



*Prosper is a place where everyone matters.*

## **Minutes**

**Prosper Town Council Meeting**  
Council Chambers  
Prosper Town Hall  
250 W. First Street, Prosper, Texas  
Tuesday, November 26, 2019

### **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  
Chuck Springer, Executive Director of Administrative Services  
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

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

Mayor Ray Smith led the invocation. Boy Scout Troop 289 posted the colors and joined the Mayor in leading the Pledge of Allegiance and the Pledge to the Texas Flag.

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

The Town of Prosper was recently listed among the US News and World Report's 25 Great Small Towns to Live in the United States. Prosper is among the fastest growing cities and towns in the country, and earned the ranking based criteria such as job opportunities, amenities for families, unique local attractions, and access to larger metropolitan areas.

The annual Prosper Christmas Festival is moving back to Downtown Prosper on Saturday, December 7 from 3:00-7:00 p.m. This year's event will include a Kids Christmas Shop, complimentary horse-drawn carriage rides, Santa's Workshop with interactive children's art projects, Community Stage performances, and a Kid Zone with rides and attractions. The evening will end with Mayor Smith lighting the Community Christmas Tree, with fireworks to follow as the festival finale. More information is available at [www.ProsperChristmasFestival.org](http://www.ProsperChristmasFestival.org)

Prosper Town Hall will have a Prosper Christmas Angel Tree in the lobby for residents to donate Christmas presents to local children and senior citizens. Please take a gift tag off the tree and drop off gifts at the designated location by December 11.

The Council would like to thank Boy Scout Troop 289 for leading us in a flag ceremony and the Pledges of Allegiance this evening. The scouts are attending tonight's meeting as part of their Citizenship in the Community merit badge.

The Town Council would like to wish everyone a very happy Thanksgiving holiday.

### **Presentations.**

**1. Library Services Annual Update. (LS)**

Library Director Leslie Scott updated the Council on the programs and services provided by the Library in 2019.

**2. *One Book, One Town* Presentation. (LS)**

Library Director Leslie Scott announced this year's *One Book, One Town* selection, *Finding Dorothy*, by Elizabeth Letts. The Library is offering books with a similar theme appropriate for teens, beginner readers, and toddlers.

**3. Presentation of a Certificate of Appreciation to a Prosper Eagle Scout in recognition of his work on the Prosper Book Trail. (LS)**

Library Director Leslie Scott and the Town Council presented Jesse Johnson with a Certificate of Appreciation for his work on the Prosper Book Trail.

### **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.

4. **Consider and act upon the Minutes from the November 12, 2019, Town Council Meeting. (RB)**
5. **Consider and act upon canceling the December 24, 2019, Prosper Town Council meeting. (RB)**
6. **Consider and act upon adopting the ExpressVote EVS 6.0.2.0 Universal voting system in Collin County, and the Hart Intercivic Verity Voting 2.3 voting system in Denton County, for early voting in person, early voting by mail, Election Day voting, and provisional voting for all elections held within the Town of Prosper. (RB)**
7. **Consider and act upon approving a Standard Form of Agreement with Pogue Construction Co., LP, for the construction of additional Town Hall office space; and authorizing the Town Manager to execute the same. (CS)**
8. **Consider and act upon approving the purchase of one Ford transit van from Silsbee Ford, Inc., through the Texas Local Government Purchasing Cooperative; and one Rovver camera truck system from Green Equipment Co.,**



through the Houston-Galveston Area Council (HGAC) Cooperative Purchasing Program. (FJ)

9. **Consider and act upon rejecting all proposals received in response to CSP No. 2020-13-B for Project I: Drainage and Sanitary Sewer Improvements for North Church Street and North Parvin Street; and Project II: Grading, Drainage and Structures for Old Town Retention Pond. (PA)**

Councilmember Hodges removed Item 10 from the Consent Agenda.

Deputy Mayor Pro-Tem Dixon made a motion and Mayor Pro-Tem Vogelsang seconded the motion to approve all remaining items on the Consent Agenda. The motion was approved by a vote of 7-0.

10. **Conduct a Public Hearing, and consider and act upon an ordinance rezoning 0.8± acres from Single Family-15 (SF-15) to Downtown Office (DTO), located on the northwest corner of Second Street and Coleman Street. (Z19-0019). (AG)**

Planning Manager Alex Glushko confirmed the proposed motion should reflect an acreage 0.8± acres.

