



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 8, 2022

Call to Order/ Roll Call.

The meeting was called to order at 6:15 p.m.

Council Members Present:

Mayor David F. Bristol
Mayor Pro-Tem Jeff Hodges
Deputy Mayor Pro-Tem Craig Andres
Councilmember Marcus E. Ray
Councilmember Amy Bartley
Councilmember Chris Kern
Councilmember Charles Cotten

Staff Members Present:

Ron K. Patterson, Interim Town Manager
Terry Welch, Town Attorney
Michelle Lewis Sirianni, Town Secretary
Bob Scott, Executive Director of Administrative Services
Hulon Webb, Interim Executive Director of Development and Infrastructure Services
David Soto, Planning Manager
Dan Baker, Parks and Recreation Director
Paul Naughton, Senior Park Planner
Frank Jaromin, Public Works Director
James Edwards, Human Resources Director
Jessika Hotchkin, Help Desk Technician I
Todd Rice, Communications Manager
Brady Cudd, Building Official
Doug Kowalski, Police Chief
Scott Brewer, Assistant Police Chief
Stuart Blasingame, 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 presented and recited by Girl Scouts Troop 4679.

Announcements of recent and upcoming events.

Councilmember Kern made the following announcements:

Thank you to all who attended the Prosper Arbor Day Celebration this past Saturday and planted two Chinquapin Oak Trees, as well as our Parks and Recreation staff who provided instruction and guidance on proper tree planting techniques to the group.

Thank you to the 19 teams who participated in the Town's first annual Pickleball tournament this past Saturday along with all those who came out to spectate. A fun time was had by all.

Please join the Town for an informational public meeting on Wednesday, November 9 at 6:00 p.m. in the Council Chambers of Town Hall regarding traffic control measures on the west side of Prosper. Town staff members from the Engineering Department and the Prosper Police Department will provide information on short and long-term solutions to improve the traffic conditions on the west side of Town.

On Friday, November 11, join the Town for the Honor Walls Dedication Ceremony at 10:00 a.m. on the north side of Town Hall to honor all those who have served and continue to serve. Then on Saturday, November 12 at Frontier Park, participate in Prosper's first annual Veterans Day 5K and Fun Run. Festivities begin at 8:00 a.m. Proceeds from the event to benefit the future Veteran's Memorial.

Reminder that Town Hall Offices will be closed on Thursday, November 24 and Friday, November 25 for the Thanksgiving Holiday. Due to the holiday, residents whose trash service falls on Thursday or Friday will be delayed by one day. The special bulk drop off location at Public Works will also be closed on Saturday, November 26.

Prosper residents and businesses are invited to dress up their locations for the annual Light the Night decorating contest sponsored by CoServ. Contest winners in several categories will receive a yard sign, gift card, and social media recognition. The online entry form will be coming soon. Deadline to enter is Sunday, December 11.

The Prosper annual Christmas Festival will take place on Saturday, December 3 at Prosper Town Hall. Come experience the magic of Santa Claus in his Workshop, the Kids Christmas Shoppe, dazzling exhibits, Kids Fun Zone, Community Stage performances, carriage rides, live demonstrations, and food truck vendors. Also, don't miss out on the Prosper Rotary Club Christmas Parade at 2:30 p.m., and the Tree Lighting at 7:00 p.m. followed by fireworks. The festival is free of charge. For more information visit ProsperChristmas.org.

Presentations.

1. Proclamation recognizing November 18, 2022, as National Injury Prevention Day. (MLS)

Mayor Bristol read and presented a Proclamation to members of Safe Kids North Texas and Center for Children's Health led by Cook Children's.

2. Receive an update from the Public Works Department. (FJ)

Mr. Jaromin provided an update that included organizational structures for the water, wastewater, and streets departments, achievements and accomplishments within the past year, current challenges, and what is being planned for the upcoming year.

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.

3. Consider and act upon the minutes of the October 25, 2022, Town Council meeting. (MLS)

4. Consider and act upon the minutes of the October 27, 2022, Town Council Work Session meeting. (MLS)

5. Consider and act upon authorizing the Interim Town Manager to execute a Park Dedication and Park Maintenance Agreement between Hunt Wandering Creek Land, LLC, and the Town of Prosper, Texas, related to the dedication of public park property within the Wandering Creek development. (HW/DB)

6. Consider and act upon Ordinance 2022-71 establishing a no parking zone on Ridgewood Drive from Hays Road to Crown Colony Drive. (HW)

7. Consider and act upon approval of a Services Agreement between Strategies 360 Texas, LLC, The Town of Prosper, and the Prosper Economic Development Corporation for government relations and strategic advocacy services and authorize the Interim Town Manager to execute the same. (RB) Deputy Mayor Pro-Tem Andres requested to pull item #10.

