



*Prosper is a place where everyone matters.*

## MINUTES

**Prosper Town Council Meeting**  
Council Chambers  
Prosper Town Hall  
250 W. First Street, Prosper, Texas  
Tuesday, September 14, 2021  
**5:45 PM**

### **Call to Order/ Roll Call.**

The meeting was called to order at 5:46 p.m.

### **Council Members Present:**

Mayor Ray Smith  
Mayor Pro-Tem Meigs Miller  
Councilmember Marcus E. Ray  
Councilmember Jeff Hodges  
Councilmember Charles Cotten  
Councilmember Amy Bartley

### **Council Member Absent:**

Deputy Mayor Pro-Tem Craig Andres

### **Staff Members Present:**

Harlan Jefferson, Town Manager  
Terry Welch, Town Attorney  
Robyn Battle, Executive Director of Community Services  
Michelle Lewis Sirianni, Town Secretary  
Leslie Scott, Director of Library Services  
Paul Naughton, Parks Planning Manager  
Todd Rice, Communications Manager  
Rebecca Zook, Executive Director of Development and Infrastructure Services  
Hulon Webb, Engineering Services Director  
Frank Jaromin, Director of Public Works  
Khara Dodds, Development Services Director  
Alex Glushko, Planning Manager  
Chuck Springer, Executive Director of Administrative Services  
Betty Pamplin, Finance Director  
Leigh Johnson, IT Director  
James Edwards, Human Resources Director  
Stuart Blasingame, Fire Chief  
Shaw Eft, Assistant Fire Chief  
Doug Kowalski, Police Chief  
Scott Brewer, Assistant Police Chief

### **Invocation, Pledge of Allegiance and Pledge to the Texas Flag.**

Pastor Matt Lankenau, Gateway Church, led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were recited.

### **Announcements of recent and upcoming events.**

Thanks to everyone who attended the annual 9/11 Remembrance Ceremony held by Prosper Fire Rescue and Prosper ISD this past Saturday. The joint event was a very special remembrance of the many lives lost on September 11<sup>th</sup>. The community donated 128 pints of blood, which exceeded our goal by 38 pints. That is the equivalent of 384 lives saved by donating blood.

The Prosper Community Library has a full schedule of fall activities all season. Check the Library and Parks and Recreation Facebook pages for more information.

Please join us for "Celebrate Prosper" in Frontier Park on Saturday, September 25, for live music in Frontier Park. Bring your blankets, lawn chairs, and a picnic and settle for an evening of live blues and jazz music. Free hot dogs will be provided by the Town Council. Please visit CelebrateProsper.org for more information.

Prosper Fire Rescue would like to thank the Tellus Group, the developer of Windsong Ranch, for donating a vacant house for emergency training purposed for Prosper Public Safety Personnel. The Tellus staff also assisted with the removal of a swarm of bees at the training site. Their quick action allowed our staff and other local fire departments to safely continue their training.

### **Presentations.**

- 1. Presentation of a Proclamation to members of the Shawnee Trail Chapter of the National Society of the Daughters of the American Revolution declaring September 17-23, 2021, as Constitution Week. (RB)**

Mayor Smith read and presented a Proclamation to Patricia Strawmyer.

- 2. Presentation of a Proclamation to members of the Town's Emergency Management staff declaring September 2021 as Emergency Preparedness Month. (RB)**

Mayor Smith read and presented a Proclamation to Kent Bauer, Emergency Management Coordinator.

- 3. Presentation of awards from the Texas Association of Municipal Information Officers (TAMIO) to members of the Town's Communications staff. (RB)**

Mrs. Battle presented an overview of three awards presented to the Town by the Texas Association of Municipal Information Officers (TAMIO). The Town was presented with Awards of Excellence for the Thoroughfare Thursday social media series, and for the Town's communication efforts during the February 2021 Winter Storm. A first place award was presented for the Town's coverage of the Police Station Grand Opening and Ribbon Cutting in October 2020

### **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.**

- 4. Consider and act upon the minutes from the August 24, 2021, Town Council meeting. (RB)**
- 5. Consider and act upon Resolution No. 2021-47 designating The Prosper Press as the official newspaper of the Town of Prosper, and The Dallas Morning News and The Frisco Enterprise as alternative advertising sources, for Fiscal Year 2021-2022. (RB)**

