



*Prosper is a place where everyone matters.*

## Minutes

Town of Prosper TIRZ No. 1  
Board of Directors Meeting  
Council Chambers  
Prosper Town Hall  
250 W. First Street, Prosper, Texas  
Tuesday, January 28, 2020

### **MEETING OF THE TOWN OF PROSPER TAX INCREMENT REINVESTMENT ZONE (TIRZ) NO. 1 BOARD OF DIRECTORS**

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

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

#### **Board Members Present:**

Mayor Ray Smith  
Mayor Pro-Tem Curry Vogelsang, Jr.  
Councilmember Marcus E. Ray  
Councilmember Craig Andres  
Councilmember Meigs Miller  
Councilmember Jeff Hodges  
Commissioner Susan Fletcher, Collin County Commissioners Court  
David Bristol, Prosper Economic Development Corporation

#### **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  
Chuck Springer, Executive Director of Administrative Services  
Betty Pamplin, Finance Director  
January Cook, Purchasing Manager  
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.**

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

- 1. Consider and act upon the minutes from the January 22, 2019, TIRZ No. 1 Board Meeting. (RB)**

Commissioner Fletcher made a motion and Mayor Pro-Tem Vogelsang seconded the motion to approve the minutes from the January 22, 2019, TIRZ No. 1 Board Meeting. The motion was approved by a vote of 8-0.

**2. Receive the 2019 Annual Report. (BP)**

Hulon Webb, Director of Engineering, presented this item before the Board. Mr. Webb reviewed the businesses within the TIRZ that have received Certificates of Occupancy during the reporting period. The Town received reimbursement request No. 5 on June 1, 2019, in the amount of approximately \$3.1 million. Approximately \$15 million has been billed to date. Finance Director Betty Pamplin continued the presentation. TIRZ No. 1 received \$1.4 million in revenue during the reporting period through property tax, sales tax, impact fees, and interest. After expenses, the ending balance on September 30, 2019, for TIRZ No. 1 was \$256,466. Ms. Pamplin reviewed the rollback tax revenue for each taxing entity in the TIRZ, and the appraised value.

Mayor Pro-Tem Vogelsang made a motion and Commissioner Fletcher seconded the motion to approve the 2019 Annual Report as presented. The motion was approved by a vote of 8-0.

**Adjourn.**

The meeting was adjourned at 5:58 p.m. on Tuesday, January 28, 2020.

These minutes approved on the 26<sup>th</sup> day of January 2021.

**APPROVED:**

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

**ATTEST:**

  
\_\_\_\_\_  
**Melissa Lee, Town Secretary**





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## Minutes

### Town of Prosper TIRZ No. 2 Board of Directors Meeting

Council Chambers  
Prosper Town Hall

250 W. First Street, Prosper, Texas  
Tuesday, January 28, 2020

### MEETING OF THE TOWN OF PROSPER TAX INCREMENT REINVESTMENT ZONE (TIRZ) NO. 2 BOARD OF DIRECTORS

#### Call to Order/ Roll Call.

The meeting was called to order at 5:58 p.m.

#### **Board Members Present:**

Mayor Ray Smith

Mayor Pro-Tem Curry Vogelsang, Jr.

Councilmember Marcus E. Ray

Councilmember Craig Andres

Councilmember Meigs Miller

Councilmember Jeff Hodges

Commissioner Susan Fletcher, Collin County Commissioners Court

David Bristol, Prosper Economic Development Corporation

#### **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

Chuck Springer, Executive Director of Administrative Services

Betty Pamplin, Finance Director

January Cook, Purchasing Manager

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

#### **1. Consider and act upon the minutes from the January 22, 2019, TIRZ No. 2 Board Meeting. (RB)**

Councilmember Hodges made a motion and Commissioner Fletcher seconded the motion to approve the minutes from the January 22, 2019, TIRZ No. 2 Board Meeting. The motion was approved by a vote of 8-0.

#### **2. Receive the 2019 Annual Report. (BP)**

Hulon Webb, Director of Engineering, presented this item before the Board. Mr. Webb reported that there was no construction activity during the reporting period, but

mentioned the upcoming Children's Hospital and the overpass at the Dallas North Tollway and U.S. Highway 380. Reimbursement number 5 for FY 2018-2019 in the amount of \$74,163 was for interest only. Approximately \$2.3 million has been billed to date. Finance Director Betty Pamplin continued the presentation. TIRZ No. 2 received approximately \$19,000 in revenue during the reporting period through property tax, sales tax, and interest. After expenses, the ending balance on September 30, 2019, for TIRZ No. 2 was approximately \$25,000. Responding to a question from the Board, Town Manager Harlan Jefferson stated that the terms of the TIRZ agreement require the Town to calculate and pay interest on the outstanding balance of the TIRZ. Ms. Pamplin confirmed that the Children's Hospital property will not be subject to rollback tax in the next reporting year.

