



*Prosper is a place where everyone matters.*

## **MINUTES**

**Prosper Town Council Meeting**  
Council Chambers  
Prosper Town Hall  
250 W. First Street, Prosper, Texas  
Tuesday, March 29, 2022  
**5:45 PM**

### **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 Meigs Miller  
Deputy Mayor Pro-Tem Craig Andres  
Councilmember Marcus E. Ray  
Councilmember Jeff Hodges  
Councilmember Amy Bartley  
Councilmember Charles Cotten

### **Staff Members Present:**

Harlan Jefferson, Town Manager  
Jeremy Page, Town Attorney  
Michelle Lewis Sirianni, Town Secretary  
Robyn Battle, Executive Director of Community Services  
Todd Rice, Communications Manager  
Rebecca Zook, Executive Director of Development and Infrastructure Services  
Hulon Webb, Director of Engineering Services  
Khara Dodds, Development Services Director  
Alex Glushko, Planning Manager  
James Edwards, Human Resources Director  
Leigh Johnson, IT Director  
Betty Pamplin, Finance Director  
Liz McDonald, Accounting Manager  
Dan Baker, Parks and Recreation Director  
Paul Naughton, Parks Planning Manager  
Doug Kowalski, Police Chief  
Stuart Blasingame, Fire Chief  
Shaw Eft, Assistant Fire Chief

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

Mike Martin with Hope Fellowship led the Invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were recited.

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

Councilmember Cotten made the following announcements:

Thank you to all those who attended the Prosper Historical Marker Rededication on March 18 honoring the Town's history with the new location of the marker near the entrance of the Prosper Library.

Thank you to all those who attended the Hays Park ribbon cutting ceremony honoring the memory of the Hays family. The park, which is named after Chester Hays is also a tribute to Bill Hays, the descendent of Chester Hays, who founded and chaired the Prosper Historical Society.

Thank you to all those who attended the ribbon cutting for the Prosper Community Library GROW Cube, a new mobile library. Be on the lookout for information about scheduling a visit to your neighborhood.

Community members will host an informational event at 7:00 p.m. on Thursday, March 31, to discuss opposition to US Highway 380 bypass Segment B at Cockrell Elementary. Town staff will be in attendance to provide information on the Town's behalf. We encourage you to visit <https://www.prosper.tx.gov/380bypass> to learn more about US Highway 380 Bypass Opposition and attend the meeting if you wish to learn more. Residents may submit their comments to TxDOT through Wednesday, April 6.

Join Mayor Smith on April 14 for some coffee at Fire Station #2 from 9:00 a.m. to 11:00 a.m. to hear what's happening in and around Prosper. There is no charge to attend, and breakfast will be served. Reserve your spot today. Contact information is available through the Town's website homepage by clicking on Upcoming Events.

Join the Parks and Recreation Department for an outdoor movie in the Town Hall parking lot on Saturday, April 23 at 8:30 p.m. The movie being featured is 'Encanto.' Bring your lawn chairs and enjoy some complimentary popcorn or Kona Ice for a fun evening with your family.

There are a few weeks left in the Mayor's Fitness Challenge. Don't forget to continue to track your minutes and turn in your tracking sheets by April 24. Any type of exercise qualifies, and all ages are eligible to participate. Tracking sheets are available through the Parks and Recreation Department page of the Town's website.

Councilmember Bartley commented on the success of the Prosper Ladies Association Boots & Bling event and thanked all those who donated.

Deputy Mayor Pro-Tem Andres presented a THRIVES coin to Mr. Alex Glushko for his service and dedication to the Town.

### **Presentations.**

**1. Receive a Finance Department update. (BP)**

Ms. Pamplin provided an update on the Finance Department that included awards and achievements received, an overview of the Bond Implementation Program, the Town's investments, grant awards received, achievements of the Purchasing, Utility Billing, and Municipal Court, as well as current and upcoming projects.

**2. Proclamation recognizing April 10-16, 2022, as National Public Safety Telecommunicators Week. (MLS)**

Mayor Smith read and presented a Proclamation to members of the Town's Public Safety personnel.

**3. Recognize Prosper Fire Rescue personnel for two recent life-saving awards. (SB)**

Chief Blasingame presented life-saving awards to members of the Prosper Fire Rescue staff.

