



*Prosper is a place where everyone matters.*

## **Minutes**

**Prosper Town Council Meeting**  
Council Chambers  
Prosper Town Hall  
250 W. First Street, Prosper, Texas  
Tuesday, February 25, 2020

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

The meeting was called to order at 5:47 p.m.

#### **Council Members Present:**

Mayor Ray Smith  
Mayor Pro-Tem Curry Vogelsang, Jr.  
Councilmember Marcus E. Ray  
Councilmember Craig Andres  
Councilmember Meigs Miller  
Councilmember Jeff Hodges

#### **Council Members Absent:**

Deputy Mayor Pro-Tem Jason Dixon

#### **Staff Members Present:**

Harlan Jefferson, Town Manager  
Terry Welch, Town Attorney  
Robyn Battle, Town Secretary/Public Information Officer  
Betty Pamplin, Finance Director  
January Cook, Purchasing Manager  
Leslie Scott, Library Director  
Hulon Webb, Engineering Services Director  
Pete Anaya, Assistant Director of Engineering Services – Capital Projects  
John Webb, Development Services Director  
Alex Glushko, Planning Manager  
Frank Jaromin, Public Works Director  
Doug Kowalski, Police Chief  
Scott Brewer, Assistant Police Chief  
Stuart Blasingame, Fire Chief  
Bill Bonny, Division Chief  
Kent Bauer, Emergency Management Coordinator

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

Mike Martin of Hope Fellowship Church led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were recited.

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

The public is invited to join Prosper Fire Rescue as we honor the newest addition to our fleet during a traditional fire service wet-down and push-in ceremony. Truck 1 is the Town's first aerial

ladder truck, which will be housed at Station 1 on First Street. The ceremony will take place this Saturday, February 29, at 11:00 a.m.

In honor of Texas Independence Day on March 2, the Prosper Rotary Club will display Texas Flags on the median of Preston Road near the Town's Gateway Monument. The Republic of Texas declared independence from Mexico on March 2, 1836.

The Town Council invites residents to participate in The Mayor's Fitness Challenge now through April 15. Join fellow Prosper residents in the challenge to walk or run 100 miles, or bike 500 miles in just over 100 days. To register, please visit the Parks and Recreation page on the Town website.

The Town Council would like to congratulate the following individuals who were recognized at this afternoon's Police Department Promotion ceremony:

Dispatch Lead Tiffany McDormand

Dispatch Lead Aidan Daily

Corporal Jeff Hoover

Corporal Michael Alonso

Corporal Preston Robinson

Corporal Lucas Hart

Sergeant Jacob Sellman

Sergeant Larry Windon

Lieutenant Barrett Morris

Lieutenant Bryan Golden

The Council would also like to welcome Dispatcher Katherine Hickman. Congratulations to all.

Finally, the Council would like to express our condolences for the loss of Midlothian City Councilmember Art Pierard, who was killed in an automobile accident last Wednesday. Our thoughts and prayers are with Councilman Pierard's family, and the Midlothian community.

#### **Discussion Items.**

##### **1. Coronavirus (COVID-19) Update. (BB)**

Division Chief Bill Bonny presented this item before the Town Council. Six individuals with Coronavirus (COVID-19) have been quarantined in the State of Texas. The Town of Prosper is working closely with state and county officials, and processes are in place for notifying local officials if a case is identified in Collin or Denton County or in Prosper. Town of Prosper first responders are trained in response protocols to protect patients, first responders, and the public. The risk to residents in Prosper remains low. Residents are encouraged to practice good hygiene, monitor their health, stay home if they are sick, and practice responsible diligence to limit the spread of the virus.