Mayor Pro-Tem Vogelsang made a motion and Commissioner Fletcher seconded the motion to approve the 2019 Annual Report as presented. The motion was approved by a vote of 8-0.

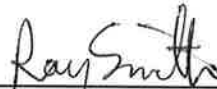
Responding to a question from the Board, Town Manager Harlan Jefferson stated that the Town sent a notice of default letter on January 15, 2020. The developer has 90 days to cure any deficiencies. At that time, the Town may take steps to terminate the development agreement; however, the TIRZ No. 2 would remain in place for future projects.

**Adjourn.**

The meeting was adjourned at 6:08 p.m. on Tuesday, January 28, 2020.

These minutes approved on the 26<sup>th</sup> day of January 2021.

**APPROVED:**



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

**ATTEST:**



\_\_\_\_\_  
Melissa Lee, Town Secretary





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## Minutes

**Prosper Town Council Meeting**  
Council Chambers  
Prosper Town Hall  
250 W. First Street, Prosper, Texas  
Tuesday, January 28, 2020

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

The meeting was called to order at 6:08 p.m.

### **Council Members Present:**

Mayor Ray Smith  
Mayor Pro-Tem Curry Vogelsang, Jr.  
Deputy Mayor Pro-Tem Jason Dixon (arrived at 6:41 p.m.)  
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  
Chuck Springer, Executive Director of Administrative Services  
Betty Pamplin, Finance Director  
January Cook, Purchasing Manager  
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

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

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 Library will host a Theme Craft event on Saturday, February 1, at 11:00 a.m. Bring an empty box, and the library staff will provide all of the supplies needed to create a Valentine Mailbox. Teens and Tweens are also encouraged to register for the Iron Chef Teen Edition at the Library on February 22 at 11:00 a.m. For a full list of programs and activities, please visit the Library page on the Town website.

Emergency Management Coordinator Kent Bauer will present information at the Library on February 6 at 6:00 p.m. on how to prepare for tornadoes. Attendees will participate in a Tornado Scavenger Hunt, and receive helpful information to be better prepared in the event of a tornado.



The Annual Prosper Fishing Derby will take place on Saturday, February 22, from 9:00-11:00 a.m. at Frontier Park. The pond will be stocked, and no fishing license is necessary. Prizes will be awarded in various categories to kids under the age of 14. More information is available on the Town website.

The Town Council would like to welcome Assistant Chief Scott Brewer to the Prosper Police Department. Chief Brewer is a graduate of the FBI National Academy and the Institute for Law Enforcement Administration, and he has over 26 years of experience in the military and law enforcement.

**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 complete a "Public Meeting Appearance Card" and present it to the Town Secretary prior to the meeting.

5. Consider and act upon the minutes from the January 14, 2020, Town Council Meeting. (RB)
6. Consider and act upon the 2020 Prosper Town Council Regular Meeting Schedule. (RB)
7. Consider and act upon Resolution No. 2020-03 approving the Town of Prosper and Prosper Economic Development Corporation (PEDC) Investment Policy and Investment Strategy, and approving the list of qualified brokers/dealers and financial institutions that are authorized to engage in investment transactions with the Town of Prosper and the PEDC. (BP)
8. Consider and act upon authorizing the Town Manager to execute an Agreement between Oncor Electric Delivery Company, LLC, and the Town of Prosper, Texas, related to providing additional electric facilities and electric service to the Public Safety Complex, Phase 1 (Police Station and Dispatch) Facility. (HW)
9. Consider and act upon authorizing the Town Manager to execute an Agreement between Emergicon, LLC, and the Town of Prosper, for specialized professional ambulance billing services. (SB)
10. Consider and act upon authorizing the Town Manager to execute Amendment No. 2 to the Software Maintenance and Hosting Agreement between CentralSquare Technologies, LLC, and the Town of Prosper, Texas, related to continued hosting, maintenance, and support services for TRAKiT Land Management software. (JW)
11. Consider and act upon authorizing the Competitive Sealed Proposal (CSP) procurement method for construction of the Coit Road and US 380 SB Right Turn Lane Project. (PA)
12. Consider and act upon authorizing the Town Manager to execute a License and Maintenance Agreement for three (3) Neighborhood Identification/Wayfinding signs in Windsong Ranch. (JW)

13. **Conduct a Public Hearing, and consider and act upon Ordinance No. 2020-04 rezoning 0.6± acres from Single Family-15 (SF-15) to Downtown Single Family (DTSF), located on the south side of Third Street, east of Coleman Street. (Z19-0022). (AG)**
14. **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 Hodges made a motion and Councilmember Ray seconded the motion to approve all items on the Consent Agenda. 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**

Barbara Nugent, 761 Grassy Shore, Prosper, spoke regarding two recent customer service experiences with Town staff. She thanked staff members for their assistance and helpful attitude. Ms. Nugent also complimented Town staff on the two recent Public Input Meetings for the Hike and Bike Trail Master Plan and the Downtown Open Space Plan.

