



*Prosper is a place where everyone matters.*

**Minutes**  
**Prosper Town Council Meeting**  
Tuesday, May 12, 2020

**Call to Order/ Roll Call.**

The meeting was called to order at 5:49 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  
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  
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  
Stuart Blasingame, Fire Chief  
Dudley Raymond, Director of Parks and Recreation  
Dan Heischman, Assistant Director of Engineering Services - Development

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

Mayor Ray Smith led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were recited.

**Announcements of recent and upcoming events.**

On May 5, 2020, Prosper Fire Rescue received the award and designation of "Recognized Best Practices Fire Department" from the Texas Fire Chiefs Association Best Practices Recognition Program. Prosper Fire Rescue is one of only 23 Fire Departments in the State of Texas to achieve this honor.

This week is National Police Week. In 1962, President Kennedy proclaimed May 15 as National Peace Officers Memorial Day, and the calendar week in which May 15 falls as National Police Week. Established by a joint resolution of Congress, National Police Week is dedicated to honoring law enforcement officers, and pays special recognition to those who have lost their lives in the line of duty for the safety and protection of others.

May 17 – 23 is National EMS Week. This year's theme, "Ready Today. Preparing for Tomorrow," is especially meaningful now as we see the EMS community, first responders, and healthcare workers responding to COVID-19.

Now more than ever it is important to honor the dedicated professionals in our Police and Fire Departments who protect the health, safety, and welfare of our community. Thank you for your service.

The Prosper Town Council would like to remind everyone to stay safe and healthy during the COVID-19 public health emergency by following guidelines for social distancing and doing their part to slow the spread of the virus. Updates and information are available on the Town website and social media channels.

#### **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. Zoning-related Public Hearing items on the Consent Agenda have received a unanimous recommendation for approval by the Planning & Zoning Commission, and no written opposition was received prior to the posting of this agenda. Those wishing to speak on a Public Hearing item on the Consent Agenda should click on "Participants" at the bottom of the screen, and click "Raise Hand." The meeting moderator will acknowledge your request and allow you to speak.**

- 1. Consider and act upon the minutes from the April 28, 2020, Town Council meeting. (ML)**
  
- 3. Consider and act upon Resolution 2020-37 of the Town of Prosper, Texas, authorizing the Town Attorney to bring a condemnation action for the purpose of obtaining approximately 0.0155 acres of real property for right-of-way, situated generally in the Spencer Graham Survey, Abstract No. 359, in the Town of Prosper, Collin County, Texas and being part of a called 15.75-acre tract of land as recorded in Volume 1804, Page 100 of the Deed Records of Collin County, Texas (D.R.C.C.T.), Town of Prosper, Collin County, Texas, necessary for the construction of the Prosper Trail Improvements, Coit Road to Custer Road Project and for other public purposes permitted by law. (PA)**
  
- 4. Consider and act upon Resolution 2020-38 of the Town of Prosper, Texas, authorizing the Town Attorney to bring a condemnation action for the purpose of obtaining approximately 0.0938 acres of real property for right-of-way and 0.0416 acres of real property for grading easement, situated generally in the Larkin McCarty Survey, Abstract No. 600, in the Town of Prosper, Collin County, Texas and being part of Lot 1 of Preston Country Estates as recorded in Volume F, Page 595 of the Plat Records of Collin County, Texas (P.R.C.C.T.) and as recorded in Instrument Number 92-0054135 of the Deed Records of Collin**

County, Texas (D.R.C.C.T.), Town of Prosper, Collin County, Texas, necessary for the construction of the Prosper Trail Improvements, Coit Road to Custer Road Project and for other public purposes permitted by law. (PA)