#### **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.**

##### **2. Consider and act upon the minutes from the February 11, 2020, Town Council meeting. (RB)**

3. Consider and act upon Ordinance No. 2020-08 repealing Article 1.06, "Records Management," of Chapter 1, "General Provisions," of the Town's Code of Ordinances and replacing it with a new Article 1.06, "Records Management." (RB)
5. Consider and act upon Resolution No. 2020-10 supporting and authorizing a grant application to the Office of the Governor for a FY 2020-2021 Justice Assistance Grant (JAG). (KB)
6. Consider and act upon Ordinance No. 2020-11 repealing existing Subsection (c) of Section 1.04.032, "Number of Members," of Division 1, "Library Board," of Article 1.04, "Boards, Commissions and Committees," of Chapter 1, "General Provisions," of the Code of Ordinances of the Town of Prosper, Texas, by removing a Prosper Independent School District non-voting member from the Library Board. (LS)
7. Consider and act upon amendments to Section 1.05, "Meetings," of the Library Board's Bylaws to (1) change the Board's meetings to quarterly meetings, or as needed, and (2) to provide for the duties of a Board Secretary. (LS)
8. Consider and act upon awarding CSP No. 2020-42-A to Zayo Group, LLC, as submitted by Sandler Partners, an internet provider distributor, related to dedicated fiber internet services at Town Hall, and authorizing the Town Manager to execute a Service Order for same. (LJ)
9. Consider and act upon approving an annual fixed-price agreement for the purchase of Neptune water meters and related items, at the unit prices guaranteed, from Core & Main, a sole source provider. (FJ)
11. Consider and act upon authorizing the Town Manager to execute a Water Impact Fee Reimbursement Agreement between 1385 & 380 Investments LP, Prosper 1385 Investments LP, and the Town of Prosper, Texas, related to the extension of water lines to serve the Westside development. (HW)
12. Consider and act upon authorizing the Town Manager to execute a Development Agreement between 1385 & 380 Investments LP and Prosper 1385 Investments LP, and the Town of Prosper, Texas, related to the Westside development. (AG)
13. Consider and act upon Ordinance No. 2020-12 rezoning 1.6± acres from Single Family-15 (SF-15) to Planned Development-Downtown Office (PD-DTO), located on the north side of Broadway Street, west of Craig Road. (Z19-0023). (AG)
14. Consider and act upon authorizing the Town Manager to execute a Development Agreement between Dugan P. Kelley and Matthew Clarke, and the Town of Prosper, Texas, related to the Downtown Office development, located at 603 E. Broadway Street. (AG)
15. Consider and act upon Ordinance No. 2020-13 amending the Future Land Use Plan from Low Density Residential to Tollway District, generally located on the north side of Prosper Trail, west of Shawnee Trail. (CA19-0005). [Companion Case Z19-0024] (AG)

16. **Consider and act upon Ordinance No. 2020-14 to rezone 3.4± acres from Agricultural (A) to Office (O) and 5.6± acres from Agricultural (A) to Single Family-15 (SF-15), located on the north side of Prosper Trail, west of Shawnee Trail. (Z19-0024). [Companion Case CA19-0005] (AG)**
17. **Consider and act upon authorizing the Town Manager to execute a Development Agreement between The Carnegie Holding Company, LLC, and the Town of Prosper, Texas, related to the CHC Prosper Trail Office development. (AG)**
18. **Conduct a Public Hearing, and consider and act upon Ordinance No. 2020-15 rezoning 0.4± acres from Single Family-15 (SF-15) to Downtown Office (DTO), located on the north side of Broadway Street, east of Parvin Street (511 E. Broadway Street). (Z20-0001). (AG)**
19. **Consider and act upon authorizing the Town Manager to execute a Development Agreement between Lifelong Properties, LLC, and the Town of Prosper, Texas, related to a downtown office located on the north side of Broadway Street, east of Parvin Street (511 E. Broadway Street). (AG)**

Councilmember Hodges removed Item 4 from the Consent Agenda.

Councilmember Andres removed Item 10 from the Consent Agenda.

Councilmember Hodges made a motion and Councilmember Andres seconded the motion to approve all remaining items on the Consent Agenda. The motion was approved by a vote of 6-0

4. **Consider and act upon repealing Resolution No. 13-51 and replacing with Resolution No. 2020-09 delegating authority to the Town's Purchasing Manager to determine the best method of procurement for the purchase of goods and services. (JC)**

Purchasing Manager January Cook responded to a question from Council, stating that \$500 is the maximum amount that can be justified for liquidated damages. Town Attorney Terry Welch elaborated, stating that the Town may recover more, if there are quantifiable damages. Town Manager Harlan Jefferson stated that the Town was able to recover more than \$500 in liquid damages associated with the construction of Town Hall, since there were quantifiable expenses that could be claimed, such as leases that were required to be extended.

After discussion, Councilmember Hodges made a motion and Councilmember Miller seconded the motion to repeal Resolution No. 13-51 and replace with Resolution No. 2020-09 delegating authority to the Town's Purchasing Manager to determine the best method of procurement for the purchase of goods and services. The motion was approved by a vote of 6-0.

10. **Consider and act upon awarding CSP No. 2020-25-B to Pavecon Public Works, LP, related to construction services for the Cook Lane Phase 2 Improvement project; and authorizing the Town Manager to execute a construction agreement for same. (PA)**

Pete Anaya, Deputy Director of Engineering Services – Capital Projects, presented this item before the Town Council. He confirmed that the conduit that was being installed for this project is typical of conduit that has been used in other Town projects. Two lines are reserved for Town use, and the remainder is available for other users.

After discussion, Councilmember Andres made a motion and Councilmember Hodges seconded the motion to award CSP No. 2020-25-B to Pavecon Public Works, LP, related to construction services for the Cook Lane Phase 2 project; and authorize the Town Manager to execute a construction agreement for same. The motion was approved by a vote of 6-0

### **CITIZEN COMMENTS**

**The public is invited to address the Council on any topic. However, the Council is unable to discuss or take action on any topic not listed on this agenda. Please complete a “Public Meeting Appearance Card” and present it to the Town Secretary prior to the meeting.**

Jerry Rayburn, 1560 Blue Forest Drive, Prosper, expressed concern over the widening of FM 1461, which is adjacent to his neighborhood. He requested that safety barriers and sound abatement be installed, and for a representative from Town staff to communicate with adjacent HOAs about the ongoing progress of the project.