William Cook, 201 E. 5<sup>th</sup> Street, spoke in appreciation of the Town's high development standards, and he commended Town staff for their commitment to upholding such high standards of excellence.

### **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:**

15. **Conduct a Public Hearing, and consider and act upon a request to amend Planned Development-91 (PD-91), for Cook Children's North Campus, on 23.7± acres, located on the northeast corner of US 380 and Windsong Parkway, to modify the concept plans to accommodate an increased hospital size and modified parking. (Z19-0021). (AG)**

Planning Manager Alex Glushko presented this item before the Town Council. In August 2018, the Town Council approved Planned Development-91 (PD-91) for the Cook Children's North Campus. The plan for the Medical Center included an Urgent Care and Primary Care Center, an Ambulatory Surgery Center, a Medical Office Building, a Helistop, an Outpatient Imaging and Data Center, and a 100-vehicle parking garage. PD-91 also called for a future Hospital of approximately 130,000 square feet. Construction of the Urgent Care and Primary Care Center has been completed and the Center is open to the public. The Medical Office Building, Ambulatory Surgery Center, and the Outpatient Imaging and Data Center are under



construction. With this amendment, the applicant is requesting to amend the PD to update the Conceptual Site Plan, Elevations, and Landscape Plan for the hospital. Mr. Glushko confirmed that while the hospital is no longer considering a parking garage, the surface parking will meet minimum Town standards. The Council expressed concern about preserving the 3-foot berms currently in the project if US 380 is eventually widened. Architect Marc Budaus confirmed that Cook Children's intends to keep the berms even if the road is widened. Kevin Greene, Administrator for Cook Children's stated that he would agree to including the preservation of berms in a Development Agreement.

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 a request to amend Planned Development-91 (PD-91), for Cook Children's North Campus, on 23.7± acres, located on the northeast corner of US 380 and Windsong Parkway, to modify the concept plans to accommodate an increased hospital size and modified parking, subject to ensuring the three-foot berms along the southwest and southeast corridor of US 380 are maintained, regardless of whether future easements change. The motion was approved by a vote of 6-0.

16. **Conduct a Public Hearing, and consider and act upon a request to rezone 2.1± 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)**

Deputy Mayor Pro-Tem Dixon arrived at 6:41 p.m.

Planning Manager Alex Glushko presented this item before the Town Council. The purpose of the request is to allow for the conversion of the existing single family housing into a professional office, which is anticipated to be a law office. The applicant has requested reductions to the minimum landscape setbacks and drive aisle widths to allow for a parking lot to be constructed in front of the existing structure, and to keep the existing detached garage and pool. Planning staff has concerns with the proposed parking lot location being located in front of the existing structure from an aesthetic perspective. Matt Moore of Claymoore Engineering spoke on behalf of the applicant, stating that he does not expect parking to be at full capacity most of the time, and the topography of the lot made parking adjustments difficult. He agreed to include landscaping requirements in a Development Agreement.

Mayor Smith opened the Public Hearing.

George Dupont, 1400 Harvest Ridge, Prosper spoke in opposition to the item, noting that the request does not confirm to the character of the Downtown Office zoning district criteria.

With no one else 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 to rezone 2.1± 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, subject to a development agreement addressing (1) maintenance and consistency of landscaping; (2) replacement landscaping; and (3) maintaining the current height of landscaping



materials along Broadway Street as well as the inclusion of construction materials and architectural features. The motion was approved by a vote of 7-0.

**17. Consider and act upon an ordinance designating a certain area within the Town of Prosper as Neighborhood Empowerment Zone Number 1. (JW)**

Development Services Director John Webb presented this item before the Town Council. In 2009, the Town Council approved a resolution creating Neighborhood Empowerment Zone Number 1 (NEZ 1) to promote economic development within the core downtown area. The resolution was effective for a period of ten years. In lieu of renewing the resolution, the Town Attorney and staff determined it would be advantageous for the Town to adopt the terms in an ordinance. As contained within the original NEZ 1 Resolution, the proposed ordinance provides for the waiver of 75% of certain development-related fees. Additionally, the Town Council may authorize the refund of up to sixty percent of municipal sales tax and/or one-hundred percent of municipal property tax resulting from the new development in NEZ 1. The proposed ordinance provides for a voluntary process to enter into a development agreement to ensure the Town's base zoning district and architectural standards are followed. Development agreements will also be utilized in consideration of any refund of taxes.

