



*Prosper is a place where everyone matters.*

## Minutes

Prosper Town Council Meeting

Council Chambers

Prosper Town Hall

250 W. First Street, Prosper, Texas

Tuesday, June 09, 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.

Deputy Mayor Pro-Tem Jason Dixon

Councilmember Marcus E. Ray

Councilmember Craig Andres

Councilmember Meigs Miller

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

Councilmember Jeff Hodges

#### **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

Rebecca Zook, Executive Director of Development & Infrastructure Services

Leigh Johnson, Director of Information Technology

Betty Pamplin, Finance Director

Hulon Webb, Engineering Services Director

January Cook, Purchasing Manager

Pete Anaya, Assistant Director of Engineering Services – Capital Projects

John Webb, Development Services Director

Alex Glushko, Planning Manager

Doug Kowalski, Police Chief

Scott Brewer, Assistant Police Chief

Stuart Blasingame, Fire Chief

Dudley Raymond, Director of Parks and Recreation

Paul Naughton, Senior Park Planner, Parks and Recreation

Leslie Scott, Director of Library Services

Dan Heischman, Assistant Director of Engineering Services - Development

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

Pastor Mike Martin, Hope Fellowship 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.**

Northbound Dallas Parkway traffic, south of First Street, will be transitioned from the east side lane to the west side lane beginning on Wednesday, June 10. No delays are expected, but travelers are urged to use caution in the area.

The Prosper Community Library is now offering "Library To-Go Services" for books, audiobooks, and movies. Library cardholders can search the online catalog and place a hold for up to ten items at a time. Library staff will email a notification when items are ready for pickup. For detailed instructions and information, about our Library To-Go service, please visit the Library page on the Town website.

Summer Reading Club is now available for readers of all ages. Library card holders can call the library to sign up at 972-569-1185.

Registration is now open for Prosper's summer recreation programs, camps, and classes. Sign up at [www.ProsperParksandRec.org](http://www.ProsperParksandRec.org). Active adults can enjoy a variety of virtual programs including bingo, trivia, and online fitness classes.

### **Discussion Items.**

**1. Update from the Prosper Police Department. (DK)**

Police Chief Doug Kowalski provided an overview of the Prosper Police Department's participation in the Texas Police Chief's Association (TPCA) Best Practices Recognition Program. Chief Kowalski also provided an update to the Council on departmental written directives (policies & procedures), the code of conduct, bias based policing, guidelines for the use of force, and racial profiling.

David Simpson, 4500 Blue Stem #26106, Prosper, commended the Prosper Police Department on being ahead of the game regarding these issues and encouraged the community to continue to discuss matters such as use of force.

### **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 May 23, 2020, Special Called Meeting. (ML)**
- 3. Consider and act upon the minutes from the May 26, 2020, Town Council meeting. (ML)**
- 4. Receive the April financial report. (BP)**
- 5. Consider and act upon approving the purchase and installation of furniture for the new Police Station and Dispatch Facility, from Workspace Interiors by Office Depot, through the Omnia Partners Cooperative; and authorizing the Town Manager to execute the Proposal and Terms and Conditions of Purchase for same. (JC)**

8. **Consider and act upon approving the purchase of a Subscription License for total email protection from SHI Governmental Solutions, Inc., through a Texas Department of Information Resources (DIR) contract and authorizing the Town Manager to execute an agreement for same. (LJ)**
9. **Consider and act upon approving an Equipment Lease Agreement and Service Agreement for copier equipment and managed print services, between ImageNet Consulting, LLC, and the Town of Prosper, Texas, through a Texas Department of Information Resources (DIR) contract; and authorizing the Town Manager to execute the same. (LJ)**
10. **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)**

Deputy Mayor Pro-Tem Dixon removed Items 6 & 7 from the Consent Agenda.

Councilmember Miller made a motion and Deputy Mayor Pro-Tem Dixon seconded the motion to approve Items 2-5, and 8-10 on the Consent Agenda.

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

6. **Consider and act upon Resolution 2020-49 authorizing the Town Manager to execute an application to the Collin County Parks & Open Space Project Funding Assistance Program for the construction of Hays Park. (DR)**

Deputy Mayor Pro-Tem Dixon had a question on when the construction of Hays Park would be moving forward. Dudley Raymond, Director of Parks and Recreation, stated construction would start at the beginning of next year.

After discussion, Deputy Mayor Pro-Tem Dixon made a motion, and Councilmember Ray seconded the motion to approve Resolution 2020-49 authorizing the Town Manager to execute an application to the Collin County Parks & Open Space Project Funding Assistance Program for the construction of Hays Park.

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

7. **Consider and act upon authorizing the Town Manager to execute a Professional Services Agreement between Dunaway Associates, Inc., and the Town of Prosper, Texas, related to the Pecan Grove Park Phase II Project (2015-PK). (DR)**

Deputy Mayor Pro-Tem Dixon questioned if the Phase II improvements were focused on the northern section of Pecan Grove Park. Dudley Raymond, Director of Parks and Recreation, stated the improvements were across the majority of park, not just the northern section.