6. Consider and act upon Resolution No. 2021-48 authorizing the Town of Prosper to participate in the proposed opioids settlements brought by the state of Texas and other jurisdictions against various pharmaceutical companies for their roles in the national opioid crisis, and authorizing the Town Manager to execute documents related to same. (RB)
7. Receive the July financial report. (BP)
8. Consider and act upon authorizing the Town Manager to accept grant awards from the Federal American Rescue Plan Act (ARPA)/State and Local Fiscal Recovery Funds (SLFRF) and the Department of Homeland Security Grant Program (HSGP) passthrough from the Office of the Governor's State Homeland Security Program (SHSP). (KB)
9. Consider and act upon Ordinance No. 2021-49 of the Town Council of the Town of Prosper, Texas, adopting new personnel policies regarding quarantine leave and mental health leave for certain personnel as required by recent legislation. (JE)
10. Consider and act upon adopting the FY 2021-2022 Prosper Economic Development Corporation budget. (RS)
11. Consider and act upon Ordinance No. 2021-50 amending Subsection 8 of Section 3.14.010, "Prohibited Signs," of Chapter 3, "Building Regulations," of the Town's Code of Ordinances by allowing feather signs to be displayed on non-residential property at certain times during the week. (KD)
12. Consider and act upon Ordinance No. 2021-51 amending a portion of Planned Development-40 (PD-40), on 16.9± acres, Windsong Ranch Marketplace, located on the north side of US 380, east of Gee Road, in order to facilitate the development of two (2) drive-through restaurants. (Z21-0007). (AG)
13. Consider and act upon authorizing the Town Manager to execute a Development Agreement between Northeast 423/380 Pads LP, and the Town of Prosper, Texas, related to the Windsong Ranch Marketplace development. (AG)
14. Consider and act upon Ordinance No. 2021-52 rezoning 119.4± acres from Planned Development-90 (PD-90), to Planned Development-111 (PD-111), located on the north side of US 380, east of Coit Road, generally to amend the single-family detached residential and single-family attached (townhome) residential development standards. (Z21-0009). (AG)
15. Consider and act upon authorizing the Town Manager to execute a Development Agreement between 55 Prosper, LP and HH Lakewood Drive Development, LP, and the Town of Prosper, Texas, related to the Brookhollow West development. (AG)
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, including Lakewood Park. (AG)

Councilmember Ray requested to pull item #11 and #14.

Mayor Pro-Tem Miller made a motion to approve consent agenda Items 4 thru 10 and 12, 13, 15, and 16. Councilmember Ray seconded that motion and the motion was unanimously approved.

Councilmember Ray stated in regards to item #11 he is not in favor of this proposed ordinance and for item #14, he would like to see the language changed from all lots to only an adjusted number of lots with the ordinance.

Councilmember Cotten made a motion to approve items #11 and #14 as presented. Mayor Pro-Tem Miller seconded that motion. The motion was approved by a vote of 5-1 with Councilmember Ray voting in opposition.

### **CITIZEN COMMENTS:**

Mayor Smith reviewed some of the provisions of the Town Charter related to the appointment, removal, direction and supervision of Town personnel. He stated that he is happy to announce that Prosper Fire Chief Stuart Blasingame has rescinded his resignation from the Town of Prosper. After meeting with the Town Manager yesterday, Chief Blasingame has chosen to rescind the announcement of his departure and continue to serve as the Town's Fire Chief. Chief Blasingame is a beloved and well-respected member of the Town's Executive Team and the community, and we are glad he has made the decision to stay with us and to continue to serve and lead as our Fire Chief here in Prosper. Chief Blasingame has proven himself to be an effective leader in a fast-growth environment, and he will continue to play a pivotal role during this exciting time as the Town continues to grow.

Rob Sless, 1001 Willowgate Drive, commented on the value of the first responders and the need of the Town to compensate them accordingly due to their continued commitment.

Brian Strouen, 991 Willowgate Drive, commented on the asset a Fire Department is to the community, the commitment from the Fire Chief, and the importance of their compensation.

Jack Dixon, 810 Long Valley Ct, thanked the Town, the ISD, the Fire and Police departments, and all veterans who attended the 9/11 ceremony. He noted the importance of remembering and honoring those that endured this tragic event.

Jessica Kutz, 621 Sondra Circle, stated her family is in law enforcement and emphasized the importance being competitive with their salaries due to the the nature of their job.

James Pope, 1640 Gentle Way, stated he is retired from law enforcement and supports the Town Council for their leadership of public safety, and noted his support for the two cents decrease in the tax rate and increase in the public safety compensation.

Thom Vars, 4191 Pepper Grass Lane, commented that he was not in favor of additional businesses at this time in west Prosper until US 380 is expanded due to increased traffic.

Noil Saunders, 4411 Mill Branch Road, submitted a public comment request form, but did not speak.

Allison Alexander, 1210 Millers Creek Drive, submitted a public comment request form, but did not speak.

