



Prosper is a place where everyone matters.

MINUTES

Prosper Town Council Meeting
Council Chambers
Prosper Town Hall
250 W. First Street, Prosper, Texas
Tuesday, August 9, 2022

Call to Order/ Roll Call.

The meeting was called to order at 5:45 p.m.

Council Members Present:

Mayor Pro-Tem Jeff Hodges
Deputy Mayor Pro-Tem Craig Andres
Councilmember Amy Bartley
Councilmember Chris Kern
Councilmember Charles Cotten

Council Members Absent:

Mayor David F. Bristol
Councilmember Marcus E. Ray

Staff Members Present:

Terry Welch, Town Attorney
Michelle Lewis Sirianni, Town Secretary
Bob Scott, Executive Director of Administrative Services
Robyn Battle, Executive Director of Community Services
Hulon Webb, Interim Executive Director of Development and Infrastructure Services
David Soto, Planning Manager
Betty Pamplin, Finance Director
Todd Rice, Communications Manager
Frank Jaromin, Public Works Director
Dan Baker, Parks and Recreation Director
Leslie Scott, Director of Library Services
Doug Kowalski, Police Chief
Stuart Blasingame, Fire Chief

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

Deputy Mayor Pro-Tem Andres led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were recited.

Announcements of recent and upcoming events.

Councilmember Kern made the following announcements:

Join us for the next Discover Downtown event series on Saturday, September 10 for Paws on Broadway from 1:00 p.m. to 4:00 p.m. Bring your pup downtown to enjoy ball pits, mini pools, obstacle courses, paw painting and playful competitions. Exhibits will also be onsite featuring dog treats, dog trainers, dog spa/resorts, animal clinics, and the Collin County Animal Shelter.

Residents can hunt trees as part of the Parks and Recreation annual Champion Tree Contest. The species of the tree to hunt will be posted on the Parks and Recreation Facebook page on Thursday, September 15. An online entry form will be available with the winning tree to be announced at the Prosper Arbor Day Celebration on Saturday, November 5.

Join us for a Moonlight Movie featuring the family film “Encanto” as part of the Discover Downtown event series on Saturday, September 24, which was previously rescheduled from August 13 due to the extreme heat conditions. The event kicks off with strolling movie characters, lawn games, balloon artists, shaved ice, and popcorn. Games will open at 7:00 p.m. with movie beginning at 8:30 p.m. For more information, visit the events page from the homepage of the Town’s website.

Join us for “Celebrate Prosper” on Saturday, October 8 at Frontier Park. This fun community celebration will feature live music and BBQ. The event is presented by the Parks and Recreation Department with support of Sponsors and community partners. For more information, visit the events page from the homepage of the Town’s website.

The Town of Prosper will host an informational Town Hall Meeting on Thursday, August 18, from 6-8 p.m. at Rock Creek Church, located at 2860 Fishtrap Road in Prosper. Residents will hear presentations from Town staff and representatives from NTTA and TxDOT on road projects that impact the west side of Prosper. Also on the agenda is an update from Parks & Recreation on the Town’s recent purchase of 163 acres of parkland along Doe Branch Creek. More details are available on the Town website and Facebook page.

Councilmember Bartley thanked several of the non-profit organizations and volunteers with Cornerstone NCT, Hope Fellowship, and Prosper Ladies Association for their recent efforts made to the community and for all the donations received to these organizations.

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.

1. **Consider and act upon the minutes of the July 26, 2022, Town Council meeting. (MLS)**
2. **Consider and act upon the minutes of the July 26, 2022, Town Council Work Session meeting. (MLS)**
3. **Consider and act upon Resolution 2022-43 approving a negotiated settlement between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division regarding the company’s 2022 rate review mechanism filing. (BP)**
4. **Consider and act upon Resolution 2022-44 authorizing the Mayor to execute a Joint Administrative Agreement with Denton County for the Community Development Block Grant (CDBG) three year program for fiscal year 2023, 2024, and 2025. (MLS)**
5. **Consider and act upon authorizing the Mayor to execute a Professional Engineering Services Agreement between Freese and Nichols, Inc., and the Town of Prosper, Texas, related to the Public Works and Parks and Recreation Facility Master Plan project. (FJ)**
6. **Consider and act upon awarding CSP No. 2022-44-B to American Landscape Systems, related to construction services for the Coleman Street Median Landscaping (Victory-Preston) and the Prosper Trail Median Landscaping (DNT-700’ East) project; and authorizing the Mayor to execute a construction agreement for same. (HW)**

7. Consider and act upon Ordinance 2022-45 to rezone Planned Development-86 (PD-86) to Planned Development-114 (PD-114), on 277.6± acres, to amend the single-family residential regulations, located on the north side of US 380, west of Custer Road. (Z22-0005). (DS)
8. Consider and act upon authorizing the Mayor execute a Development Agreement between 104 Prosper, 310 Prosper, Prosper Hollow LP & Paramount Soft LP, DD Brookhollow LLC, 55 Prosper and the Town of Prosper, Texas, related to Rutherford Creek development, located on the north side of US 380, west of Custer Road. (DS)
9. Consider and act upon Ordinance 2022-46 for a Specific Use Permit (SUP) for a Day Care Center (Grace Chapel), on 5.4± acres, located on the southeast corner of FM 1385 and Denton Way. (S22-0005). (DS)
10. Consider and act upon authorizing the Mayor to execute a Development Agreement between North Texas Conference of the United Methodist Church, and the Town of Prosper, Texas, related to the Grace Chapel Prosper development, located on the southeast corner of FM 1385 and Denton Way. (DS)
11. Consider and act upon Ordinance 2022-47 to amend Planned Development-93 (PD-93), on 0.8± acres, located on the southwest corner of Broadway Street and Preston Road, in order to allow for a restaurant with drive-through services. (Z22-0006). (DS)
12. Consider and act upon authorizing the Mayor to execute a Development Agreement between SCSD-FINNELL, LTD, and the Town of Prosper, Texas, related to the Black Rifle Coffee development, located on the southwest corner of Broadway Street and Preston Road. (DS)
13. Consider and act upon Ordinance 2022-48 for a Specific Use Permit (SUP) for a Restaurant with Drive-Through Service, on 1.2± acres, in the Victory at Frontier development. (S22-0006). (DS)
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 Plans and Preliminary Site Plans, including Mav Addition, Grace Chapel (Site Plan) & Grace Chapel (Preliminary Site Plan). (DS)

