



*Prosper is a place where everyone matters.*

## **Minutes**

**Prosper Town Council Meeting**  
Council Chambers  
Prosper Town Hall  
250 W. First Street, Prosper, Texas  
Tuesday, January 14, 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 Meigs Miller  
Councilmember Jeff Hodges

### **Staff Members Present:**

Harlan Jefferson, Town Manager  
Terry Welch, Town Attorney  
Robyn Battle, Town Secretary/Public Information Officer  
LaShon Ross, Interim Human Resources Director  
Dudley Raymond, Parks and Recreation Director  
Hulon Webb, Engineering Services Director  
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

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

Colonel Carl Rau, Retired Chaplain for the United States Army, led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were recited.

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

Councilmember Marcus Ray read the following announcements:

The Community Library's Winter & Spring 2020 Program is now available, and the Library is now open on Mondays. A variety of events and activities are offered each week for children, teens, and adults. More information is available on the Town website.

The public is invited to join the Town of Prosper, Prosper ISD, and the Prosper Chamber of Commerce for our State of the Community event This Thursday, January 16. PISD Superintendent Dr. Drew Watkins and Town of Prosper Mayor Ray Smith will discuss the exciting things that are happening in our community at Prosper ISD's Children's Health Stadium Community Room. Doors open at 5:30 p.m., followed by the program at 6:30 p.m. Refreshments

will be provided by the Prosper ISD Culinary Arts Program. This event is free and open to the public; however, donations to the Prosper Education Foundation are encouraged.

The new Southbound DNT Frontage Road will open this Saturday, January 18. The new lanes, extending from US 380 to FM 428, will provide significant improvements to traffic flow and reduce travel times for motorists in the Prosper and Celina area.

Town offices will be closed on Monday, January 20, in honor of Martin Luther King Jr. Day.

### **Discussion Items.**

**1. Discussion on proposed 2020 Town Council Meeting schedule. (RB)**

Town Secretary/PIO Robyn Battle presented this item before the Town Council. The Council agreed to cancel the December 22, 2020, Town Council meeting due to the Christmas holiday. Individual Councilmembers will respond directly to Town staff with any additional schedule conflicts. A proposed meeting schedule will be brought forward for Council consideration at a future meeting.

### **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 December 10, 2019, Town Council Meeting. (RB)**
- 3. Receive the November Financial Report. (BP)**
- 4. Consider and act upon authorizing the Competitive Sealed Proposal (CSP) procurement method for construction of dark fiber infrastructure from Town Hall to the Public Safety Facility. (LJ)**
- 5. Consider and act upon approving the purchase and installation of a weather and lightning notification system from Perry Weather Consulting Inc. through the Texas Local Government Purchasing Cooperative, for Frontier Park, Folsom Park, and Eagles Landing, and authorizing the Town Manager to execute documents for the same. (DR)**
- 6. Consider and act upon Ordinance No. 2020-01 rezoning 2.1± acres from Office (O) to Planned Development-Office (PD-O), located on the west side of future Mahard Drive, south of future Prairie Drive. (Z19-0016). (AG)**
- 7. Consider and act upon authorizing the Town Manager to execute a Professional Engineering Services Agreement between Stantec Consultant Services, Inc., and the Town of Prosper, Texas, related to the design of a Traffic Signal at Coit Road and Richland Boulevard. (PA)**
- 8. Consider and act upon authorizing the Town Manager to execute a Professional Engineering Services Agreement between Maldonado-Burkett, LLP, and the Town of Prosper, Texas, related to the design of a Traffic Signal at Fishtrap and Gee Road. (PA)**
- 9. 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 Hodges seconded the motion to approve all items on the Consent Agenda. The motion was approved by a vote of 7-0.

### **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.**

John Safer, 1712 Waggoner Drive, Aubrey, spoke in opposition to apartments being built at FM 1385 and Bryan Road in Aubrey.

Erin Allen, 2700 Arlo Way, Aubrey, spoke in opposition to Aubrey annexing the property proposed for an apartment complex at FM 1385 and Bryan Road in Aubrey.

Dale Stober, 1404 Millican Lane, Aubrey, spoke in opposition to a potential annexation of property by Aubrey at FM 1385 and Bryan Road.

Vicki, Sorgenfrei, 2736 Tobias Lane, Aubrey, spoke in opposition to apartments being built at FM 1385 and Bryan Road in Aubrey.

Yara Soto, 2616 Wayne Avenue, Aubrey, spoke in opposition to apartments being built at FM 1385 and Bryan Road in Aubrey.

Barbara Nugent, 961 Grassy Shore Lane, Prosper, spoke in opposition to the Town Council's approval of smaller lots in the Windsong Ranch Development.

Responding to a question from the Town Council regarding the apartments proposed for FM 1385 and Bryan Road, Town Attorney Terry Welch explained that the property is in the Town of Prosper's extraterritorial jurisdiction (ETJ), and not within its corporate limits; therefore, by law, it cannot be annexed by the City of Aubrey unless the Town of Prosper first releases it from its ETJ. Furthermore, the Town has no authority to zone property in the ETJ.

### **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:**

10. **Consider and act upon an ordinance amending Planned Development-40 (PD-40) in its entirety for Windsong Ranch, generally located on the west side of Teel Parkway, south of Parvin Road, in order to modify the residential development standards. (Z19-0020). (AG)**
11. **Consider and act upon authorizing the Town Manager to execute a Development Agreement between VP Windsong Operation, LLC and VP Windsong**

**Investments, LLC, and the Town of Prosper, Texas, related to the Windsong Ranch development. (AG)**

Mayor Smith opened Items 10 and 11 concurrently.