**Items for Individual Consideration:**

- 17. Conduct a Public Hearing to consider and discuss a proposal to adopt a tax rate of \$0.52 per \$100 valuation. (BP)**
- 18. Discuss FY 2021-2022 Proposed Budget. (BP)**

Mayor Smith stated the following two agenda items are being opened concurrently.

Ms. Pamplin presented an overview of the proposed tax rate, the average home values in Denton and Collin County, and the comparisons with the Homestead Exemptions offered by the Town's comparison cities.

Ms. Pamplin outlined projects within an accelerated Capital Improvement Program (CIP) in regards to the proposed fiscal year 2021-2022 budget, along with proposed projects funded within the General Fund drawdown/settlement funds, additional positions, and Grant Fund budgetary changes. She outlined the recommendations made by the Finance Committee, which included a market adjustment for sworn police and fire positions from the proposed budget to 4.5%, to not allocate the funds with the General Fund drawdown/settlement funds, but rather to transfer those to capital projects funds and determine the projects at a later date, and to remove the following items from the proposed budget: Frontier Park Storage Building, covered parking for Police, traffic signal upgrades, and/or budget amendments, and reducing the cost of the Comprehensive Plan update. Ms. Pamplin asked for direction from the Town Council on how to proceed.

Mayor Smith opened the public hearing.

Dominick Burley, 4430 Bristleleaf Lane, is not support any budget that does not include a tax rate reduction of at least \$0.02 to \$0.06 cents.

Justin Weaver, 4750 Desert Willow Drive, is opposed to the tax rate reduction unless it is \$0.04 cents. He noted he would like to see infrastructure accelerated and would support a 7.5% market increase for public safety personnel and at least \$1.5 million in expense reductions. He also noted he opposes any budget amendment that adjusted the budget instead of moving it into current fiscal year budget.

Doug Charles, 4360 Mill Branch Drive, stated that he is part fo the Prosper Citizen Group and would be in favor of a four cent reduction in the tax rate, accelerating infrastructure plans, and a 7% market increase in public safety compensation. He encouraged the Town Council to reduce any excessive percentage of funds within the rainy day fund.

Kristina Zitkovich, 3864 White Clover Lane, would like the property tax rate to be reduced by two cents, but would support a four cent reduction. She also would like to see a 7.5% market increase in public safety compensaton and at least a \$1.5 million in expenses reductions.

Danielle Usher, 3770 Dunlavy Drive, is opposed to the proposed tax rate and would be in favor of a two cent reduction.

Michael Lauch, 4890 Rockcross Ct, does not support any budget that does not include a tax rate reduction.

Emily White, 4190 Wiley Hill Drive, opposes any budget that doesn't lower the tax rate by at least two cents.

Cory Van Kleeck, 4400 Mill Branch Drive, is opposed to any proposed budget without at least a minimum two cent property tax reduction.

Laura Weaver, 4750 Desert Willow Drive, is opposed to any proposed budget without at least a minimum two cent property tax reduction, but would support up to a four cent reduction. She also would like to see a 7.5% market increase in public safety compensation and at least a \$1.5 million in expenses reductions.

Lia Shah, 3811 Pepper Grass Lane, is opposed to the proposed property tax rate.

Paul Rattin, 4451 Liberty Drive, is opposed any budget that does not include a public safety rise of 7.5% and at least \$1.5 million in expense reduction for fiscal year 2020-2021.

Casey Crawford, 4500 Bluestem, is in opposition to the proposed budget. He would like to see a two to six cent reduction in the tax rate.

Donald Crawford, 4500 Bluestem, is in opposition to the proposed budget. He would like to see a two to six cent reduction in the tax rate.

Jean Schachter, 4031 Pavonia Lane, is vigorously opposed to any budget that does not lower the tax rate by at least four cents.

Kur and Faith Weikert, 1801 Blue Forest would support a reduction in the property tax.

Tom Banks, 4191 Pepper Grass Lane, would like to see infrastructure projects accelerated, but noted the labor shortages being experienced everywhere, and delay projects. He would also like to see funds re-allocated back to the citizens.

Mayor Smith closed the public hearing.

The Town Council discussed the scenarios of whether to lower or keep the proposed tax rate based on current growth, infrastructure projects, sales tax projections, and the recommendations made by the Finance Committee.

After a lengthy discussion, Mayor Smith was in favor of the \$0.52 property tax rate; Mayor Pro-Tem Miller, Councilmembers Ray and Bartley would support a \$0.51 rate, and Councilmember Cotten \$0.50 or \$0.51 rate.