Deputy Mayor Pro-Tem Andres made a motion to approve consent agenda items 1 thru 14. Councilmember Cotten seconded that motion, and the motion was unanimously approved.

CITIZEN COMMENTS

No comments were made.

Items for Individual Consideration:

15. **Submission of the FY 2022-2023 Proposed Budget and Budget Message. (RBS)**

Mr. Scott presented an overview of the proposed Budget including the assessed valuation and tax rate, revenue funds, and tying in the Town's Strategic Plan goals.

Mr. Webb presented an overview of the Capital Improvement Projects (CIP) Plan and how the plan fits into the current capacity of the Town's debt service tax rate over the next several years based on the approved 2021-2022 bond projects, proposed fiscal year projects from 2022 through 2027, as well as fiscal years 2027 to 2032.

The Town Council discussed the costs associated with the projects and the proposed dedicated levy of \$3.25 million.

Mr. Edwards presented a market salary analysis based on projected salary movement with the Town's benchmark cities, other area cities, and the current Consumer Price Index. Mr. Edwards also presented proposed cost of living adjustments based on a one (1) and two (2) percent increase, as well as the amount associated with the increase based on the implementation date.

Mr. Scott proceeded with an overview of the General Fund, Utility Fund, Solid Waste Fund, and employee benefits. Options for prioritizing discretionary packets were presented in order to receive direction from the Town Council.

The Town Council discussed and were in consensus to increasing the dedicated capital fund higher than proposed amount, reducing personnel requests within the proposed budget, and reducing the amount of debt when feasible.

16. Consider and act upon scheduling a public hearing on the FY 2022-2023 proposed Budget. (BP)

Ms. Pamplin stated this item is to schedule the public hearing on the proposed budget for the August 23 Council meeting. The notice will be published on the Town's website and in the Prosper Press.

Councilmember Bartley made a motion to schedule a public hearing on the FY 2022-2023 proposed Budget for August 23, 2022, at 6:15 p.m. with the meeting taking place in the Council Chambers of Prosper Town Hall, located at 250 W. First Street, Prosper, TX. Deputy Mayor Pro-Tem Andres seconded that motion, and the motion was unanimously approved.

17. Consider and act upon scheduling a public hearing for the FY 2022-2023 proposed tax rate. (BP)

Ms. Pamplin stated this item is to schedule the public hearing on the tax rate to the September 13 Council meeting. The notice will be published on the Town's website and in the Prosper Press.

Deputy Mayor Pro-Tem Andres made a motion to set the public hearing on the proposed tax rate for September 13, 2022, at 6:15 p.m., with the meeting taking place in the Council Chambers of Prosper Town Hall, located at 250 W. First Street, Prosper, TX. Councilmember Cotten seconded that motion, and the motion was unanimously approved.

18. Consider accepting submission of the 2022 no-new-revenue tax rate of \$0.438227 per \$100 taxable value and the voter-approval tax rate of \$0.527336 per \$100 taxable value. (BP)

Ms. Pamplin stated this item is to accept the submission of the no-new-revenue tax rate and the voter-approval tax rate. State law requires municipalities to publish the no-new-revenue tax rate and a voter-approval tax rate, and to hold one public hearing if the proposed tax rate exceeds the lower of the no-new revenue or voter-approval

tax rate. Because the Town's proposed tax rate of \$0.510000 is higher than the no-new-revenue tax rate of \$0.438227, the Town is required to hold one public hearing on the tax rate.

Councilmember Cotten made a motion to accept the submission of the 2022 no-new-revenue tax rate of \$0.438227 per \$100 taxable value and the voter-approval tax rate of \$0.527336 per \$100 taxable value. Deputy Mayor Pro-Tem Andres seconded that motion, and the motion was unanimously approved.

19. Consider and act upon a proposed FY 2022-2023 property tax rate. (BP)

Ms. Pamplin stated this item is to set the proposed property tax rate. The Town is required to hold one public hearing and publish a newspaper ad if proposing to consider a tax rate that exceeds the no-new-revenue rate or voter-approval rate, whichever is lower. The rate the Town finally adopts can be lower than the proposed and published rate, but it cannot exceed it without undergoing the required posting requirements and timeframes.

Councilmember Cotten made a motion to place a proposal to adopt a FY 2022-2023 tax rate of fifty-one cents (\$0.51) per one hundred dollars (\$100) of valuation on the September 13, 2022, Town Council Agenda. Deputy Mayor Pro-Tem Andres seconded that motion. The Town Council voted as follows:

Councilmember Cotten – Aye
Councilmember Kern – Aye
Deputy Mayor Pro-Tem Andres – Aye
Councilmember Bartley – Aye
Mayor Pro-Tem Hodges - Aye

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

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

No comments were made.

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.

The Town Council recessed into Executive Session at 7:44 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 8:20 p.m.

No action was taken.

Adjourn.

The meeting was adjourned at 8:20 p.m.

These minutes approved on the 23rd day of August 2022.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

DRAFT