### **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 March 1, 2022, Town Council Work Session meeting. (MLS)
5. Consider and act upon the minutes from the March 8, 2022, Town Council meeting. (MLS)
6. Consider and act upon authorizing the Town Manager to execute a Professional Services Agreement between Freese and Nichols, Inc., and the Town of Prosper, Texas, related to stormwater inspections services. (HW)
7. Consider and act upon authorizing the Town Manager to execute a Professional Services Agreement between Dunaway Associates, Inc., and the Town of Prosper, Texas, related to the design of the First and Coit Community Park Phase 1 project. (PN)
8. Consider and act upon authorizing the Town Manager to execute a Development Agreement between the Prestonwood Baptist Church and the Town of Prosper, Texas, related to the construction of a temporary parking lot (D22-0015). (KD)
9. Consider and act upon a Site Plan, Landscape Plan, and Façade Plan for a restaurant with drive-through service (Salad and Go), in the Shops at Prosper Trail development, on 1.1± acres, located on the east side of Preston Road, north of Prosper Trail. The property is zoned Planned Development-68 (PD-68) and Specific Use Permit-39 (S-39). (D22-0011). (AG)
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, including Gates of Prosper, Eagle Crossing, Gentle Creek Country Club, Prestonwood Baptist Church, and Prosper Business Park. (AG)

Mayor Pro-Tem Miller made a motion to approve consent agenda items 4 thru 10. Councilmember Ray seconded that motion, and the motion was unanimously approved.

### **CITIZEN COMMENTS:**

No comments were made.

### **Items for Individual Consideration:**

11. Consider and act upon approving Resolution No. 2022-12 supporting U.S. Highway 380 as a Controlled Access Highway and strongly opposing the consideration of the Gold and Brown Alternative Segment B alignment as presented by TxDOT at their US 380 EIS Public Meeting occurring on March 22, 2022 from 5:30-7:30 pm and their on-line virtual Public Meeting from 5:30 pm March 22, 2022 to 11:59 pm April 6, 2022, due to the negative impacts on the Town of Prosper and since the alternative alignments are inconsistent with the Town's Thoroughfare Plan and the current alignment of said highway. (RZ)

Ms. Zook stated the Town has kept a clear and consistent message regarding the support of US 380 remaining on 380, and strongly opposing the alternative alignment, Segment B. The Town being bound on almost all sides by TxDOT roadways and the Dallas North Tollway (DNT) going right through the middle, any alternative alignment would be a disruption and not in align with the Town's Master Thoroughfare Plan.

Councilmember Ray made a motion to approve Resolution No. 2022-12 supporting U.S. Highway 380 as a Controlled Access Highway and strongly opposing the consideration of the Gold and Brown Alternative Segment B alignment as presented by TxDOT at their US 380 EIS Public Meeting occurring on March 22, 2022 from 5:30-7:30 pm and their on-line virtual Public Meeting from 5:30 pm March 22, 2022 to 11:59 pm April 6, 2022, due to the negative impacts on the Town of Prosper and since the alternative alignments are inconsistent with the Town's Thoroughfare Plan and the current alignment of said highway. Mayor Pro-Tem Miller seconded that motion, and the motion was unanimously approved.

- 12. Conduct a public hearing and consider and act upon a request to amend Planned Development-94 (PD-94), for the Westside Development, on 64.5± acres, northeast corner of US 380 and FM 1385, regarding hotel uses and development standards. (Z22-0001). (AG)**

Mayor Smith stated the applicant has requested to Table this item to the Tuesday, April 26 Town Council meeting.

Mayor Pro-Tem Miller made a motion to table a public hearing and consider and act upon a request to amend Planned Development-94 (PD-94), for the Westside Development, on 64.5± acres, northeast corner of US 380 and FM 1385, regarding hotel uses and development standards. Councilmember Cotten seconded that motion, and the motion was unanimously approved.

- 13. Consider and act upon Resolution No. 2022-13 accepting the Independent Audit Report and Annual Comprehensive Financial Report for the Fiscal Year Ended September 30, 2021, as presented by a representative of Pattillo, Brown and Hill LLP., Certified Public Accountants. (BP)**

John Manning, with Pattillo, Brown and Hill presented an overview of the audit process and results. He indicated that there were no deficiencies to report, and everything was in good order.

Mayor Pro-Tem Miller made a motion to approve Resolution No. 2022-13 accepting the Independent Audit Report and Annual Comprehensive Financial Report for the Fiscal Year Ended September 30, 2021, as presented by a representative of Pattillo, Brown and Hill LLP., Certified Public Accountants. Councilmember Hodges seconded that motion, and the motion was unanimously approved.

