critical Path, Inc., related to construction services for the Church Street and Parvin Street Sanitary Sewer and Drainage Improvements and Old Town Retention Pond projects; and authorizing the Town Manager to execute Change Order Number 01 for same.

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

CITIZEN COMMENTS

Cary Carroll, 4271 Fisher Rd, Prosper, spoke on lot to lot drainage occurring on his property and discussions he has had in the past with Town Staff on this issue.

REGULAR AGENDA:

Items for Individual Consideration:

8. **Consider and act upon Resolution 2020-81 to adopt the Hike and Bike Trail Master Plan. (DR)**

Paul Naughton, Senior Park Planner, provided an overview of the Hike and Bike Trail Master Plan development process. The Town Council approved funding for the development of a Hike and Bike Trail Master Plan in the FY 2018-2019 Budget, and an agreement with Half Associates in August 2019. This is the Town's first detailed Hike and Bike Trail Master Plan. The Plan uses the existing information about hike and bike trail routes that was contained in the 2015 Parks, Recreation and Open Space Master Plan.

A Hike and Bike Trail Steering Committee made up of Town Council, Planning & Zoning and Parks and Recreation Board members and citizens at large was formed to help oversee the development of the plan. Half and Associates presented information to the Steering Committee at three meetings. In addition to these meetings, a Public Input Meeting was held to allow residents to give feedback on the development of the plan and inform them of the upcoming online survey. The public meeting had approximately 60 people in attendance.

Park staff was approached by residents of Steeple chase, about their concern regarding a section of hike and bike trail that is shown going through their gated community. This section of trail was shown in the 2015 Parks, Recreation and Open Space Master Plan, and it does appear in the 2007 Parks, Recreation and Open Space Master Plan as well. Staff met with the neighborhood representatives and discussed removing the section of trail. Staff reviewed the segment, and would be in support of removing the segment, as it doesn't affect the overall integrity or viability of the trail network in the Town.

Town Council discussed the development process regarding trail network connectivity, the distribution of 10 ft. wide lanes throughout the system, the results of the online public survey, and trail lighting.

After discussion, Mayor Pro-Tem Vogelsang made a motion and Councilmember Ray seconded the motion to approve Resolution 2020-81 to adopt the Hike and Bike Trail Master Plan as amended to include the removal of trail segment through Steeple chase.

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

9. Conduct a Public Hearing and consider and act upon a request for a Specific Use Permit (SUP) for a Day Care Center (Prosper United Methodist Church), on 42.6± acres, located on the northwest corner of Coleman Street and Preston Road. The property is zoned Single Family-12.5 (SF-12.5). (S20-0001). (AG)

Alex Glushko, Planning Manager, provided information on the request intended to allow for a day care for Prosper United Methodist Church. The church currently operates a day care for 85 students at their existing location on Church Street. The church is requesting a SUP to allow for a continuation of the use at their future campus location on Coleman Street, west of Preston Road. Construction of the new campus is expected to commence in 2021. Mr. Glushko presented the proposed layout, which consists of a one-story, 69,957 square-foot building. The depicted number of off-street parking spaces and outdoor play area meet the minimum standards of the Zoning Ordinance.

Exhibit D as presented shows a conceptual rendering depicting the architectural appearance and style of the building. The conceptual design meets the non-residential design and development standards of the Zoning Ordinance. In conjunction with a Development Agreement related to right-of-way dedication and hike and bike trail construction, the applicant has agreed to include the proposed building elevations proposed in conjunction with the SUP.

Town Council discussed the Development Agreement related to right-of-way dedication and hike and bike trail construction.

Mayor Smith opened the public hearing.

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

After discussion, Mayor Pro-Tem Vogelsang made a motion and Councilmember Hodges seconded the motion to approve request for a Specific Use Permit (SUP) for a Day Care Center (Prosper United Methodist Church), on 42.6± acres, located on the northwest corner of Coleman Street and Preston Road , subject to approval of a Development Agreement, including building elevations consistent with Exhibit D.