Councilmember Hodges made a motion and Councilmember Miller seconded the motion to approve Ordinance No. 19-84 rezoning 0.8± acres from Single Family-15 (SF-15) to Downtown Office (DTO), located on the northwest corner of Second Street and Coleman Street. 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.**

There were no Citizen Comments.

#### **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:**

11. **Conduct a Public Hearing, and consider and act upon a request to rezone 2.1± acres from Office to Planned Development-Office (PD-O), located on the west side of future Mahard Drive, south of future Prairie Drive, to facilitate the development of a Limited Service Hotel (Holiday Inn Express). (Z19-0016). (AG)**

Planning Manager Alex Glushko presented this item before the Town Council. The purpose of this request is to rezone 2.1± acres from Office to Planned Development-Office to allow for development of a limited service hotel, Holiday Inn Express. The

hotel will be a four story, 55,200 square foot building, containing 92 guest rooms. The applicant is proposing one modification to the base Office (O) district zoning which is the addition of Limited Service Hotel as a permitted use. The applicant has not requested any modifications to the Office district development standards. Mr. Glushko confirmed that the request meets the Town's minimum parking requirements.

The proposed four story building will be constructed primarily of brick and stone with small percentages of EIFS. The proposed elevations are in conformance with the Zoning Ordinance, as required by the Town Council approved Development Agreement. The applicant is proposing an eight foot tall masonry screening wall with landscaping along the western property line to screen the future multifamily residential (senior living) development. The proposed landscaping complies with the landscaping requirements of the Zoning Ordinance.

Clint Richardson, representing the subject property owner, stated the neighboring property owner is in support of the request, and confirmed there will be a screening wall between the two properties.

Dipal Patel, representing the applicant, confirmed the property will have an indoor pool and 1,500 square feet of meeting space. Responding to Council's concerns about parking, she stated that it is typical for not every guest to have a car. Mr. Richardson stated that overflow parking, if needed, would be available in the adjacent office parking area.

Mayor Smith opened the Public Hearing.

Barbara Nugent, 961 Grassy Shore Lane, Prosper, spoke in opposition to the item, noting that she did not believe a hotel was a compatible use next to a senior living facility.

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

Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Ray seconded the motion to approve the request to rezone 2.1± acres from Office to Planned Development-Office (PD-O), located on the west side of future Mahard Drive, south of future Prairie Drive, to facilitate the development of a Limited Service Hotel (Holiday Inn Express); further, any site plan for the property shall be subject to Town Council approval and a parking study/analysis shall be provided in conjunction with site plan approval. The motion was approved by a vote of 7-0.

12. **Conduct a Public Hearing, and consider and act upon a request to amend 654.0± acres of Planned Development-40 (PD-40), for Windsong Ranch, generally located on the west side of Teel Parkway, south of Parvin Road, in order to modify the residential development standards, including but not limited to; decreasing the overall lot count; incorporating smaller lot types; and providing architectural and landscape regulations. (Z19-0020). (AG)**

Planning Manager Alex Glushko presented this item before the Town Council. On November 5, 2019, the Planning & Zoning Commission considered this request. At that time, the applicant was proposing to amend Planned Development-40 (PD-40) by decreasing the overall density of the development, by reducing the maximum number of lots from 3,500 to 3,250; modifying the existing permitted lot type regulations by



increasing the number of Type A (8,000 sq. ft.) lots from 750 to 850, decreasing the number of Type C (10,500 sq. ft.) lots from 1,100 to 660, and decreasing the number of Type D (12,500 sq. ft.) lots from 550 to 160; adding four new lot types, including three smaller lot types and one larger lot type, including Lot Types E, F, G, and H. Type E Lots are "4-Pack" or "garden homes" which are comprised of four individual lots, with single family dwellings on each lot, that all share one common driveway. Mr. Glushko reviewed the specifications of the proposed lot types. The applicant also requested to incorporate additional architectural standards for the smaller lot types, including masonry, garage door, porch, and roof pitch regulations. The changes in the lot types would occur in the future phases 6-9 on the north side of Doe Branch.

