



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 24, 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 Curry Vogelsang, Jr.
Deputy Mayor Pro-Tem Jason Dixon
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 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.

Mayor Pro-Tem Vogelsang read the announcements.

The Prosper Ladies Association is excited to sponsor their 7th annual Prosper Christmas Angels Program. A Christmas Angel Tree is located in the lobby of Town Hall. Please consider taking a Wish Tag from the tree and scan the QR code to help a Prosper ISD child or a senior citizen have

a Merry Christmas. Gift drop-off dates are December 7-9. More information is available at www.prosperchristmasangels.com

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

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

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 Town Council would like to wish everyone a very happy Thanksgiving holiday.

Presentations.

1. Present Oaths of Office and Certificates of Election to Amy Bartley and Jeff Hodges. (ML)

Robyn Battle, Executive Director of Community Services, presented the Oaths of Office and Certificates of Election to Amy Bartley, elected to Town Council, Place 3, and Jeff Hodges, elected to Town Council, Place 5, at the General Election held on November 3, 2020.

2. Present a Proclamation and a Plaque of Appreciation to Mayor Pro-Tem Curry Vogelsang, Jr. (ML)

Mayor Smith presented the Proclamation and Plaque of Appreciation to outgoing Mayor Pro-Tem Curry Vogelsang, Jr. proclaiming November 24, 2020, as *Curry Vogelsang, Jr. Day* in the Town of Prosper for his generous contribution of time and talent and his servant leadership that will have a lasting impact on the Prosper community. Mr. Vogelsang thanked Town staff, the Town Council, and his family, for their love and support.

3. Presentation of a Proclamation and a Blue Star Flag to the family of a crew member of the SpaceX Crew Dragon who is currently deployed to the International Space Station. (RB)

Mayor Smith presented the Proclamation and Blue Star Flag to the family of Victor J. Glover, member of the SpaceX Crew Dragon, in honor of his service and to honor his family's sacrifice and service to our great county.

4. Grant Summary and Review (KB),

Betty Pamplin, Finance Director, discussed the Grant Committee and the Grant process. The Committees purpose, to increase the Town's opportunities and awareness of outside funding while enhancing the processes of the grant program. Mrs. Pamplin discussed the Committee's structure; quarterly meetings held the last Thursday of the month in the Finance Conference Room. Attendees will represent each department and be appointed by their department director. Emergency meetings may be scheduled in cases of short windows of opportunity.

Mrs. Pamplin reviewed the Grant process with the Town Council, and concluded with FY 20-21 pending applications 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.

- 5. Consider and act upon the minutes from the November 10, 2020, Town Council Meeting. (ML)**
- 6. Consider and act upon the minutes from the November 14, 2020, Town Council Special Called Meeting. (ML)**
- 7. Consider and act upon authorizing the Town Manager to execute a Professional Services Agreement between Valley View Consulting, L.L.C., and the Town of Prosper, Texas, related to Investment Advisory services. (BP)**
- 8. Consider and act upon awarding RFP No. 2021-14-B for stop loss Insurance for Town self-insurance fund, effective January 1, 2021, and authorizing the Town Manager to execute all documents for the same. (JE)**
- 9. Consider and act upon Resolution No. 2020-85 adopting the Town of Prosper 2021 Legislative Agenda. (RB)**
- 10. Consider and act upon approving the purchase of one ambulance from Professional Ambulance Sales and Service, the Texas dealer for Horton Emergency Vehicles, through the Texas Local Government Purchasing Cooperative; and authorizing the Town Manager to execute related documents for the same. (SB)**
- 11. Consider and act upon authorizing the Town Manager to execute an Interlocal Agreement for the use of the Frisco radio communications system. (SB)**
- 12. Consider and act on Ordinance No. 2020-86 amending Section 3.19.001, "Fence Requirements," of Article 3.19, "Fence Regulation," of Chapter 3, "Building Regulations," of the Town's Code of Ordinances by adding a new subsection regarding fencing on certain adjacent unplatted tracts. (JW)**

13. Consider and act upon authorizing the Town Manager to execute Contract Amendment #1 to the Professional Services Agreement between Teague Nall and Perkins, Inc., and the Town of Prosper, Texas, related to the design of the Fishtrap Road from Stuber Elementary School to the Dallas North Tollway project. (HW)
14. Consider and act upon authorizing the Town Manager to execute Contract Amendment #1 to the Professional Services Agreement between Teague Nall and Perkins, Inc., and the Town of Prosper, Texas, related to the design of the First Street from Coit Road to Custer Road project. (HW)
15. Consider and act upon awarding CSP No. 2021-16-B to Reliable Paving, Inc., related to construction services for the Coit Road at US 380 Paving and Striping Improvements project; and authorizing the Town Manager to execute a construction agreement for same. (HW)
16. 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. (AG)

Councilmember Ray made a motion and Councilmember Andres seconded the motion to approve Items 5 thru 16 on the Consent agenda.

