



Prosper is a place where everyone matters.

MINUTES

Regular Meeting of the Prosper Town Council

Council Chambers
Prosper Town Hall
200 S. Main Street, Prosper, Texas
Tuesday, June 25, 2019

AGENDA BRIEFING

1. **Call to Order/Roll Call.**

The meeting was called to order at 6:51 p.m.

Council Members Present:

Mayor Ray Smith
Mayor Pro-Tem Curry Vogelsang, Jr.
Councilmember Marcus E. Ray
Councilmember Meigs Miller
Councilmember Jeff Hodges

Council Members Absent:

Deputy Mayor Pro-Tem Jason Dixon
Councilmember Craig Andres

Staff Members Present:

Harlan Jefferson, Town Manager
Terry Welch, Town Attorney
Robyn Battle, Town Secretary/PIO
Alex Glushko, Planning Manager
Todd White, Building Official
Pete Anaya, Assistant Director of Engineering Services – Capital Projects
Chuck Springer, Executive Director of Administrative Services
Kelly Neal, Finance Director
Dudley Raymond, Parks and Recreation Director
Doug Kowalski, Police Chief
Stuart Blasingame, Fire Chief

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

Retired U.S. Army Chaplain Carl Rau led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were recited.

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

Councilmember Ray read the following announcements:

Prosper's Pride in the Sky event will take place on Wednesday, July 3, at Frontier Park from 3:00-11:00 p.m. The annual Independence Day event will feature live music, food trucks, vendors, and a kid zone. Bring your blankets and lawn chairs and enjoy the fireworks.

Town Offices will be closed in observance of the Independence Day Holiday on Thursday, July 4. The Town Council wishes everyone a safe and happy Fourth of July.

The Prosper Community Library's Summer Reading Program continues through July 25. Please check the Town website or visit the Library to sign up, and to find out more about summer programs.

Registration is now open for Prosper's summer recreation programs, sports, and activity camps, including Drama Camp, 3D Printing, Robotics, Archery, and Tennis. Sign up at www.ProspersParksandRec.org.

4. Presentations.

- **Administration of Oath-of-Office and Presentation of Certificate of Election. (RB)**

Town Secretary/PIO Robyn Battle administered the Oath of Office to Town Councilmember Meigs Miller. Mayor Smith presented Councilmember Miller with a Certificate of Election.

- **Recognition of participants in the *Prosper 100-Mile Challenge*. (DR)**

Mayor Smith recognized the participants in the Prosper 100-Mile Challenge, which ran from February to June 2019. 78 individuals completed the Challenge. Ms. Leona Eimandoust won the drawing for a FitBit.

- **Presentation of Certificates of Recognition to Officer Seanna Arrendondo and Sergeant Paul Boothe of the Prosper Police Department, and recognition of all Police and Fire personnel involved in the incidents. (DK)**

Police Chief Kowalski presented Officer Arrendondo with a Certificate of Recognition for her role in getting a family out of their burning home safely in April 2019. Fire Chief Blasingame recognized members of his staff who assisted in putting the fire out.

Police Chief Kowalski presented a Certificate of Merit for Outstanding Police Work to Sergeant Paul Boothe, who was instrumental in locating a lost 8-year-old boy in May 2019. Chief Kowalski and Chief Blasingame commended all of the police officers, dispatchers, firefighters, and CERT volunteers who helped get the boy home safely.

5. 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.

5a. Consider and act upon minutes from the following Town Council meeting. (RB)

- **Regular Meeting – June 11, 2019**
- **Special Called Meeting – June 17, 2019**

5b. Receive the April Financial Report (KN)

- 5c. Consider and act upon approving a Microsoft Enterprise Agreement, from SHI Government Solutions, Inc., through a Texas Department of Information Resources (DIR) Purchasing Contract; and authorizing the Town Manager to execute all related documents for the same. (LJ)
- 5d. Consider and act upon Resolution No. 19-39 authorizing the placement of orders for the purchase of replacement vehicles in FY 2019-2020 to realize current incentives related to said purchase with payment to be made from the Town's Vehicle Equipment and Replacement Fund (VERF) in FY 2019-2020. (KN)
- 5e. Consider and act upon Ordinance No. 19-40 amending Section I, "Construction Permits and Fees," of Appendix A, "Fee Schedule," of the Town's Code of Ordinances regarding certain residential permit fees. (TW)
- 5f. Consider and act upon Ordinance No. 19-41 abandoning a segment of Second Street right-of-way, located between Main Street and Crockett Street. (AG)
- 5g. 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 5-0.