5. Consider and act upon Resolution 2020-39 of the Town of Prosper, Texas, authorizing the Town Attorney to bring a condemnation action for the purpose of obtaining approximately 0.0767 acres of real property for grading easement, situated generally in the Larkin McCarty Survey, Abstract No. 600, in the Town of Prosper, Collin County, Texas and being part of Lot 6 of Preston Country Estates as recorded in Volume F, Page 595 of the Plat Records of Collin County, Texas (P.R.C.C.T.) and as recoded in Instrument Number 20130611000803820 of the Deed Records of Collin County, Texas (D.R.C.C.T.), Town of Prosper, Collin County, Texas, necessary for the construction of the Prosper Trail Improvements, Coit Road to Custer Road Project and for other public purposes permitted by law. (PA)
6. Consider and act upon Resolution 2020-40 of the Town of Prosper, Texas, authorizing the Town Attorney to bring a condemnation action for the purpose of obtaining approximately 0.1299 acres of real property for grading easement, situated generally in the Larkin McCarty Survey, Abstract No. 600, in the Town of Prosper, Collin County, Texas and being part of a larger tract as recorded in Volume 3992, Page 1165 of the Deed Records of Collin County, Texas (D.R.C.C.T.), Town of Prosper, Collin County, Texas, necessary for the construction of the Prosper Trail Improvements, Coit Road to Custer Road Project and for other public purposes permitted by law. (PA)
7. Consider and act upon Ordinance 2020-41 amending Subsection (6), "Fences or Low Walls in the Required Front Yard of a Residential District," and Subsection (13) of Section 3.19.001, "General Regulations," of Article 3.19, "Fence Regulations," of Chapter 3, "Building Regulations," of the Town's Code of Ordinances, by authorizing the Town Manager to approve alternate materials for fences and low walls. (MD20-0007) (JW)
8. Consider and act upon Ordinance 2020-42 amending Subsections 7.01(b), "Definitions," and 7.01(c), "Decision-Maker," of Subsection 7.01, "Petition for Subdivision Waiver," of Section 7, "Subdivision Relief Procedures," of the Town's Subdivision Ordinance, an exhibit to Article 10.03, "Subdivision Ordinance," of Chapter 10, "Subdivision Regulation," of the Code of Ordinances, by authorizing the Town Manager to approve minor waivers of subdivision design standards. (MD20-0008) (JW)
9. Conduct a Public Hearing, and consider and act upon Ordinance 2020-43 amending Chapter 4 (Development Requirements), Section 1 (Site Plan Process), of the Zoning Ordinance, generally allowing for waiver of certain development regulations by the Town Manager. (Z20-0008) (JW)
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)

Harlan Jefferson, Town Manager, removed Item #2 from the Consent Agenda.

Councilmember Andres had a question on Item #8 regarding the flexibility provided by the ordinance to the Town Manager. John Webb, Development Services Director, discussed the subdivision design standards contained within the Subdivision Ordinance.

After Discussion, Councilmember Hodges made a motion and Councilmember Andres seconded the motion to approve Items 1, and 3-10 on the Consent Agenda.

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

**2. Consider and act upon authorizing the Town Manager to execute an Interlocal Cooperation Agreement between Collin County and the Town of Prosper related to the Coronavirus Aid, Relief, and Economic Security (CARES) Act. (HJ)**

Harlan Jefferson, Town Manager, presented information on the Interlocal Cooperation Agreement between Collin County and the Town of Prosper related to the Coronavirus Aid, Relief, and Economic Security (CARES) Act. The proposed ILA provides for a direct distribution of funds from Collin County to the Town of Prosper for COVID-19-related expenses under the CARES Act.

Council discussed the allocation process of funds and the EDC's proposed grant award program.

After discussion, Councilmember Hodges made a motion and Deputy Mayor Pro-Tem Dixon seconded the motion to approve authorizing the Town Manager to execute an Interlocal Cooperation Agreement between Collin County and the Town of Prosper related to the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

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

**CITIZEN COMMENTS**

There were no Citizen Comments.