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

CITIZEN COMMENTS

Chris Kern, 570 Abbey Lane, addressed the Town Council on Item 20, Discussion on Outdoor Lighting Standards, and the street lighting on Lovers Lane Road. Mr. Kern stated, as his property is adjacent to Lovers Lane Road, the lights are too high creating nighttime glare.

REGULAR AGENDA:

Items for Individual Consideration:

17. Consider and act upon approving Resolution No. 2020-87 supporting U.S. Highway 380 as a Controlled Access Highway and strongly opposing the consideration of the Gold or Brown Alternative Segment B alignments as presented by TxDOT on October 12 and 29, 2020, due to the negative impacts on existing and future development within the southeast quadrant of the Town of Prosper since the alternative alignments are inconsistent with the Town's Thoroughfare Plan and current alignment of said highway. (RZ)

Rebecca Zook, Executive Director of Development & Infrastructure Services, provided the Town Council an overview of Resolution 2020-87 supporting U.S. Highway 380 as a Controlled Access Highway and strongly opposing the consideration of the Gold or Brown Alternative Segment B alignments as presented by TxDOT on October 12 and 29, 2020.

TxDOT conducted a feasibility study regarding the identification for an alignment for the future Controlled Access Highway of U.S. Highway 380 that began in 2017 and

culminated in a formal report in March 2020. The Town of Prosper was heavily involved throughout the 3-year process by clearly identifying and supporting an alignment within the limits of the Town. As part of the Town's participation and in an effort to show support and cooperation, the Town passed four resolutions between April 2017 and May 2019, clearly identifying the preferred alignment within the Town's jurisdictional limits. At the completion of the U.S. 380 Collin County Feasibility Study Final Report and Implementation Plan referenced above and completed in March 2020, the Town was both pleased and satisfied with the recommended alignment represented within the report.

The Town recently participated in two meetings with TxDOT. The initial meeting on October 12, 2020, was an update and initiation meeting for the next phase in the process with TxDOT – US 380 Environmental Impact Statement from Coit Road to FM 1827 (EIS). The subsequent meeting was a formal Agency Scoping meeting held on October 29, 2020. In both meetings, the Town was introduced to the inclusion of a new corridor being studied by TxDOT within the boundaries of the Prosper limits – shown on the attached Exhibits (Entitled Gold Alternative and Brown Alternative Segment B Alignments). During the meeting, the Town representatives clearly expressed non-support for consideration of the new alignment(s), and reaffirmed the Town's position supporting the existing alignment of U.S. Highway 380 as shown on the Town's Thoroughfare Plan.

In addition to the Town's reaffirmation of the preferred and recommended alignment, the Town also shared information related to existing and future developments located within and along the new Segment B corridor. TxDOT representatives requested that the Town provide them with any information regarding existing and future developments within the corridor. On October 23, 2020, the Town provided the Prosper Development Map to TxDOT for their information and use. The Map identifies numerous developments under construction, designed or moving through the development/zoning process within or within the vicinity of the Segment B corridor.

The Town Council discussed the previous communication between Town staff and TxDOT, additionally, the structure of Resolution No. 2020-87.

After discussion, Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Ray seconded the motion to approve Resolution No. 2020-87 supporting U.S. Highway 380 as a Controlled Access Highway and strongly opposing the consideration of the Gold or Brown Alternative Segment B alignments as presented by TxDOT on October 12 and 29, 2020, due to the negative impacts on existing and future development within the southeast quadrant of the Town of Prosper since the alternative alignments are inconsistent with the Town's Thoroughfare Plan and current alignment of said highway.

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

Mayor Smith opened Item 18 and 19 concurrently.

18. **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)**

John Webb, Development Services Director, provided the Town Council information on the Site Plan, Landscape Plan, and Façade Plan for an auto parts retail store (AutoZone). At the October 13, 2020, meeting this item was tabled in order to allow additional time to evaluate the rear view and reorientation of the AutoZone building. At the November 10, 2020, meeting this item was tabled to the November 24, 2020, in order to consider additional architectural elements of the rear building elevation. Since the meeting, staff has provided the proposed elevations to the Town Architect in order to identify any potential additional architectural improvements. The Architect offered the following suggestions, 1) incorporation of an awning over the rear center windows, and 2) raising the parapet feature over the rear center windows.