After discussion, Deputy Mayor Pro-Tem Dixon made a motion, and Councilmember Ray seconded the motion to approve authorizing the Town Manager to execute a Professional Services Agreement between Dunaway Associates, Inc., and the Town of Prosper, Texas, related to the Pecan Grove Park Phase II Project (2015-PK).

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

**CITIZEN COMMENTS**

Scott Funk, 520 Michelle Ct, Prosper, and Bob Durone, 660 Sibyl Ln, Prosper, spoke on foundation and slope issues with Centurion and Megatel constructed homes within the Crestview subdivision. Centurion and Megatel continue to build homes and conduct repairs within the subdivision.

**REGULAR AGENDA:**

**Items for Individual Consideration:**

11. **Consider and act upon awarding CSP No. 2020-58-B to Ratliff Hardscape, Ltd., related to construction services for the Decorative Monument Signs - Prosper Trail at Coit Road project; and authorizing the Town Manager to execute a construction agreement for same. (PA)**

Pete Anaya, Assistant Director of Engineering Services – Capital Projects, provided an overview that included firm qualifications, project timelines and cost proposals. Ratliff Hardscape, Ltd., was the firm that ranked the highest with a cost of \$145,359.48, and a project timeline of 60 calendar days.

After discussion, Deputy Mayor Pro-Tem Dixon made a motion, and Councilmember Andres seconded the motion to approve awarding CSP No. 2020-58-B to Ratliff Hardscape, Ltd., related to construction services for the Decorative Monument Signs - Prosper Trail at Coit Road project; and authorizing the Town Manager to execute a construction agreement for same.

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

12. **Consider and act upon awarding CSP No. 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 a construction agreement for same. (PA)**

Pete Anaya, Assistant Director of Engineering Services – Capital Projects, provided information on the construction of one of the recommended regional detention/retention ponds to detain storm water flow increases anticipated from the re-development of the Old Town Core District. Accelerated Critical Path, Inc., was the firm that ranked the highest after consideration of Costs, Time, and Qualifications with a cost of \$885,150, and a project timeline of 180 calendar days.

Deputy Mayor Pro-Tem Dixon inquired as to the retention pond aspects, and asked to view the associated engineering designs for it. Council agreed to revisit this item before Executive Session to view the associated engineering designs.

**13. Consider and act upon authorizing the Town Manager to execute a Professional Engineering Services Agreement between Garver, LLC, and the Town of Prosper, Texas, related to the design of the First Street (Dallas North Tollway to Coleman Street) project. (PA)**

Pete Anaya, Assistant Director of Engineering Services – Capital Projects provided information on the project that includes the reconstructing and widening of approximately 5,250 linear feet of existing two-lane asphalt roadway from the Dallas North Tollway to Coleman Street with a four-lane ultimate divided roadway with concrete, curb and underground drainage.

Mayor Pro-Tem Vogelsang questioned what preparations are being done for a future overpass at the BNSF Railroad. Mr. Anaya confirmed the design does not include an overpass at the BNSF Railroad, but the project will include the development of a schematic bridge design over the BNSF's 300 feet of right-of-way in order to establish the right-of-way dedications necessary for a future overpass.

After discussion, Councilmember Ray made a motion, and Councilmember Andres seconded the motion to approve authorizing the Town Manager to execute a Professional Engineering Services Agreement between Garver, LLC, and the Town of Prosper, Texas, related to the design of the First Street (Dallas North Tollway to Coleman Street) project.

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

**14. Update on the Hike and Bike Trail Master Plan. (DR)**

Dudley Raymond, Director of Parks and Recreation, Lenny Hughes, Director of Landscape Architecture at Half Associates, and Kendall Howard, Senior Planner at Half Associates, provided an overview of the Hike and Bike Trail Master Plan. It included plan purpose and process, key public input results, needs assessment, and plan recommendations and implementation.

Councilmember Andres asked about connecting to adjacent communities. Director Raymond commented it is standard to make inter-city trail connections for the purpose of trail networks.

Mayor Pro-Tem Dixon discussed the 12 ft Veloweb sidewalk width and placement of them throughout the town. Also discussed, the prioritizing of the Master Plan and of shifting values over time.

**12. Consider and act upon awarding CSP No. 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 . Pond projects; and authorizing the Town Manager to execute a construction agreement for same. (PA)**

Pete Anaya, Assistant Director of Engineering Services – Capital Projects, presented Council with a previously presented exhibit detailing the aspects of the pond. The possibility of a future neighborhood park at this location was discussed.

After discussion, Deputy Mayor Pro-Tem Dixon made a motion, and Councilmember Ray seconded the motion to approve awarding CSP No. 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 a construction agreement for same.

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

**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.***

The Town Council recessed into Executive Session at 7:51 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 9:17 p.m.

Councilmember Miller made a motion and Deputy Mayor Pro-Tem Dixon seconded the motion to authorize the Town Manager to execute the following:

The Small Business Grant Agreements regarding the disbursement of small business COVID-19 relief grants.

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

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

No topics for future discussion were identified.

**Adjourn.**

The meeting was adjourned at 9:20 p.m. on Tuesday, June 9, 2020.

These minutes approved on the 23rd day of June 2020.

**APPROVED:**

  
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Ray Smith, Mayor

ATTEST:

  
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Melissa Lee, Town Secretary