In response to the Planning & Zoning Commission's recommendation, the applicant revised the request, as follows:

1. Remove the Type E (4-Pack/Garden Home) lots
2. Retain the request for Type F (5,000 sq. ft./40' wide) lots;
3. Replace the Type E (4-Pack/Garden Home) lots with a Type E (40' wide, rear entry/alley served) lots;
4. Incorporate minimum house pad widths into the PD (Types E and F lots requiring a minimum of twenty-nine feet, six inches (29' 6") and Type G lots requiring a minimum of thirty-nine feet, six inches (39' 6"); and
5. Require a development agreement including the proposed architectural standards.

David Blom, representing the developer, Tellus Group, LLC, presented additional information about the development and the proposed PD amendment. He reviewed market research showing an increased demand for a price point between \$400,000-\$600,000 within the development to provide diverse housing options for individuals at different stages of life, and of different household sizes. In order to meet the needs of future residents, and maintain the success of the development, Tellus Group is requesting to amend the PD to allow for 40-foot lots. The proposed lots would comprise only eight percent of the 3,250 total lots in the development, and would be located in the northwest area of the development. Additionally, the developer is proposing additional architectural standards to mitigate for the smaller lot sizes. Mr. Blom reviewed the proposed breakdown of the various lot types and sizes.

Mayor Smith opened the Public Hearing.

Sonny Moyers, 4340 Woodbine Lane, Prosper, spoke in favor of the request, noting that a diversity of product in Windsong Ranch with smaller lots will result in a higher price per square foot in the smaller homes, and it is reasonable for Windsong Ranch to change its master plan over a period of ten years.

Pat Bostian, 4061 Pepper Grass, Prosper, spoke in favor if the request, stating that the smaller homes are needed in the community for grandparents and empty nesters, and she does not believe they will have a negative impact on the community.

Morgan Gagliardino, 4840 Verbena Way, Prosper, spoke in favor of the request, noting that Windsong Ranch has given Prosper positive recognition on a national scale, and agrees with their approach in responding to market fluctuations with smaller lot homes.

Nancy Bosch, 1011 Yellowcress Drive, Prosper, spoke in favor of the request, stating that she supports 40-foot lots for baby boomers and others who are not currently being

served by the development. Responding to a question from Council, she stated that in her particular case, she still prefers a single family home over a Townhome.

Jerome Myers, 3890 Marigold Lane, Prosper, spoke in opposition to the request, noting that buyers in Windsong Ranch purchased homes in the development because of the vision that was presented to them, and he wants that standard to be honored. He is concerned about setting a precedent for allowing smaller lots.

Natalie Greer, 4530 Desert Willow Drive, Prosper, spoke in favor of the request, noting that Windsong Ranch has delivered a high-quality product, however, there is currently not a product in Windsong Ranch at a price point for her parents.

Holly Henderson, Pepper Grass, Prosper, Spoke in favor of the request, stating that there is a gap in price point between Townhomes and the existing single-family homes in Windsong Ranch. There is a need for diversity in product and price point in the development.

Darrell Floyd, 1651 Birdsong Lane, Prosper, spoke in opposition to the request, stating that the Town should uphold the current ordinances, and those who wish to live in smaller homes should live in nearby neighborhoods.

Thom Vars, 4191 Peppergrass Lane, Prosper, spoke in opposition to the request, expressing concern that the Planning and Zoning recommendations were being bypassed, and encouraging the Council to uphold the current development regulations.

Barbara Nugent, 961 Grassy Shore Lane, Prosper, spoke in opposition to the request, stating that she believed the original standards for the development should be upheld.

Chrissy Ball, 4701 Crossvine Drive, Prosper, spoke in favor of the request, noting that she appreciated being able to buy her home in Windsong Ranch at a price point under \$500,000, and she supports a diversity of housing options to protect against market fluctuations.

Doug Charles, 4360 Mill Branch Drive, Prosper, spoke in opposition to the request, noting that the Planning & Zoning recommendation would meet the price point the developer is looking for. He spoke in support of a limited number of 55-foot lots, and to uphold the original plan for Windsong Ranch, and the vision of Prosper outlined the 2012 Comprehensive Plan. Mr. Charles previously submitted via email the results of an online petition with 584 signatures in support of the Planning & Zoning recommendation, and opposing 40-foot lots.

Wanda Charles, 4360 Mill Branch Drive, Prosper, expressed opposition to the proposed 4-pack homes for safety concerns.