Don Silverman representing MQ Properties discussed the landscaping and berms along Preston Road providing adequate screening of the rear elevation of the building. Mr. Silverman continued with presenting the Town Council line-of-sight exhibits depicting the look of the building from Preston Road.

After discussion, Council member Miller made a motion and Councilmember Andres seconded the motion to approve the Site Plan, Landscape Plan, and Façade Plan for the auto parts retail store (AutoZone), on 1.0± acre, located on the east side of Preston Road, north of Prosper Trail, subject to the following:

1. Approval of an amendment to the Development Agreement with MQ Prosper Retail regarding building orientation.
2. Any rear door facing Preston Road shall be painted a color consistent with the adjoining masonry materials.
3. The awnings on the back of the building shall be of the same materials and color as the front awnings.
4. At least two (2) additional mature trees shall be added the berm along Preston Road.
5. The window materials reflected on the Façade Elevations along Preston Road shall be dark tinted glass.
6. The Town-proposed parapet shall remain.

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

19. 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)

Councilmember Miller made a motion and Councilmember Andres seconded the motion to authorize the Town Manager to execute 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, subject to the following:

1. The Development Agreement shall reflect that any rear door facing Preston Road shall be painted a color consistent with the adjoining masonry materials.
2. The awnings on the back of the building shall be of the same materials and color as the front awnings.
3. At least two (2) additional mature trees shall be added the berm along Preston Road.

4. The window materials reflected on the Façade Elevations along Preston Road shall be dark tinted glass.
5. The Town-proposed parapet shall remain.

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

20. Discussion on Outdoor Lighting Standards. (JW)

John Webb, Development Services Director, discussed with the Council the Town's current outdoor lighting standards incorporated within Section 6, Chapter 4 of the Town's Zoning Ordinance. With the increase in the number of proposed playing and practice fields related to public and private schools, staff received direction to evaluate the Town's outdoor lighting standards related to these uses. Town staff suggested the following amendments for sports field lighting:

- Light poles for playing or performance area permitted at a maximum of 80 feet height.
- Glare control package required (louvers, shields, or similar devices).
- Shielded as to not cast direct light on adjacent properties.
- Light beams directed to playing or performance area.
- Lighting for playing or performance area extinguished by 10:00 pm or upon conclusion of final event, no new event shall start after 10:00 pm.
- Stadium-lit facility minimum of 500 feet from residential use (PISD Children's Health Stadium is 1,100 feet from nearest residential neighborhood).

In comparing the current standards, not related to sports field lighting, the standards are consistent with DFW area communities and provide protection for nearby residential properties. Standards which could be improved is the slight reduction of the maximum height of parking lot lighting from 30 feet to 25 feet. Additionally, the maximum height of light poles within 100 feet of a residential property is currently 20 feet. Staff recommends that any light poles within 50 feet of residential property be further reduced to a maximum of 15 feet.

The Town Council discussed low lumen light fixtures and the use of motion sensors on light fixtures. Also discussed, the Town of Prosper standards for the height of street lighting in relation to residential properties. The Town Council was in favor of the suggested amendments and urged staff to explore innovation to meet the challenges of sports field lighting and street lighting in relation to adjacent residential properties.

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

Dan Heischman, Assistant Director of Engineering Services – Development, discussed the Town's Stormwater Drainage Management Program as a follow up to the HOA Presidents Meeting that was held virtually on May 14, 2020. The meeting was attended by nineteen HOA representatives, as well as a few of the Council members. During the referenced meeting, staff discussed the Town's Stormwater Drainage Management Program as it relates to the Association's responsibilities regarding maintenance. Various attendees shared concerns and also asked specific questions regarding drainage channels or detention ponds within their communities.

Mr. Heischman discussed the various components of the Town's Stormwater Drainage Management Program, its evolution since inception in 2014, and what future improvements are planned.

Mayor Smith had questions on the Stormwater Utility Fee and the Town's use of the expenditures from it. The Town Council discussed future improvements to the 2017 Drainage Design Standards including the inclusion of standards for subdivision development to allow for adequate space to facilitate ongoing maintenance with equipment.

22. Update and give direction on the Downtown Monument located at Preston Road and Broadway Street. (DR)

Dudley Raymond, Director of Parks and Recreation, provided the Council an update on the Downtown Monument located at Preston Road and Broadway Street. Halff and Associates are progressing with the development of the construction drawings for the downtown monument, to be located at the corner of Preston Road and Broadway Street. They have submitted a 50% progress set to Texas Department of Transportation (TxDOT) for their review and comments.