### **REGULAR AGENDA:**

**If you wish to address the Council, please fill out a “Public Meeting Appearance Card” and present it to the Town Secretary, preferably before the meeting begins. Pursuant to Section 551.007 of the Texas Government Code, individuals wishing to address the Council for items listed as public hearings will be recognized when the public hearing is opened. For individuals wishing to speak on a non-public hearing item, they may either address the Council during the Citizen Comments portion of the meeting or when the item is considered by the Town Council.**

### **Items for Individual Consideration:**

- 20. Conduct a Public Hearing, and consider and act upon a request for a Sign Waiver for Gates of Prosper, Phase 2, located on the southwest corner of Preston Road and Lovers Lane, generally to allow for signage consistent with the signage located in Gates of Prosper, Phase 1. (MD20-0001). (AG)**

Planning Manager Alex Glushko presented this item before the Town Council. The applicant is proposing a Sign Waiver to allow masonry borders and identity signing for Gates of Prosper, Phase 2, in order to allow for signage consistent with existing signage located on the east side of Preston Road in Gates of Prosper, Phase 1.

Scott Shipp, representing the applicant, Blue Star Land, provided additional information about the request, noting that the applicant is still working on the final design of the signage.

Mayor Smith opened the Public Hearing.

With no one speaking, Mayor Smith closed the Public Hearing.

Councilmember Hodges made a motion and Councilmember Miller seconded the motion to approve the request for a Sign Waiver for Gates of Prosper, Phase 2, located

on the southwest corner of Preston Road and Lovers Lane, generally to allow for signage consistent with signage located in Phase 1. The motion was approved by a vote of 6-0.

- 21. Conduct a Public Hearing, and consider and act upon an ordinance amending Planned Development-99 (PD-99), on 19.4± acres, located on the northwest corner of Mahard Parkway and US 380, generally to allow for the rental of cargo trucks as an incidental use at Longo Toyota. (Z20-0002). (AG)**

Alex Glushko presented this item before the Town Council. The current PD-99 does not allow rental of cargo trucks as an accessory use. Longo Toyota has submitted a request to allow for a maximum of five cargo trucks, a maximum of twenty-six feet in length, to be located on the north side of the dealership building for rental. The rental trucks are not permitted to be displayed along the roadway, and are limited to a specified area on the property.

Mayor Smith opened the Public Hearing.

With no one speaking, Mayor Smith closed the Public Hearing.

Councilmember Hodges made a motion and Councilmember Ray seconded the motion to approve Ordinance No. 2020-16 amending Planned Development-99 (PD-99), on 19.4± acres, located on the northwest corner of Mahard Parkway and US 380, generally to allow for the rental of cargo trucks as an incidental use at Longo Toyota. The motion was approved by a vote of 6-0.

- 22. Consider and act upon a resolution creating a Special Citizens Bond Advisory Committee for the proposed 2020 bond election and establishing a charge for the Committee; and the appointment of Committee members. (HJ)**

Town Manager Harlan Jefferson presented this item before the Town Council. The proposed resolution would create a Bond Committee comprised of Prosper citizens for the purposes of studying issues and projects related to a possible bond election in November 2020. The Committee will consider inclusion of public safety facilities, parks, recreation and leisure facilities, and street projects in a ten-year bond program not to exceed \$210 million in capital project costs.

This item was continued after the Executive Session.

**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 551.071 - Consultation with the Town Attorney regarding legal issues associated with the Town's sign ordinance, 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 6:20 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 10:12 p.m. No action was taken as a result of the Closed Session.

- 22. Consider and act upon a resolution creating a Special Citizens Bond Advisory Committee for the proposed 2020 bond election and establishing a charge for the Committee; and the appointment of Committee members. (HJ)**

Town Manager Harlan Jefferson continued the presentation of this item. After discussion, Councilmember Miller made a motion and Councilmember Hodges seconded the motion to approve Resolution No. 2020-17 creating a Special Citizens Bond Advisory Committee for the proposed 2020 bond election and establishing a charge for the Committee; further, the committee shall be composed of no more than fifteen residents of the Town of Prosper appointed at large by Town Council. The following Committee members are hereby appointed:

Curry Vogelsang  
Ron Pyle  
Rick McGrath  
George Dupont  
Doug Charles  
Sekou Harris  
Drake Dunn  
Beth Sefcik  
David Bristol  
Melissa Randle  
Eve Henry  
Kerry Zimmerman  
Robert Griffis  
Ken Weaver  
Chris Kern

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

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

- 26. Reynolds Middle School Parking. (HJ)**

Town Manager Harlan Jefferson briefed the Council on parking and safety issues adjacent to Reynolds Middle School. A proposed ordinance regulating parking near the school will be brought forward for Council consideration at a future meeting.

**Adjourn.**

The meeting was adjourned at 10:20 p.m. on Tuesday, February 25, 2020.

These minutes approved on the 24<sup>th</sup> day of March 2020.



**APPROVED:**

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

**ATTEST:**

  
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Melissa Lee, Town Secretary