Planning Manager Alex Glushko presented this item before the Town Council. On November 26, 2019, The Town Council approved the proposed zoning request amending the number and type of lots within the Windsong Ranch development. Additionally, the developer is proposing to allow metal roofing for Type C and Type D lots. A proposed ordinance and development agreement has been prepared accordingly.

Responding to a question from the Council, Town Attorney Terry Welch confirmed that the Town can no longer enforce development standards in the zoning ordinance as a matter of state law. Instead, the Town and the developer have agreed to enter in a development agreement which includes development regulations that are enforceable by the Town, including the use of metal roofs.

David Blom, representing the developer, addressed the Council regarding the proposed development agreement, which includes all of the stipulations discussed at the November 26, 2019, meeting, and all of the development regulations that are in the existing PD. The proposed metal roofs are in response to a request from buyers, and are of higher quality, and a higher cost, than the roofs in the existing development regulations.

After discussion, Councilmember Andres made a motion and Councilmember Ray seconded the motion to approve Ordinance No. 2020-02 amending Planned Development-40 (PD-40) in its entirety for Windsong Ranch, generally located on the west side of Teel Parkway, south of Parvin Road, in order to modify the residential development standards. The motion was approved by a vote of 6-1, with Mayor Pro-Tem Vogelsang casting the opposing vote.

Councilmember Hodges made a motion and Deputy Mayor Pro-Tem Dixon seconded the motion to authorize the Town Manager to execute a Development Agreement between VP Windsong Operation, LLC and VP Windsong Investments, LLC, and the Town of Prosper, Texas, related to the Windsong Ranch development. The revised roof standards for Lot Types C, D, and F shall include "standing seam metal roof with a rating of at least 30 years." The motion was approved by a vote of 6-1, with Mayor Pro-Tem Vogelsang casting the opposing vote.

**12. Conduct a Public Hearing, and consider and act upon a request for a Sign Waiver to allow for a reduced setback for a monument sign at RaceTrac in Westfork Crossing, located on the northwest corner of US 380 and Gee Road. (AG)**

Planning Manager Alex Glushko presented this item before the Town Council. RaceTrac is requesting a reduction to the monument sign setback in order to allow for relocation of their existing monument sign. The purpose of the sign relocation is the result of recent TxDOT right-of-way acquisition associated with plans for an overpass at Gee Road. The recent right-of-way acquisition has caused the existing monument sign to be located over the property line. The applicant is proposing to relocate the sign approximately 20 feet north, outside the right-of-way and existing easements. Andrew Meltzer, representing Racetrac, presented additional information about the request.



Mayor Smith opened the Public Hearing.

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

After discussion, Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Miller seconded the motion to approve the request for a Sign Waiver to allow for a reduced setback for a monument sign at RaceTrac in Westfork Crossing, located on the northwest corner of US 380 and Gee Road. The motion was approved by a vote of 7-0

**13. Discussion on proposed Bond Election. (RB)**

Hulon Webb, Director of Engineering presented information on the Town's ten-year Capital Improvement Program (CIP). After the January 9, 2020, Finance Committee meeting, Town staff prepared an analysis of the projects in the first five years of the CIP, compared to those in years six through ten. Town staff also reviewed projects that would specifically be required to support school construction. Finally, staff reviewed the CIP to determine what projects could reasonably be achieved over the next ten years, and the cost of those projects, taking into account the various funding options available to the Town. If Council chooses to appoint a bond committee, the committee would further study the potential projects and make a recommendation to Council on the projects to be funded through a bond election.

Town Secretary/PIO Robyn Battle continued the presentation by reviewing the potential timelines for holding an election in May 2020, November 2020, or May 2021. The Council discussed the various factors related to each election date.

Town Manager Harlan Jefferson noted that even if the Council chose the November 2020 date, the Town would not issue debt until June or July of 2021, since the traditional practice is to wait until the annual audit is returned in March, and the preliminary appraisal value is released in May. Mr. Jefferson introduced Jason Hughes from Hilltop Securities, the Town's financial advisor. Mr. Hughes confirmed the typical practice is to issue debt in June or July, after the preliminary appraisal values are issued.

After discussion, the Council directed staff to proceed with plans to hold a bond election in May 2021.

Mr. Hughes recommended the Town consider passing a reimbursement resolution to allow the Town to expend funds to start projects before the debt issuance in June or July. Mr. Jefferson confirmed this is a standard annual practice for the Town.

No further action was taken.

**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 ordinance waivers, exceptions, and recommendations, 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 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 7:03 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 9:06 p.m. No action was taken as a result of the Closed Session.

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

**14. Downtown Live! Update. (DR)**

Parks and Recreation Director Dudley Raymond updated the Council on plans for the Downtown Live! event. Town staff met with the downtown merchants in December to get their feedback on the May 2019 event. The feedback from the merchants included a preference for a series of events in the downtown area associated with a music festival, or arts and crafts fair. The Council discussed the merits of the 2019 event, and whether the event should be repeated going forward. After discussion, the Council decided not to hold an event in May; however, Town staff was directed to use the funds allocated for Downtown Live! in the FY 2019-2020 budget to rebrand and grow the annual Community Picnic.

Town Manager Harlan Jefferson updated the Council on a previous discussion regarding the installation of additional television monitors in Council Chambers. The Council directed staff to pursue installing monitors flush against the side walls in Chambers.

**Adjourn.**

The meeting was adjourned at 9:24 p.m. on Tuesday, January 14, 2020.


These minutes approved on the 28<sup>th</sup> day of January 2020.



**APPROVED:**

  
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**Ray Smith, Mayor**

**ATTEST:**

  
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**Robyn Battle, Town Secretary**