Town staff has also been made aware that TxDOT will only allow two monuments per TxDOT on-system road per municipality. Staff is asking Council for direction on the following, which will allow the monument to meet TxDOT standards:

- Original – leave the monument as previously approved by Council, and do not install a monument at the northern end of Preston Road.
- Option A – rotate the monument so TxDOT considers it a monument for Broadway Street, and preserve the ability to construct a second monument on Preston Road.

With this direction from Council, the consultants will be able to complete the construction drawings and seek TxDOT approval. If this approval from TxDOT can occur prior to Christmas, it will allow the project to bid sooner than the original schedule. Halff and Staff continue to push this project in an effort to have it constructed prior to the original schedule, which had a final completion of August 2021.

The Town Council indicated that Option A, to rotate the monument so TxDOT considers it a monument for Broadway Street and preserve the ability to construct a second monument on Preston Road, was acceptable.

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 8:08 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 9.25 p.m.

Councilmember Miller made a motion and Councilmember Hodges seconded the motion to nominate Jason Dixon as the Town of Prosper Mayor Pro-Tem, and Craig Andres as the Town of Prosper Deputy Mayor Pro-Tem.

The motion passed by a vote of 7 – 0.

Items for Individual Consideration:

- 24. Consider and act to authorize the Town Manager to execute a Development Agreement between BBG Investments, Inc., and the Town of Prosper, Texas, related to the Downtown Loft Multifamily development. (AG)**

Mayor Pro-Tem Dixon made a motion and Councilmember Hodges seconded the motion to authorize the Town Manager to execute a Development Agreement between BBG Investments, Inc., and the Town of Prosper, Texas, related to the Downtown Loft Multifamily development, subject to the following:

1. Upon issuance of a building permit, the Developer shall pay the Town \$600,000.00 for costs or fees incurred by the Town, to be utilized as the Town in its discretion.
2. The Developer shall construct McKinley Street from 5th Street to the Goodwill site on Coleman Street and will receive roadway impact fee credits for the construction and in the event the cost of the roadway construction exceeds the amount of impact fee credits, the Developer shall be paid by the Town the excess amount.
3. In the event additional right-of-way must be acquired, the Developer and the Town shall work together in the acquisition of the right-of-way.
4. The Town will waive all (100%) water and wastewater impact fees.
5. The Town will waive all (100%) building permit fees.
6. The Developer agrees that its multifamily project shall have an assessed value of at least \$36 million the year following the issuance of a certificate of occupancy and in the event that does not occur, it shall constitute a breach of the development agreement and all fees waived shall constitute a lien on the property.
7. All park dedication fees and park improvement fees are waived by the Town.

8. All electric lines shall be underground except for those along the east side of the property and along the railroad tracks. Therefore, no overhead lines shall run on McKinley or street-facing buildings.
9. Drainage will be addressed by relocating detention requirements west of the railroad tracks, ultimately draining on the Town's public works facility site, as addressed in the agenda packet.
10. All structures on the property shall be constructed in accordance with an exhibit attached to the development agreement, and there shall be fencing on the west side of the property along railroad right-of-way.
11. The development agreement shall have an expiration date 10 years from the date of execution.
12. Finally, the development agreement shall contain the Town's standard development agreement provisions addressing legal issues such as sovereign immunity, notices, default provisions, savings clauses, rough proportionality, exactions, and indemnification, among others.

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

23. **Consider and act upon Ordinance No. 2020-88 rezoning 10.0± acres from Downtown Commercial (DTC) to Planned Development-Multifamily (PD-MF), located on the northeast corner of Fifth Street and the BNSF Railroad. (Z20-0005). (AG)**

Councilmember Miller made a motion and Councilmember Ray seconded the motion to approve Ordinance No. 2020-88 rezoning 10.0± acres from Downtown Commercial (DTC) to Planned Development-Multifamily (PD-MF), located on the northeast corner of Fifth Street and the BNSF Railroad. (Z20-0005).

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

25. **Consider and act upon Ordinance No. 2020-89 repealing Ordinance No. 2020-05 and adopting a new Neighborhood Empowerment Zone Number 1 to promote economic development in the Zone. (AG)**

Councilmember Ray made a motion and Deputy Mayor Pro-Tem Andres seconded the motion to approve Ordinance No. 2020-89 repealing Ordinance No. 2020-05 and adopting a new Neighborhood Empowerment Zone Number 1 to promote economic development in the Zone.

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

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


Deputy Mayor Pro-Tem Dixon requested a future meeting topic regarding Town Council Subcommittee membership at the December 8, 2020, Town Council meeting.

Adjourn.

The meeting was adjourned at 9:31 p.m. on Tuesday, November 24, 2020.

These minutes approved on the 8th day of December 2020.

APPROVED:



Ray Smith, Mayor

ATTEST:



Melissa Lee, Town Secretary