6. **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 during the regular agenda portion of the meeting, please fill out a "Public Meeting Appearance Card" and present it to the Town Secretary prior to the meeting. Citizens wishing to address the Council for items listed as public hearings will be recognized by the Mayor. Those wishing to speak on a non-public hearing related item will be recognized on a case-by-case basis, at the discretion of the Mayor and Town Council.

ITEMS FOR INDIVIDUAL CONSIDERATION:

- 7. Conduct a Public Hearing, and consider and act upon an ordinance amending the Old Town Insert Map of the Future Land Use Plan, from Old Town Single Family to Old Town Office, generally located on the east side of Coleman Street, between Second Street and north of Third Street. (CA19-0003). *[Companion Case Z19-0009]* (AG)

8. Conduct a Public Hearing, and consider and act upon an ordinance rezoning 0.3± acres from Single Family-15 (SF-15) to Downtown Office (DTO), located on the southeast corner of Third Street and Coleman Street. (Z19-0009). [Companion Case CA19-0003] (AG)

Mayor Smith opened Items 7 and 8 concurrently.

Planning Manager Alex Glushko presented this item before the Town Council. Town staff has received a request to rezone 0.3± acres from Single Family-15 to Downtown Office for the purpose of redeveloping the property for office uses in the future, and the applicant has indicated they intend to open a counseling office. Rezoning requests which do not conform to the Future Land Use Plan shall be accompanied by a request to amend the Future Land Use Plan. The applicant has indicated that redevelopment of the property will serve to provide a transitional buffer from Coleman Street to the residences to the east; that many existing parcels in the surrounding area along Coleman Street are currently non-residential in nature; that redevelopment will introduce architecture improvement that is more fitting for the downtown; and the future business (counseling office) will provide for a benefit to the community. The applicant has been advised of the standards necessary to redevelop the existing residential structure on the property into an office building.

Mayor Smith opened the Public Hearings for Item 7.

Dr. Marcy Mettica, the applicant, spoke in support of the request.

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

Mayor Smith opened the Public Hearing for Item 8.

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

After discussion, Councilmember Miller made a motion and Mayor Pro-Tem Vogelsang seconded the motion to approve Ordinance No. 19-42 amending the Future Land Use Plan Old Town Insert Map from Old Town Single Family to Old Town Office, generally located on the east side of Coleman Street, between Second Street and north of Third Street. The motion was approved by a vote of 5-0.

Councilmember Miller made a motion and Mayor Pro-Tem Vogelsang seconded the motion to approve Ordinance No. 19-43 rezoning 0.3± acres from Single Family-15 (SF-15) to Downtown Office (DTO), located on the southeast corner of Third Street and Coleman Street. The motion was approved by a vote of 5-0.

9. Conduct a Public Hearing, and consider and act upon an ordinance amending Chapter 3, "Permitted Uses and Definitions," of the Town's Zoning Ordinance regarding Farmer's Markets. (Z19-0008). (AG)

Planning Manager Alex Glushko presented this item before the Town Council. Town staff has identified the need to update various health-related codes, as well as an interest in bringing a Farmer's Market to the Town. The purpose of the proposed ordinance is to provide review authority to the Planning & Zoning Commission and Town Council by establishing a Specific Use Permitting process with Conditional Development Standards, and update the definition of a Farmer's Market to be consistent with current food standards

adopted by the State. The proposed ordinance is intended to be broad enough in scope so as not to exclude certain food products. Vendor booths at Farmer's Markets would be regulated by the Town's Health Code.