**REGULAR AGENDA:**

**Items for Individual Consideration:**

**11. Conduct a Public Hearing, and consider and act upon an amendment to the Thoroughfare Plan to designate anticipated roadway overpasses on US 380 at Gee Road, Teel Parkway, and Legacy Drive and an overpass at First Street and the BNSF railroad. (CA20-0001). (AG)**

Alex Glushko, Planning Manager, provided an overview of the amendment intended to ensure the Thoroughfare Plan is consistent with TxDOT's design plans for expansion of US 380 in Denton County.

Council Discussed additional modifications to the Thoroughfare Plan including additional overpasses along, and a reclassification of, US 380.

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 Ray seconded the motion to table the amendment, and continue the Public Hearing, regarding the Thoroughfare Plan to designate anticipated roadway overpasses on US 380 at Gee Road, Teel Parkway, and Legacy Drive and an overpass at First Street and the BNSF railroad (CA20-0001), to the May 26, 2020, Town Council meeting.

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

12. **Conduct a Public Hearing, and consider and act upon Ordinance 2020-44 rezoning 5.4± acres from Planned Development-40 (PD-40) to Planned Development-Office (PD-O), located east of Good Hope Road, south of Parvin Road. (Z20-0006). (AG)**

Alex Glushko, Planning Manager, discussed location and the type of potential development over time. He noted, the rezoning would allow for flexibility in future use through a special use permit.

The Developer David Blom, Tellus Group, LLC, was present and spoke on the location and commercial uses.

Mayor Smith had questions on size limitations regarding commercial development.

Mayor Smith Opened the Public Hearing.

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

Mayor Pro-Tem Vogelsang made a motion and Councilmember Andres seconded the motion to approve Ordinance 2020-44 rezoning 5.4± acres from Planned Development-40 (PD-40) to Planned Development-Office (PD-O), located east of Good Hope Road, south of Parvin Road. (Z20-0006).

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

13. **Consider and act upon a request to waive the Town's Drainage System Design Requirements for a wet or underground detention pond for the detention pond on the proposed Prosper Retail Addition Tract located within Town's ETJ. (DH)**

Dan Heischman, Assistant Director of Engineering Services, provided an overview of location and development plans for the property.

The applicant, Matt Moore of Clay Moore Engineering, discussed the location of the pond toward back of the property and drainage patterns.

Mayor Pro-Tem Vogelsang had a question on the design of the drainage system associated with this site.

After discussion, Councilmember Ray made a motion and Councilmember Andres seconded the motion to approve the request to waive the Town's Drainage System

Design Requirements for a wet or underground detention pond for the detention pond on the proposed Prosper Retail Addition Tract located within Town's ETJ.

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

14. **Consider and act upon Resolution 2020-45 directing publication of notice of intention to issue Combination Tax and Surplus Revenue Certificates of Obligation for the purpose of funding costs associated with the construction of street improvements and park improvements in the Town (CS).**

Chuck Springer, Executive Director of Administrative Services, provided information on the notice of intention to issue Combination Tax and Surplus Revenue Certificates of Obligation including market timing and purpose of funding.

After discussion, Councilmember Miller made a motion and Councilmember Hodges seconded the motion to approve Resolution 2020-45 directing publication of notice of intention to issue Combination Tax and Surplus Revenue Certificates of Obligation for the purpose of funding costs associated with the construction of street improvements and park improvements in the Town.

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

**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.***

***Section 551.074 - To discuss and review the Town Manager's performance evaluation.***

The Town Council recessed into Executive Session at 7:10 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 7:44 p.m.

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

The Chapter 380 Partnership Agreement between the Town of Prosper and D. Constantine Enterprises, LLC.

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

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

The Independent Contractor Agreement between the Town of Prosper and Public Administrators, Inc., pursuant to the terms discussed in closed session.

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

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

Town Manager Harlan Jefferson will send out notifications for an additional Town Council meeting on an upcoming Saturday.

**Adjourn.**

The meeting was adjourned at 7:46 p.m. on Tuesday, May 12, 2020.

These minutes approved on the 26<sup>th</sup> day of May 2020.

APPROVED:

  
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Ray Smith, Mayor

ATTEST:

  
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Melissa Lee, Town Secretary