The following individuals did not wish to speak, but submitted Public Meeting Appearance Cards expressing their support for the request:

Ioannis Apostolidis, 4700 Desert Willow Drive, Prosper

Maria Crain, 4700 Desert Willow Drive, Prosper

Rane Pearson, 4061 Blue Sage Drive, Prosper

Lisa and Norm Lee, 4161 Pepper Grass, Prosper

John D. Taylor, 4610 Autumn Sage Drive, Prosper



Rachel Lynch, 701 Alameda Drive, Prosper  
Tim Lynch, 701 Alameda Drive, Prosper  
Chris Nelson, 891 Greenbrier Lane, Prosper  
Rob House, 4561 Bristleleaf Lane, Prosper  
Herman Lee, 4421 Bristleleaf Lane, Prosper  
Susan Lee, 4421 Bristleleaf Lane, Prosper  
Christina Shin, 4141 Blue Sage Drive, Prosper  
Dennis Brim, 4360 Bristleleaf Lane, Prosper

The following individuals did not wish to speak, but submitted Public Meeting Appearance Cards expressing their opposition to the request:

Josh Smith, 3940 Prairie Clover Lane, Prosper  
Marianne Smith, 3940 Prairie Clover Lane, Prosper  
Howard Abrahams, 4451 Honeyvine Lane, Prosper  
James Merritt, 4700 Crossvine Drive, Prosper  
Patricia Merritt, 4700 Crossvine Drive, Prosper  
Craig Helsley, 4210 Brazoria Drive, Prosper  
Allen Bosch, 1011 Yellowcress Drive, Prosper  
Nichole Collier, 4450 Woodbine Lane, Prosper  
Stephen Gagliardino, 4840 Verbena Way, Prosper  
Heather Rattin, 4551 Liberty Drive, Prosper  
Paul Rattin, 4451 Liberty Drive, Prosper  
Carrine Chan, 841 Greenbriar Lane, Prosper  
John Stockton, 841 Greenbriar Lane, Prosper  
Kathleen Kowalczyk Reyes, 821 Rockrose Drive, Prosper  
David Mirike, 881 Mountain Laurel Drive, Prosper  
Rodolfo Sierra, 4140 Brazoria Drive, Prosper  
Jackie Sierra, 4140 Brazoria Drive, Prosper  
Cory Van Kleeck, 4400 Mill Branch Drive, Prosper  
Alan Ford, 3821 Maxdale Drive, Prosper  
Annmarie Farris, 101 Bunton Branch Lane, Prosper  
Mark Farris, 101 Bunton Branch Lane, Prosper  
RA Gordon, 781 Table Rock Drive, Prosper  
Trish Johnson, 331 Providence Drive, Prosper  
Carl Johnson, 331 Providence Drive, Prosper  
Teresa Myers, 3890 Marigold Drive, Prosper  
Carleen Hardin, 1651 Birdsong Lane, Prosper  
Nuno Fonseca, 4140 Paddock Lane, Prosper  
Edwin Leland, 3050 Gentle Creek Trail, Prosper  
Cindy Juengling, 1401 Ramsbury Lane, Prosper  
Sharon Cunningham, 4401 Jasmine Way, Prosper  
Patrick Cunningham, 4401 Jasmine Way, Prosper  
Mark Collier, 4450 Woodbine Lane, Prosper  
Christina Stevenson, 1621 Chisholm Trail, Prosper  
Padraic O'Hara, 710 Alton Drive, Prosper  
Kristin O'Hara, 710 Alton Drive, Prosper  
Erin Brinkerhoff, 720 Alameda Drive, Prosper  
Scott Brinkerhoff, 720 Alameda Drive, Prosper  
Jennifer Brown, 610 Gentry Drive, Prosper  
Joshua Brown, 610 Gentry Drive, Prosper  
Tim Bisbucci, 711 Alton Drive, Prosper

Christopher Newto, 4121 Woodbine Lane, Prosper  
Scott and Tracy Giancola, 4001 Pavonia Lane, Prosper

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

The Council continued discussion on the proposed lot sizes, and the number of lots for each type of home being proposed, taking into account the recommendation from the Planning and Zoning Commmission, and the revisions already made by the developer.