The consensus of Council was also to increase the compensation of the public safety personnel, remove the Frontier Park storage building and the traffic signal upgrades from the budget, and reduce the Comprehensive Plan project to \$107,000 and the covered parking to \$179,000.

The Town Council agreed to continue discussions of the CIP project list at its next quarterly Strategic Plan meeting on November 13.

19. **Conduct a Public Hearing, and consider and act upon an ordinance for a Specific Use Permit (SUP) for a Commercial Stable (Whispering Farms Equestrian Center), on 26.5± acres, located on the south side of Prosper Trail, east of Coit Road. (S21-0002). (AG)**

Mr. Glushko stated this request is to allow for the construction of additional improvements at the existing Whispering Farms Equestrian Center. The existing center currently includes structures totaling approximately 46,000 square-feet, with 53 horse stables. The zoning ordinance would require an SUP for a Commercial stable. The applicant is proposing to construct an arena cover and a covered automatic horse walker. The Planning and Zoning Commission unanimously recommended approval. Staff is recommending approval.

Mayor Smith opened the public hearing.

No comments were made.

Mayor Smith closed the public hearing.

Councilmember Hodges made a motion to approve an ordinance for a Specific Use Permit (SUP) for a Commercial Stable (Whispering Farms Equestrian Center), on 26.5± acres, located on the south side of Prosper Trail, east of Coit Road. (S21-0002). Councilmember Cotten seconded that motion and the motion was unanimously approved.

**20. Conduct a Public Hearing, and consider and act upon a request for a Specific Use Permit (SUP) for a Major Nursery (Calloway's), in Gates of Prosper, on 3.2± acres, located on the north side of Richland Boulevard, west of Preston Road. The property is zoned Planned Development-67 (PD-67). (S21-0001). (AG)**

Mr. Glushko stated this request is to allow for a major nursery (Calloway's) in the Gates of Prosper. The site includes an indoor retail space, outdoor retail space, and a greenhouse area. The landscaping meets the minimum standards of the Town's Zoning Ordinance and the applicant has satisfied all other requirements to satisfy an SUP. The Planning and Zoning Commission unanimously recommended approval. Staff recommends approval subject to Town Council approval of a Development Agreement.

Councilmember Ray asked about the loading zone area and if there was any uplighting on the columns.

Marc Ward, CEO of Calloways, provided a brief history of the company and commented on the building and the importance of air flow.

Nicholas Link stated they would add the uplighting and described the loading zone area for Councilmember Ray.

Mayor Smith opened the public hearing.

No comments were made.

Mayor Smith closed the public hearing.

Councilman Ray made a motion to approve a request for a Specific Use Permit (SUP) for a Major Nursery (Calloway's), in Gates of Prosper, on 3.2± acres, located on the north side of Richland Boulevard, west of Preston Road. The property is zoned Planned Development-67 (PD-67). (S21-0001) subject to lighting enhancements. Councilwoman Bartley seconded that motion and the motion was unanimously approved.

21. **Conduct a Public Hearing, and consider and act upon a request to rezone 163.2± acres, from Planned Development-90 (PD-90) to Planned Development (PD), to facilitate the development of a single family residential subdivision with private social club, located on the north side of First Street, east of Coit Road. (Z20-0021). (AG)**

Mayor Smith stated the applicant has requested to table this item.

Mayor Pro-Tem Miller made a motion to table a an ordinance for a Specific Use Permit (SUP) for a Commercial Stable (Whispering Farms Equestrian Center), on 26.5± acres, located on the south side of Prosper Trail, east of Coit Road. (S21-0002) to September 28, 2021. Councilmember Hodges seconded that motion and the motion was unanimously approved.

22. **Consider and act upon an ordinance amending Ordinance No. 2020-71 (FY 2020-2021 Budget). (BP)**

Mr. Jefferson stated based on previous conversations held by the Town Council, the new total for expenditures is \$1,834,496. They also will remove Frontier Park storage from the budget as requested.

Doug Charles, 4360 Mill Branch Drive, is in opposition of this item.

Justin Weaver, 4750 Desert Willow Drive, opposes any budget amendment that adjust the budget instead of moving it into current fiscal year budget.

Laura Weaver, 4750 Desert Willow Drive, opposes any budget amendment that adjust the budget instead of moving it into current fiscal year budget.

Danielle Usher, 3770 Dunlavy Drive, is opposition of this item.

Paul Rattin, 4451 Liberty Drive, is in opposition of this item.

Councilmember Cotten made a motion to approve Ordinance No. 2021-54 amending Ordinance No. 2020-71 (FY 2020-2021 Budget) with new totals presented. Councilmember Hodges seconded that motion and the motion was unanimously approved.