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

10. **Conduct a Public Hearing and consider and act upon a request to rezone 1.9± acres from Commercial Corridor (CC) to Planned Development-Office (PD-O), to allow for a Convenience Store with Gas Pumps (QuikTrip), located on the southwest corner of the Dallas Parkway and Fishtrap Road. (Z20-0016). (AG)**

Alex Glushko, Planning Manager, provided an overview of the request to rezone 1.9± acres from Commercial Corridor (CC) to Planned Development-Office (PD-O) allowing for the development of a convenience store with gas pumps (QuikTrip). In order to facilitate the proposed development, the applicant is proposing modifications to the Town's development standards.

Staff recommends the Town Council deny the rezoning request. However, if the Town Council determines a convenience store with gas pumps is an appropriate use on the subject property, staff recommends the this item be tabled indefinitely in order to allow sufficient time to address all Engineering and Fire requirements, as well as to incorporate the entire 14.1± acre tract into the proposed PD rezoning request.

Jake Petras, Real Estate Manager at Quik Trip, spoke on the site being appropriate for this type of development and the constraints of developing flood plain land for this site. Rob Daake, representing Tollway Fish trap Partners, LLC, expanded on the constraints of developing flood plain land, and discussed flood plain flow. Mr. Daake discussed the positive impacts of a convenience store in this location.

Mayor Smith opened the public hearing.

William Cook, 201 East 5th Street, spoke in opposition to this item, noting a convenience store was not an appropriate use for this property.

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

After discussion, Councilmember Miller made a motion and Councilmember Andres seconded the motion to table Item 10 indefinitely.

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

11. **Consider and act upon a Site Plan, Landscape Plan, and Façade Plan for an auto parts retail store (AutoZone), on 1.0± acre, located on the east side of Preston Road, north of Prosper Trail. The property is zoned Planned Development-68 (PD-68). (D20-0028). (AG)**

Mayor Smith opened Items 11 & 12 concurrently.

Alex Glushko, Planning Manager, provided and overview of the Site Plan, Landscape Plan, and Façade Plan for an auto parts retail store (AutoZone), located on the east

side of Preston Road, north of Prosper Trail. At the October 13, 2020, Town Council meeting, this item was tabled to the November 10, 2020, meeting, in order to allow additional time to evaluate the rear view and reorientation of the AutoZone building.

In December 2019, Planned Development-68 (PD-68) for the Shops at Prosper Trail was amended to modify the layout of Lots 6-8 and to allow for flat roof architecture for AutoZone on Lot 7. In conjunction with the rezoning request, building elevations for AutoZone were included with PD-68, and a Development Agreement related to building materials and design. The building elevations in PD-68 and the Development Agreement depict the front of the proposed AutoZone building facing westward, toward Preston Road. With this request the applicant is proposing to reorient the building such that the rear of the building faces Preston Road.

The Site Plan shows the proposed 6,925 square-foot AutoZone building, the Landscape Plan show the proposed landscaping, and the Façade Plan shows the flat roof architecture. Access is provided from Preston Road through the development. The depicted number of off-street parking spaces meets the minimum standards of the Zoning Ordinance. The Site Plan, Landscape Plan, and Façade Plan conform to the PD-68 development standards.

12. Consider and act upon authorizing the Town Manager to execute a First Amended Development Agreement between MQ Prosper Retail LLC and the Town of Prosper, Texas, related to the Shops at Prosper Trail retail development. (AG)

Mr. Glushko continued with reviewing the First Amended Development Agreement between MQ Prosper Retail LLC and the Town of Prosper, Texas, related to the Shops at Prosper Trail retail development. In December 2019, Planned Development-68 (PD-68) for the Shops at Prosper Trail was amended to modify the layout of Lots 6-8 and to allow for flat roof architecture for AutoZone on Lot 7. Approval of the rezoning request was subject to approval of a Development Agreement related to exterior building materials and architectural design. A Development Agreement was prepared accordingly and approved by the Town Council.

The approved Development Agreement depicted the front of the proposed AutoZone building facing westward, toward Preston Road. However, when the Site Plan application was received by the Town, it depicted the building facing eastward, toward the interior of the development rather than Preston Road. While the Zoning Ordinance allows the Site Plan to be approved with a reorientation of the building, the Development Agreement is required to be amended. With this request the applicant is proposing to amend the Development Agreement to allow for the reorientation of the AutoZone to face eastward. The applicant has included a line-of-sight exhibit depicting the look of the rear of the building from Preston Road

Council discussed building orientation, the rear elevation of the building, and the overall aesthetic of the building in the renderings presented.