- 14. Discuss and update the Town Council regarding increases in project construction costs, commodities/equipment costs and delivery time challenges. (JC/HW/SB)**

Ms. Pamplin discussed how construction costs have been impacted since the onset of the pandemic. She outlined trends and provided examples of what the Purchasing Department is experiencing.

Mr. Webb added how factors from the pandemic, weather events that have occurred, regional growth, and fuel prices are impacting the Town's current and future Capital Projects.

Chief Blasingame noted how the combination of all these challenges are affecting the Fire Department with acquiring the equipment necessary to keep current operations running smoothly and the consideration of future station builds.

**15. Consider and act upon Ordinance No. 2022-14 amending Ordinance No. 2021-55 (FY 2021-2022 Annual Budget and Capital Improvement Program). (BP)**

Ms. Pamplin presented an overview of the proposed amendments within the General Fund, the Water and Sewer Fund, the Stormwater Drainage Fund, the Park Dedication/Improvement Fund, and the Wastewater Impact Fee Fund.

Councilmember Bartley commented that if the amendments are approved within the General Fund, this will bring the Town to the 25% minimum reserve threshold. She suggested that the next budget amendment be done towards the end of the fiscal year so that Council could prioritize the must-haves versus wants.

Councilmember Cotten made a motion to approve Ordinance No. 2022-14 amending Ordinance No. 2021-55 (FY 2021-2022 Annual Budget and Capital Improvement Program). Mayor Pro-Tem Miller seconded that motion, and the motion was unanimously approved.

**16. Consider and act upon an amendment to the Wastewater Master Plan. (HW)**

Mr. Webb stated due to the future developments at the intersection of the Dallas North Tollway (DNT) and Frontier Parkway, a sanitary sewer line extension is needed from the current terminus of the sanitary sewer line in the Windsong Ranch development near the intersection of Teel Parkway and Prosper Trail. The existing Wastewater Master Plan did not include the extension of a sanitary sewer line to this area. The purpose of the amendment is to update and depict the proposed alignment of the sanitary sewer to facilitate service of the properties in and around the northern sections of Legacy Drive and the DNT, south of Frontier Parkway, which includes the decommission of two (2) lift stations. Staff is recommending approval.

Councilmember Ray made a motion to approve an amendment to the Wastewater Master Plan. Deputy Mayor Pro-Tem Andres seconded that motion, and the motion was unanimously approved.

**17. Consider and act upon authorizing the Town Manager to execute a Professional Services Agreement between ClayMoore Engineering, Inc., and the Town of Prosper, Texas, related to the design of the Upper Doe Branch Wastewater Line (Teel Parkway to PISD Stadium) project. (HW)**

Mr. Webb stated the services associated with this agreement are for the design of approximately four (4) miles of a sanitary sewer line extension for the current terminus of the sanitary sewer line to the Windsong Parkway development to the Prosper ISD Stadium lift station. Mr. Webb noted that Matt Moore of ClayMoore Engineering will be assigned to the project and is also currently working on development projects throughout the Town and is therefore familiar with the Town's standards. Staff is recommending approval.

Deputy Mayor Pro-Tem Andres made a motion to approve and authorize the Town Manager to execute a Professional Services Agreement between ClayMoore

Engineering, Inc., and the Town of Prosper, Texas, related to the design of the Upper Doe Branch Wastewater Line (Teel Parkway to PISD Stadium) project. Councilmember Hodges seconded that motion, and the motion was unanimously approved.

- 18. Consider and act upon approving a Standard Form of Agreement with Pogue Construction Co., LP, for the construction of a covered parking structure for the Police Department; and authorizing the Town Manager to execute the same. (DK)**

Chief Kowalski stated this item was previously discussed and approved at the March 8 Town Council meeting. The Town Council approved moving forward with the option that included the aluminum canopy with lighting. Staff recommends approval.

Councilmember Hodges made a motion to approve a Standard Form of Agreement with Pogue Construction Co., LP, for the construction of a covered parking structure for the Police Department; and authorizing the Town Manager to execute the same. Deputy Mayor Pro-Tem Andres seconded that motion, and the motion was unanimously approved.

- 19. Consider and act upon awarding CSP No. 2022-31-B to North Rock Construction, related to construction services for the Town Hall Honor Wall (2117-PK); and authorizing the Town Manager to execute a construction agreement for same. (PN)**

Mr. Naughton stated the Town received three (3) competitive bids for the project, which were compared based on proposed cost, qualifications and experience, and timeline. North Rock Construction was the firm that ranked the highest after these considerations and proposed timeline of 120 calendar days. The costs include both Honor Walls and associated sitework and masonry. Staff recommends approval.