After discussion, Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Miller seconded the motion to approve a request to amend 654.0± acres of Planned Development-40 (PD-40), for Windsong Ranch, generally located on the west side of Teel Parkway, south of Parvin Road, subject to the following conditions:

1. Approve a maximum of 125 of the 40-foot minimum lots, with 25% of the lots being 1700 square feet or larger, 25% of the lots being 1900 square feet or larger, and 50% of the lots being 2000 square feet or larger;
2. Type F homes shall be located in the northwest section of the development;
3. Approve a maximum of 375 50-foot lots throughout the development;
4. Maintain the 100-unit increase in Type A lots, as proposed by the developer;
5. Approve the Town entering into a Development Agreement with the developer regarding building materials and architectural standards for the entire development; and
6. Approve a provision in the Development Agreement for the dedication of right-of-way along Parvin Road.

The motion failed with a vote of 3-4, with Councilmember Ray, Mayor Pro-Tem Vogelsang, Councilmember Andres, and Councilmember Hodges casting the opposing votes.

After additional discussion, Councilmember Ray made a motion and Councilmember Andres seconded the motion to approve a request to amend 654.0± acres of Planned Development-40 (PD-40), for Windsong Ranch, generally located on the west side of Teel Parkway, south of Parvin Road, subject to the following conditions:

1. Approve a total of 950 Type A lots in the entire Windsong Ranch development, with a maximum of 361 Type A lots in Phases 6 through 9;
2. Approve a total of 1,074 Type B lots in the entire Windsong Ranch development, with a maximum of 511 Type B lots in Phases 6 through 9;
3. Approve a total of 600 Type C lots in the entire Windsong Ranch development, with a maximum of 344 Type C lots in Phases 6 through 9;
4. Approve a total of 160 Type D lots in the entire Windsong Ranch development, with a maximum of 2 Type D lots in Phases 6 through 9;
5. Approve a total of 500 Type G lots, with all such lots to be located only in Phases 6 through 9 of the Windsong Ranch development; and
6. the total of Type H lots shall remain the same at 40 lots.

Further, the total lot count in the Windsong Ranch development shall be 3,324 lots, of which 1,758 lots shall be in Phases 6 through 9. Further, the Town and the developer shall enter into a Development Agreement relative to building materials and architectural features for all phases of the Windsong Ranch development, and the development agreement shall include a provision relative to the dedication by the developer of necessary right-of-way for Parvin Road. The motion was approved by a vote of 6-1, with Councilmember Miller casting the opposing vote.



13. **Presentation of recent administrative updates to the Thoroughfare Plan, reflecting existing roadway conditions, right-of-way dedication, and/or easement acquisition. (AG)**

Planning Manager Alex Glushko presented this item before the Town Council. The Town's Comprehensive Plan includes the Thoroughfare Plan, which is a guide intended to show the Town's intended transportation network, roadway alignments, and street classifications. As a result of recent discussions by the Planning & Zoning Commission and the Town Council, Town staff will introduce updates to the Comprehensive Plan and Thoroughfare Plan in two phases over the next several months. This item is a result of the first phase, during which the Town will commence updates to the Thoroughfare Plan on an as-needed and/or annual basis to reflect existing roadway conditions, right-of-way dedication, or easement acquisition. The second phase, which will occur during the Spring of 2020, will involve Public Hearings and a proposed ordinance to amend the Comprehensive Plan and Thoroughfare Plan, including but not limited to an update of all the base maps, demographics, map disclaimers, and anticipated roadway overpasses. 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 551.076 – Deliberation of the deployment, or specific occasions for implementation, of security personnel or devices at Town Hall.***

***Section 551.071 - Consultation with the Town Attorney regarding legal issues relative to Section 1.03.002 of the Town's Code of Ordinances, 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 8:43 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 9:34 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.**

Town Manager Harlan Jefferson briefed the Council on a recent meeting of North Texas Municipal Water District (NTMWD) customer cities to discuss changes to the terms of water contracts. Town staff if not recommending participation.

**Adjourn.**

The meeting was adjourned at 9:45 p.m. on Tuesday, November 26, 2019.

These minutes approved on December 10, 2019.



**APPROVED:**

  
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**Ray Smith, Mayor**

**ATTEST:**

  
\_\_\_\_\_  
**Robyn Battle, Town Secretary**