After discussion, Councilmember Miller made a motion and Councilmember Andres seconded the motion to table Item 11 until the November 24, 2020, Town Council meeting.

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

Councilmember Miller made a motion and Councilmember Andres seconded the motion to table Item 11 until the November 24, 2020, Town Council meeting.

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

13. Discussion on proposed remodel of Central Fire Station. (SB)

Stuart Blasingame, Prosper Fire Chief, discussed with Town Council the Central Fire Station that is now in its 17th year. As with all buildings, the station is starting to show wear in multiple areas. Staff was directed to get preliminary estimates for discussion, which was presented to Town Council during the September 8, 2020, Council meeting. During this meeting, it was requested by Council to move forward with obtaining actual quotes and to look at any other areas in immediate need of repair or replacement and bring the requested updates back to council in a future meeting. Staff met with multiple contractors and obtained the necessary quotes. If Town Council provides feedback in favor of moving forward with the remodel project, a budget amendment will be requested on the November 24th council meeting.

Town Council was in favor of moving forward with the remodel project.

14. Discussion on Town of Prosper Legislative Agenda. (RB)

Robyn Battle, Executive Director of Community Services, discussed with Council the proposed Legislative Agenda. Mrs. Battle reviewed issues that have been previously identified by the Town Council as top priorities for the Town, as well as recommendations from Town staff. The Legislative Agenda is comprised of three sections. The Legislative Philosophy explains the overall purpose and guiding principles of the document. The Legislative Initiative section describes specific legislation the Town intends to pursue to remove the \$1.5 million cap on the use of competitive sealed proposals for horizontal projects. The Legislative Priorities section establishes the Town's position on key legislative issues.

The Legislative Agenda is to be used as a communication tool with the Town's legislative delegation and others to clearly explain the Town's position on critical issues. It is intended to provide guidance to the Town's legislators on how they can best represent Town of Prosper residents and stakeholders in the upcoming legislative session. Mrs. Battle provided Town Council a proposed timeline.

Town staff seeks direction and feedback from the Council on the proposed Legislative Agenda. The final Legislative Agenda will be presented for Council approval at the November 24, 2020, Town Council meeting.

Town Council suggestions included Senate Bill 29, relating to the use by a political subdivision of public money for lobbying and certain other activities, and House Bill 2439, relating to certain regulations adopted by governmental entities for the building products, materials, or methods used in the construction or renovation of residential or commercial buildings.

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 551-071 - Consultation with the Town Attorney regarding legal issues associated with permitting requirements authorized in the Town's Subdivision Ordinance, contained in Chapter 10 of the Code of Ordinances, and in the Town's Building Regulations, contained in Chapter 3 of the Code of Ordinances, and all matters incident and related thereto.

The Town Council recessed into Executive Session at 7:49 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 8:39 p.m.

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

15. Discussion on the Town's Stormwater Drainage Management Program. (DH)

Town Council did not discuss Item 15.

16. Discussion on Lot to Lot Drainage (RZ)

Rebecca Zook, Executive Director of Development & Infrastructure Services, discussed with Council lot to lot drainage beginning with subdivision development design standards and the process of completed construction being accepted by the Town. Mrs. Zook discussed the homeowner complaint process and the responsibility of the Town regarding lot to lot drainage issues.

Town Council discussed the citation process and the responsibility of the Town regarding lot to lot drainage issues.

17. Discussion on Public Information Requests. (RB)

Robyn Battle, Executive Director of Community Services, provide an overview of the Public Information Request process. The Town is required to provide responsive documents within the confines of the Act, respond within ten business days, and act in good faith. The Town is not required to answer questions, do research, compile statistics or create new documents. The Town may request clarification of an unclear request or request narrowing of an overly broad request. The Town may not inquire as to the purpose of the request or verify the identity of the requestor, except to establish right of access.


Town Council discussed attorney client privilege and establishing identification of the requestor.

Adjourn.

The meeting was adjourned at 9:29 p.m. on Tuesday, November 10, 2020.

These minutes approved on the 24th day of November 2020.

APPROVED:



Ray Smith, Mayor

ATTEST:



Melissa Lee, Town Secretary

