



Prosper is a place where everyone matters.

Minutes
Prosper Town Council Meeting
Council Chambers
Prosper Town Hall
250 W. First Street, Prosper, Texas
Tuesday, October 13, 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 Jeff Hodges
Councilmember Meigs Miller

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
Betty Pamplin, Finance Director
January Cook, Purchasing Manager
Rebecca Zook, Executive Director of Development & Infrastructure Services
John Webb, Development Services Director
Hulon Webb, Engineering Services Director
Dan Heischman, Assistant Director of Engineering Services - Development
Alex Glushko, Planning Manager
Frank Jaromin, Director of Public Works
Leigh Johnson, Director of Information Technology
Dudley Raymond, Director of Parks and Recreation
Doug Kowalski, Police Chief
Stuart Blasingame, Fire Chief

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

Police Chaplain Cedric White led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were recited.

Announcements of recent and upcoming events.

Councilmember Ray read the announcements.

The Town Council would like to thank everyone who participated in the Police Station Ribbon Cutting Ceremony and National Night Out on October 6. The new Police Station is located on Safety Way between the Dallas North Tollway and Cook Lane, and features a command center, administrative offices, briefing rooms, locker rooms for staff, and a communications center for 9-

1-1 calls. We appreciate everyone who has contributed to the design, construction, and opening of this new facility, and those who have shown support for the Prosper Police Department.

Residents are invited to "Light Our Town Red" in support of Fire Prevention Month. The Town of Prosper, Prosper ISD, and local community groups are showing support for our Fire Department through the month of October. Prosper Town Hall, the Gateway Monument on Preston Road, and the PISD Football Stadium will be illuminated in red each night, and we encourage residents to do the same by adding red light bulbs to your front porch light and/or landscape lighting to show your support.

Early Voting for the November 3 Election began today and runs through October 30th. Prosper Voters who live in Collin County may vote at Town Hall for Early Voting and Election Day. Collin County voters may also vote at Gateway Church on Prosper Trail Election Day. Denton County voters may vote at any early voting location during early voting, and at St. Martin de Porres Catholic Church on Election Day. Please check the Town's Facebook page, or the Collin County or Denton County Elections websites for more information.

The Virtual Visit with the Mayor is scheduled for tomorrow, October 14th, at 11am. Traditionally hosted as the Mayor's Luncheon, the annual event for Active Adults age 55 and older will be conducted virtually this year via Zoom. Please check the Events Calendar on the Town Website, or the Parks and Recreation Facebook page for more information.

Councilmember Hodges wished Dak Prescott, Cowboys quarterback and Prosper resident, a speedy recovery.

Council wished Mayor Smith a Happy Birthday.

CONSENT AGENDA:

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 September 1, 2020, Town Council Joint Meeting. (ML)**
- 2. Consider and act upon the minutes from the September 22, 2020, Town Council Meeting. (ML)**
- 3. Receive the August financial report. (BP)**
- 4. Consider and act upon Resolution No. 2020-76 expressing official intent to reimburse costs of Town capital improvement program projects that may be funded with proceeds of bonds or other obligations, if those costs are paid prior to the issuance of such bonds or obligations. (BP)**
- 5. Consider and act upon authorizing the Town Manager to accept a grant award from the Federal Emergency Management Agency (FEMA) through Texas Department of Emergency Management (TDEM) (SB)**

6. **Consider and act upon authorizing the Town Manager to execute an Escrow Agreement between the Prosper Independent School District and the Town of Prosper, Texas, related to the future construction of improvements on Frontier Parkway and Fishtrap Road. (HW)**
7. **Conduct a Public Hearing and consider and act upon Ordinance No. 2020-77 rezoning 1.4± acres from Single Family-15 (SF-15) to Downtown Single Family (DTSF), located on the south side of Third Street, east of Coleman Street. (Z20-0017). (AG)**
8. **Consider and act upon authorizing the Town Manager to execute an Interlocal Agreement for Geographic Information System (GIS) services between the Town of Prosper and the City of Frisco. (AG)**
11. **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 9 and 10 from the Consent agenda.

Councilmember Hodges made a motion and Councilmember Andres seconded the motion to approve Items 1 – 8 and Item 11 on the Consent agenda.

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

9. **Consider and act upon a Site Plan, Landscape Plan, and Façade Plan for an auto parts retail store (AutoZone), on 1.0± acre, located on the east side of Preston Road, north of Prosper Trail. The property is zoned Planned Development-68 (PD-68). (D20-0028). (AG)**
10. **Consider and act upon authorizing the Town Manager to execute a First Amended Development Agreement between MQ Prosper Retail LLC and the Town of Prosper, Texas, related to the Shops at Prosper Trail retail development. (AG)**

Deputy Mayor Pro-Tem Dixon mad a motion and Mayor Pro-Tem Vogelsang seconded the motion to table Items 9 & 10 from the Consent agenda to the November 10, 2020, Town Council meeting to allow for additional review.

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

CITIZEN COMMENTS

Arlyn Samuelson, Project Manager for Westwood, was available for any questions Council may have on Items 9 & 10 listed on the Consent agenda. Mayor Smith requested Mr. Samuelson to speak with Town staff.

REGULAR AGENDA:

Items for Individual Consideration:

12. **Consider and act upon awarding Bid No. 2021-03-B to Mario Sinacola & Sons Excavating, Inc., related to construction services for the Cook Lane Phase I project; and authorizing the Town Manager to execute a construction agreement for same. (HW)**

Hulon Webb, Engineering Services Director, provided an overview of Bid No. 2021-03-B to Mario Sinacola & Sons Excavating, Inc., related to construction services for the Cook Lane Phase I project. The project includes the extension of 2,300 linear feet of Cook Lane (37' wide concrete) from the Public Safety Facility site to First Street. The project also includes the installation of a water line and underground drainage system for the roadway with a substantial drainage culvert system under the road at the creek crossing near the Public Safety Facility.

After taking into consideration cost and time, Mario Sinacola & Sons Excavating, Inc, submitted the lowest bid of \$1,741,064.50 (with alternate bid), with a final completion of 150 calendar days. Mario Sinacola & Sons Excavating, Inc., recently completed the construction of Fishtrap Road from Teel Parkway to Stuber Elementary School project, successfully constructed the Safety Way (E-W Collector) project in front of the Public Safety Facility, and is now working on the construction of the Prosper Trail (Coit Road – Custer Road) project. Staff checked the references provided and received positive feedback.

Councilmember Hodges inquired about the final inspection and the two year warranty assessment inspection, specifically, who would complete it. Mr. Webb responded David Stover, the Town's Senior Construction Inspector. Deputy Mayor Pro-Tem Dixon asked if the project could be started this year. Mr. Webb discussed the bid award process and timeframe noting that this project was scheduled to begin towards the end of the year.

After discussion Councilmember Miller made a motion and Councilmember Hodges seconded the motion to approve awarding Bid No. 2021-03-B to Mario Sinacola & Sons Excavating, Inc., related to construction services for the Cook Lane Phase I project; and authorizing the Town Manager to execute a construction agreement for same.

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 551.071 – Consultation with Town Attorney regarding legal issues associated with Fifth Circuit opinion in Reagan National Advertising v. City of Austin, and all matters incident and related thereto

The Town Council recessed into Executive Session at 6:06 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 7:48 p.m.

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

No topics were identified for a future meeting.

Adjourn.

The meeting was adjourned at 7:49 p.m. on Tuesday, October 13, 2020.

These minutes approved on the 27th day of October 2020.

APPROVED:



Ray Smith, Mayor

ATTEST:



Melissa Lee, Town Secretary