*The Town Council took a brief recess from 7:43 p.m. to 8:09 p.m.*

23. **Consider and act upon an ordinance adopting the Fiscal Year (FY) 2021-2022 Annual Budget and Capital Improvement Program for the fiscal year beginning October 1, 2021, and ending September 30, 2022. (BP)**

Ms. Pamplin stated in regards to Exhibit A based on the previous direction given earlier, the new proposed total General Fund budget is \$41,142,021 and the total of all funds is \$119,476,797.

Doug Charles, 4360 Mill Branch Drive, stated he still is in opposition fo the proposed and expressed frustration for the Town Council not discussing assumptions for next fiscal year.



Councilmember Cotten made a motion to approve Ordinance No. 2021-55 adopting the Fiscal Year (FY) 2021-2022 Annual Budget and Capital Improvement Program for the fiscal year beginning October 1, 2021, and ending September 30, 2022 as proposed with a new General Fund Total of \$41,142,021 and a new total of all funds of \$119,476,797, and to make appropriate revisions to the attached ordinance. Mayor Pro-Tem Miller seconded that motion and the motion was unanimously approved by a roll call vote.

Councilmember Ray made a motion to ratify the property tax revenue as reflected in the fiscal year 2021-2022 budget. Mayor Pro-Tem Miller seconded that motion and the motion was unanimously approved by a roll call vote

**24. Consider and act upon an ordinance adopting the Town of Prosper 2021 Property Tax Rate. (BP)**

Ms. Pamplin noted the new Maintenance and Operations (M&O) rate of \$0.3280 based on a \$0.51 property tax rate.

Councilwoman Bartley made a motion that the property tax rate be decreased by the adoption of a tax rate of \$0.51, which is effectively a 5.84 percent increase in the tax rate, and to make the appropriate changes to the attached ordinance. Councilmember Ray seconded the motion. Mayor Smith called the roll and the motion passed with a 5-1 vote, with Mayor Smith voting in opposition.

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

This item was not discussed.

Robyn Battle, Executive Director of Community Services, introduce Michelle Lewis Sirianni, the new Town Secretary. The Town Council welcomed Ms. Lewis Sirianni to the staff.

**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, including the resignation of the Fire Chief, and all matters incident and related thereto.*

*Section 551.071 - Consultation with the Town Attorney regarding legal issues associated with compensation and employee incentives regarding leave policies.*

*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 8:23 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 9:21 p.m.

Mayor Pro-Tem Miller made a motion to appoint the following to each board and commission.

<b>BOARD NAME</b>	<b>TERM EXPIRES</b>	<b>APPOINTEE</b>
<b>BOARD OF ADJUSTMENT / CONSTRUCTION BOARD OF APPEALS</b>		
Place No. 1	9/30/2023	Ken Dugger
Place No. 3	9/30/2023	George Dupont
Place No. 5	9/30/2023	Joe Tremblay
Place No. 7	9/30/2023	Brad Black
<b>ECONOMIC DEVELOPMENT CORPORATION</b>		
Place No. 5	9/30/2024	Chad Gilliland
Place No. 6	9/30/2024	Jordan Simms
Place No. 7	9/30/2024	Don Perry
<b>LIBRARY BOARD</b>		
Place No. 1	9/30/2023	Danielle Phillipson
Place No. 3	9/30/2023	Lenorah Johnsson
Place No. 5	9/30/2023	Mandi Jacksonn
Place No. 7	9/30/2023	Andrew Cartwright
<b>PARKS AND RECREATION BOARD</b>		
Place No. 1	9/30/2023	Ty Bledsoe
Place No. 3	9/30/2023	Valerie Little
Place No. 5	9/30/2023	Cameron Reeves
Place No. 7	9/30/2023	John Metcalf
<b>PLANNING AND ZONING COMMISSION</b>		
Place No. 1	9/30/2023	Sekou Harris

Place No. 3	9/30/2023	Sarah Peterson
Place No. 5	9/30/2023	Chris Kern
Place No. 6	9/30/2022	Damon Jackson
Place No. 7	9/30/2023	Brandon Daniel

**Community Engagement Committee:** adding Ashleigh Hughes, James Creedon, and Nilesh Patel.

Councilmember Cotten seconded that motion and the motion was unanimously approved.

**Adjourn.**

The meeting was adjourned at 9:25 p.m.

These minutes approved on the 28<sup>th</sup> day of September 2021.



**APPROVED:**

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

**ATTEST:**

*Michelle Lewis Sirianni*  
 \_\_\_\_\_  
 Michelle Lewis Sirianni, Town Secretary