After discussion, Councilmember Hodges made a motion and Councilmember Ray seconded the motion to approve Ordinance No. 19-44 amending Chapter 3, "Permitted Uses and Definitions," of the Town's Zoning Ordinance regarding Farmer's Markets. The motion was approved by a vote of 5-0.

10. **Consider and act upon all matters incident and related to the issuance and sale of the Town of Prosper, Texas, General Obligation Bonds, Series 2019, including the adoption of an ordinance authorizing the issuance of such Bonds, approving an Official Statement, a Paying Agent/Registrar Agreement and an engagement letter of Bond Counsel. (KN)**
11. **Consider and act upon all matters incident and related to the issuance and sale of the Town of Prosper, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2019, including the adoption of an ordinance authorizing the issuance of such Certificates, approving an Official Statement, a Paying Agent/Registrar Agreement and an engagement letter of Bond Counsel. (KN)**

Mayor Smith opened Items 10 and 11 concurrently.

Finance Director Kelly Neal introduced Jason Hughes with Hilltop Securities, who presented the items before the Town Council. The General Obligation (GO) Bonds and Certificates of Obligation (COs) were sold through competitive bid, which allows the Town to get the best rate possible within the parameters set by the Town. The COs were sold at a 20-year rate of 2.66%, and the GO Bonds were sold at a rate of 2.69%. The sale will close on July 25, which will yield \$22.5 million in project proceeds for designated projects. The Town continues to hold a Aa1 bond rating from Moody's, and a AA+ rate from S&P.

After discussion, Mayor Pro-Tem Vogelsang made a motion and Councilmember Hodges seconded the motion to adopt Ordinance No. 19-45 authorizing the issuance and sale of Town of Prosper, Texas, General Obligation Bonds, Series 2019, and approving all other matters incident thereto. The motion was approved by a vote of 5-0.

Mayor Pro-Tem Vogelsang made a motion and Councilmember Hodges seconded the motion to adopt Ordinance No. 19-46 authorizing the issuance and sale of Town of Prosper, Texas, Combination Tax and Surplus Revenue Certificates of Obligation, Series 2019, and approving all other matters incident thereto. The motion was approved by a vote of 5-0.

12. **Discussion regarding design standards for Network Nodes. (AG)**

Planning Manager Alex Glushko presented this item before the Town Council. Texas Senate Bill 1004 granted wireless service providers access to public right-of-way for the placement of their facilities. It specifically allows network providers the right to mount their equipment (network nodes) on municipal service poles, which includes traffic signal poles, non-decorative streetlights, and street signs, as well as the right to install support poles for their facilities. The Town's Design Manual was updated in August 2017 to require the network nodes to match the existing color of the pole on which it is located, however the manual did not specifically indicate a required style and/or color of standalone facilities. The Town's Right-of-Way Manager has since updated the Design Manual to include a

requirement for the design of standalone network nodes. The Council expressed an interest in achieving some level of consistency among the appearance of the nodes; however, Town staff confirmed the Town is unable to enforce the height of the nodes or the location on the pole. Town Manager Harlan Jefferson added that Town staff is also looking at the Town's pole-mounted warning sirens to ensure they meet the same standard of having a consistent appearance. Town Attorney Terry Welch confirmed that providers may not share poles with other providers, and nodes must be at least 300 feet apart. No further action was taken on this item.

- 13. Consider and act upon a resolution of the Town of Prosper, Texas, authorizing the Town Attorney to bring a condemnation action for the purpose of obtaining approximately 1.222 acres of Right-of-Way and 0.483 acres of Temporary Construction Easement situated in the L. Netherly Survey, Abstract No. 962, Town of Prosper, Denton County, Texas, necessary for the construction of the Fishtrap Road/Teel Parkway Intersection Improvements project and for other public purposes permitted by law. (PA)**

Pete Anaya, Assistant Director of Engineering Services – Capital Projects, presented this item before the Town Council. The Town is in the process of developing engineering plans for the construction of the Fishtrap Road and Teel Parkway Intersection Improvements Project. The Right-of-Way is required for the construction of the roadway improvements and the Temporary Construction Easement is required during construction. The subject property is needed for both, and while negotiations are going well, staff is requesting advance authorization to pursue acquisition by eminent domain if needed.