During the September 10, 2019, Town Council meeting, staff provided an overview of the previous NEZ 1 for non-residential development and NEZ 2 for residential development. During that meeting, staff indicated the area for non-residential development incentives would be expanded to include existing and future areas up to Craig Road. Due to state law limitations, a NEZ cannot be used for providing incentives for residential development/redevelopment, unless it is solely for the purpose of creating affordable housing. With the demand for new, market rate housing in the downtown area, staff received direction to develop an alternative program to continue to provide certain incentives for residential development/redevelopment. An ordinance creating a Downtown Residential Revitalization Program will be presented to the Town Council at a February meeting.

After discussion, the Town Council directed staff to amend the boundary map of NEZ 1 to include property fronting the east side of Coleman.

Mayor Pro-Tem Vogelsang made a motion and Councilmember Hodges seconded the motion to approve Ordinance No. 2020-05 designating a certain area within the Town of Prosper as Neighborhood Empowerment Zone Number 1. The motion was approved by a vote of 7-0.

**18. Consider and act upon a resolution supporting a comprehensive, coordinated, interagency approach to Freeway Incident Management. (KB)**

Fire Chief Stuart Blasingame presented this item before the Town Council. Town staff is proposing the resolution adopting the Regional Transportation Council's Freeway Incident Management System model resolution which shows Prosper's support of the RTC Resolution R08-10, unifying regional jurisdictions with common standards and practices pertaining to traffic incidents and the reporting, training, and equipment to reduce congestion and improve first responder safety.

Councilmember Miller made a motion and Councilmember Andres seconded the motion to approve Resolution No. 2020-06 supporting a comprehensive, coordinated, interagency approach to Freeway Incident Management. The motion was approved by a vote of 7-0.

19. **Consider and act upon awarding CSP No. 2020-30-B to Mario Sinacola & Sons Excavating, Inc., related to construction services for the Project I - Fishtrap Road and Teel Parkway Intersection 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. The Town received proposals for Project I - Fishtrap Road and Teel Parkway Intersection Improvements, and Project II - Traffic Signal Installation Project. Town staff was able to negotiate with the proposed vendor at a cost savings of over \$150,000; however, proposals for Project II were substantially more than the budgeted amount. Town staff recommended awarding Project I to the proposed vendor, and to rebid Project II as a stand-alone project.

Purchasing Manager January Cook continued the presentation with a demonstration of the Town's e-procurement system. Going forward, many of the documents contained in the Supplier Response section of the bid documents will be referenced, but not included with the Construction Agreement. All documents will be kept on file in the Purchasing Office, and will be available for viewing upon request. The Council approved of using the condensed format for the bid documents.

The Town Council discussed the consequences for vendors who do not meet the timeline in the bid proposals. While liquidated damages are included in the bid documents, Town Manager Harlan Jefferson explained that the best method for ensuring projects are completed on time is by using a good contractor. Town staff is currently working on a new A+B bidding process that will address liquidated damages, while allowing the Town to select the vendor that provides the best value to the Town. Town Attorney Terry Welch noted that liquidated damages may not be punitive; they are intended to recover reasonable costs to the Town.

After discussion, Councilmember Hodges made a motion and Councilmember Andres seconded the motion to award CSP No. 2020-30-B to Mario Sinacola & Sons, Inc., related to construction services for Project I – Fishtrap Road and Teel Parkway Intersection Improvements Project; and authorize 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 551.074 – To discuss and review the Town Manager's performance evaluation.***

***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 7:57 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 10:08 p.m.

Mayor Pro-Tem Vogelsang made a motion and Councilmember Andres seconded the motion to appoint Sarah Peterson to Place 3 of the Planning & Zoning Commission, with a term ending on September 30, 2021; and to appoint Michael Pettis to Place 2 of the Planning & Zoning Commission, with a term ending on September 30, 2020. The motion was approved by a vote of 7-0.

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

**20. Discussion on proposed bond election. (HJ)**

This item will be discussed at the Town Council Strategic Planning Session on January 31, 2020.

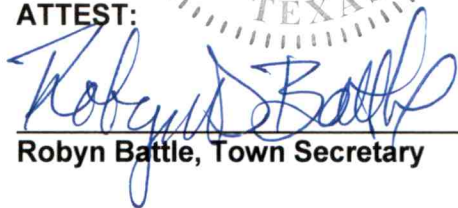
The Council discussed a recent email received from a resident regarding concerns about a crosswalk at Gee Road and Acacia. Town Manager Harlan Jefferson responded that Town staff is aware of the request and has relocated signage at the intersection.

**Adjourn.**

The meeting was adjourned at 10:10 p.m. on Tuesday, January 28, 2020.

These minutes approved on the 11<sup>th</sup> day of February 2020.

**ATTEST:**

  
Robyn Battle, Town Secretary

**APPROVED:**

  
Ray Smith, Mayor