Councilmember Ray requested that the lights that are selected highlight the emblems with a crisp white light.

Councilmember Ray made a motion to approve awarding CSP No. 2022-31-B to North Rock Construction, related to construction services for the Town Hall Honor Wall (2117-PK); and authorizing the Town Manager to execute a construction agreement for same. Councilmember Cotten seconded that motion, and the motion was unanimously approved.

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

- 20. Discuss design and construction costs for Fire Station No. 4. (SB)**

Chief Blasingame provided an update of the current schedule for the completion of Fire Station No. 4 as well as the current design. Based on current discussions of rising construction costs, staff is requesting direction on the current design.

The Town Council discussed keeping the current design as is versus having an additional bay and an additional dormitory space. Consensus of the Town Council was to move forward with the design as presented with the addition of one half of a bay and one dormitory space.

**21. Presentation regarding options for lighting of the Downtown Silos. (RZ)**

Ms. Zook presented four options for lighting for the Downtown Silos. Items to consider when reviewing options include required electrical upgrades, light impacts, and maintenance. Staff is recommending direct/uplighting based on the costs and time associated with installation and lower maintenance costs. The silo lights may be coordinated with the Town Hall cupola lighting, and can be upgraded in the future.

Councilmember Ray suggested exploring business partner sponsorships for the project.

**22. Receive dedication options for Dudley Raymond. (DB)**

Mr. Baker stated previous dedication opportunities discussed for Dudley have included naming a service award, a park, and/or a facility at a park. The Parks and Recreation Board emphasized their desire to have something selected that is significant and broad-reaching with their recommendations being in the following priority order: a park, facility at a park, and/or a service award.

The consensus of the Town Council was to name the park located at First Street and Coit Road after Dudley Raymond. An agenda item will be brought forward at a future meeting to officially name the park.

**23. Discussion regarding a New Resident Mixer Proposal. (RB)**

Ms. Battle provided an overview of a New Resident Mixer event proposed by the Community Engagement Committee (CEC) that would occur twice per year. As proposed, the event would take place on the south lawn of Town Hall, include refreshments, giveaways, a PISD music group, as well as Fire, Police, and Town information. Options presented were to hold the event either on a weeknight as a smaller event with a focus on new residents, or to hold it in conjunction with one of the four new Downtown Events.

The consensus of the Town Council was to move forward with the CEC's proposal as a stand-alone event to be held on a weeknight in September 2022.

**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 and all matters incident and related thereto.*

*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 appointments to the Board of Adjustment/Construction Board of Appeals, Parks & Recreation Board, Library Board, Prosper Economic Development Corporation Board, and Planning and Zoning Commission.*

The Town Council recessed into Executive Session at 8:30 p.m.

**Reconvene in Regular Session and take any action necessary as a result of the Closed Session.**

The Town Council reconvened into Regular Session at 9:44 p.m.

Councilmember Bartley made a motion to authorize the Town Manager to execute a Real Estate Purchase and Sale Agreement for four (4) parcels of property to be utilized for open space generally adjacent to Windsong Ranch and take all necessary actions incident and related thereto. Councilmember Cotten seconded that motion, and the motion was unanimously approved.

Councilmember Barley made a motion to authorize the Town Manager to execute on behalf of the Town a Chapter 380 Partnership Agreement between the Town of Prosper and BBG Investments, Inc. that will rebate 50% of the ad valorem property tax on the annual taxable value of the real property improvements for 206 S. Coleman pursuant to the Towns Neighborhood Empowerment Zone No. 1 Ordinance. Councilmember Cotten seconded the motion. The motion passed with a 5-2 vote. Councilmembers Bartley and Ray voting in opposition.

Councilmember Bartley made a motion to approve the following Board and Commission appointments:

Library Board: Katie Williams, Place 5 with term to expire September 2022 and Jennifer Wattenbarger, Place 6 with term to expire September 2023.

Parks and Recreation Board: Robert Benson, Place 4 with term to expire September 2022.

Community Engagement Committee: Chris Wardlaw.

Councilmember Cotten seconded that motion, and the motion was unanimously approved.

**Adjourn.**

The meeting was adjourned at 9:47 p.m.

These minutes approved on the 12<sup>th</sup> day of April 2022.

**APPROVED:**

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**Ray Smith, Mayor**

**ATTEST:**

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**Michelle Lewis Sirianni, Town Secretary**