Mayor Pro-Tem Vogelsang made a motion and Councilmember Hodges seconded the motion to adopt Resolution No. 19-47 authorizing the Town Attorney to bring a condemnation action for the purpose of obtaining approximately 1.222 acres of Right-of-Way and 0.483 acres of Temporary Construction Easement situated in the L. Netherly Survey, Abstract No. 962, Town of Prosper, Denton County, Texas, necessary for the construction of the Fishtrap Road and Teel Parkway Intersection Improvement Project and for other public purposes permitted by law. The Town Councilmembers voted as follows:

Councilmember Hodges – approved
Councilmember Miller – approved
Councilmember Andres – absent
Deputy Mayor Pro-Tem Dixon – absent
Mayor Smith – approved
Mayor Pro-Tem Vogelsang – approved
Councilmember Ray – approved

The motion was approved by a vote of 5-0.

- 14. Consider and act upon a resolution of the Town of Prosper, Texas, authorizing the Town Attorney to bring a condemnation action for the purpose of obtaining approximately 1.432 acres of Right-of-Way, 0.476 acres of Temporary Construction Easement, and 1.661 acres of Slope Easement situated in the B. Hodges Survey, Abstract No. 593, J. Morton Survey, Abstract No. 793, and J. Kennedy Survey, Abstract No. 1688, Town of Prosper, Denton County, Texas, necessary for the construction of the West Prosper Road Improvements, Phase 3 (Segment E) project and for other public purposes permitted by law. (PA)**

Pete Anaya, Assistant Director of Engineering Services – Capital Projects, presented this item before the Town Council. The Town is in the process of developing engineering plans for the construction of the West Prosper Road Improvements, Phase 3 (Segment E) Project. The Right-of-Way (ROW), Temporary Construction Easements, and Slope Easements are required for the construction of the roadway. Staff has been in discussions with Eric Berlin, the property owner, about the Town acquiring the ROW and easements, and staff is requesting advance authorization to pursue acquisition by eminent domain if negotiations are unsuccessful.

Mayor Pro-Tem Vogelsang made a motion and Councilmember Hodges seconded the motion to adopt Resolution No. 19-48 authorizing the Town Attorney to bring a condemnation action for the purpose of obtaining approximately 1.432 acres of Right-of-Way, 0.476 acres of Temporary Construction Easement, and 1.661 acres of Slope Easement, located in the B. Hodges Survey, Abstract No. 593, J. Morton Survey, Abstract No. 793, and J. Kennedy Survey, Abstract No. 1688, Denton County, Texas, necessary for the construction of the West Prosper Roads Improvements, Phase 3 (Segment E) Project and for other public purposes permitted by law. The Town Councilmembers voted as follows:

Councilmember Hodges – approved
Councilmember Miller – approved
Councilmember Andres – absent
Deputy Mayor Pro-Tem Dixon – absent
Mayor Smith – approved
Mayor Pro-Tem Vogelsang – approved
Councilmember Ray – approved

The motion was approved by a vote of 5-0.

15. **Consider and act upon a resolution of the Town of Prosper, Texas, authorizing the Town Attorney to bring a condemnation action for the purpose of obtaining approximately 0.309 acres of Right-of-Way, 0.311 acres of Drainage Easement, and 0.065 acres of Temporary Construction Easement, and situated in the Spencer Rice Survey, Abstract Number 787, Town of Prosper, Collin County, Texas, necessary for the construction of the Victory Way (Coleman Street – Frontier Parkway) project and for other public purposes permitted by law. (PA)**

Pete Anaya, Assistant Director of Engineering Services – Capital Projects, presented this item before the Town Council. The Town is in the process of developing engineering plans for the construction of the Victory Way (Coleman Street – Frontier Parkway) project. The Right-of-Way, Drainage Easement, and Temporary Construction Easement are required for construction of the roadway. While negotiations are going well, staff is requesting advance authorization to pursue acquisition by eminent domain if needed.

Mayor Pro-Tem Vogelsang made a motion and Councilmember Hodges seconded the motion to adopt Resolution No. 19-49 authorizing the Town Attorney to bring a condemnation action for the purpose of obtaining approximately 0.309 acres of Right-of-Way, 0.311 acres of Drainage Easement, and 0.065 acres of Temporary Construction Easement situated in the Spencer Rice survey, Abstract Number 787, in the Town of Prosper, Collin County Texas; necessary for the construction of the Victory Way (Coleman Street – Frontier Parkway) project and for other public purposes permitted by law. The Town Council members voted as follows:

Councilmember Hodges – approved
Councilmember Miller – approved
Councilmember Andres – absent
Deputy Mayor Pro-Tem Dixon – absent
Mayor Smith – approved
Mayor Pro-Tem Vogelsang – approved
Councilmember Ray – approved

The motion was approved by a vote of 5-0.

16. **Consider and act upon awarding Bid No. 2019-60-B to Quality Excavation, LTD., related to construction services for the Coleman Street Road Widening (Gorgeous – Wilson) project; and authorizing the Town Manager to execute a construction agreement for same. (PA)**

Pete Anaya, Assistant Director of Engineering Services – Capital Projects, presented this item before the Town Council. Town staff anticipates issuing a notice to proceed on this contract effective in early July 2019, which would result in a substantial completion date in early September 2019. This schedule and construction sequencing is designed to coordinate with Reynolds Middle School traffic.

After discussion, Councilmember Miller made a motion and Councilmember Hodges seconded the motion to award Bid No. 2019-60-B to Quality Excavation, LTD., related to construction services for the Coleman Street Road Widening (Gorgeous – Wilson) project; and authorize the Town Manager to execute a construction agreement for same. The motion was approved by a vote of 5-0.

17. **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:

17a. Section 551.087 – To discuss and consider economic development incentives.

17b. 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.

17c. Section 551.074 – To discuss and consider personnel matters and all matters incident and related thereto.

17d. Section 551.074 – To discuss and consider election of Mayor Pro-Tem and Deputy Mayor Pro-Tem.

The Town Council recessed into Executive Session at 8:08 p.m.

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

The Town Council reconvened the Regular Session at 8:56 p.m.

Councilmember Hodges made a motion and Councilmember Ray seconded the motion to appoint Curry Vogelsang, Jr., as Mayor Pro-Tem and Jason Dixon as Deputy Mayor Pro-Tem. The motion was approved by a vote of 5-0.

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

- **Discuss Town Council Subcommittee Membership. (RB)**

The Town Council reviewed the current membership of the various Council Subcommittees. Councilmember Ray was appointed to the Benefits and Broadband Committees. No further action was taken.

- **Discuss Public Safety and Military Wall of Honor.**

The Council discussed the possibility of installing a Public Safety and Military Wall of Honor on the Town Hall grounds. The item will be brought forward for further discussion during the Budget Work Session on July 9.

Councilmember Ray requested the Council reconsider the format and location of the Agenda Briefing sessions. The item will be brought forward for discussion at the July 9 Town Council meeting.

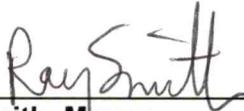
20. Adjourn.

The meeting was adjourned at 9:13 p.m. on Tuesday, June 25, 2019.

These minutes approved on the 9th day of July 2019.

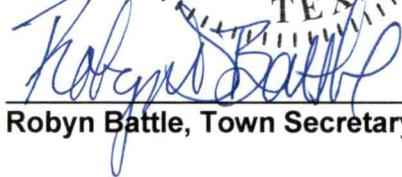


APPROVED:



Ray Smith, Mayor

ATTEST:



Robyn Battle, Town Secretary