Councilmember Cotten made a motion to approve consent agenda items 3 through 7. Deputy Mayor Pro-Tem Andres seconded that motion, and the motion was unanimously approved.

CITIZEN COMMENTS

No comments were made.

Items for Individual Consideration:

- 8. Consider and act upon awarding RFP No. 2022-58-A for Medical Administrative Services Only effective January 1, 2023 and authorizing the Interim Town Manager to execute all documents for the same. (JE)**

Mayor Bristol left the dais.

Mayor Pro-Tem Hodges opened agenda items 8 through 11.

Mr. Edwards introduced Lance Pendley with McGriff Insurance Services. Mr. Pendley presented a review of the RFP process done for the Town's Insurance benefits, which included the goals and objectives, the two finalists, plan design options and recommendations for medical, dental, pharmacy benefits, and the voluntary products.

Jason Dixon, 1050 High Willow Drive, representing Trinity Captive, a finalist in the RFP process presented information to the Town Council on why Trinity Captive is a better fit for the Town. He encouraged the Town Council to compare the costs and overall benefits to the employees, and the total max liability.

The Town Council discussed plan designs, overall costs to the Town, the timeframe for open enrollment.

Councilmember Cotten made a motion to table awarding RFP No. 2022-58-A for Medical Administrative Services Only effective January 1, 2023 and authorizing the Interim Town Manager to execute all documents for the same, to November 22 to have the consultant address with the Benefits Subcommittee the items presented by Mr. Dixon. Seconded by Councilmember Kern. Tie vote of 2-2-2. Councilmember Ray and Deputy Mayor Pro-Tem Andres abstained citing concerns of the timeframe placed on Human Resources.

The Town Council further discussed the timeframe, recommendations by the consultant, and information presented by Mr. Dixon.

Councilmember Cotten subsequently made a motion to table awarding RFP No. 2022-58-A for Medical Administrative Services Only effective January 1, 2023 and authorizing the Interim Town Manager to execute all documents for the same to November 22, to have the consultant and staff to address the questions raised by the presentation by Mr. Dixon with the Subcommittee. Councilmember Kern seconded that motion. Tie vote of 2-2-2. Councilmember Ray and Mayor Pro-Tem Andres abstained.

Councilmember Ray made a motion to defer to the Benefits Subcommittee to approve.

Deputy Mayor Pro-Tem Andres asked for clarification of the motion. Councilmember Ray asked for the Councilmembers on the subcommittee for their recommendation.

Mayor Pro-Tem Hodges stated he is on the subcommittee and recommends going with the consultant's recommendation of UMR.

Councilmember Cotten stated he is on the subcommittee and recommends the Council defer.

Councilmember Bartley stated based on the employee feedback and the overall cost to the Town to go with the consultant's recommendation of UMR. She expressed concerns of delaying due to open enrollment for the staff.

Deputy Mayor Pro-Tem Andres seconded the motion with concerns expressed regarding the timeline.

Councilmember Ray re-stated a motion to approve awarding RFP No. 2022-58-A for Medical Administrative Services to Only to UMR effective January 1, 2023 and authorizing the Interim Town Manager to execute all documents for the same. Deputy Mayor Pro-Tem Andres seconded that motion. Motion carried with a 4-2 vote. Councilmembers Cotten and Kern voting in opposition.

Mayor Bristol returned to the dais.

9. **Consider and act upon awarding RFP No. 2022-59-A for fully insured dental benefits insurance effective January 1, 2023 and authorizing the Interim Town Manager to execute all documents for the same. (JE)**

Mayor Pro-Tem Hodges made a motion to approve awarding RFP No. 2022-59-A for fully insured dental benefits insurance effective January 1, 2023 and authorizing the Interim Town Manager to execute all documents for the same. Councilmember Cotten seconded that motion, and the motion was unanimously approved.

10. **Consider and act upon awarding RFP No. 2022-61-A for pharmacy benefits management services effective January 1, 2023 and authorizing the Interim Town Manager to execute all documents for the same. (JE)**

Councilmember Cotten made a motion to approve awarding RFP No. 2022-61-A for pharmacy benefits management services effective January 1, 2023 and authorizing the Interim Town Manager to execute all documents for the same. Mayor Pro-Tem seconded that motion, and the motion was unanimously approved.

11. **Consider and act upon awarding RFP No. 2022-60-A for group critical illness with cancer, group accident and group hospital indemnity insurance effective January 1, 2023, and authorizing the Interim Town Manager to execute all documents for the same. (JE)**

Councilmember Cotten made a motion to approve awarding RFP No. 2022-60-A for group critical illness with cancer, group accident and group hospital indemnity insurance effective January 1, 2023, and authorizing the Interim Town Manager to execute all documents for the same. Councilmember Ray seconded that motion, and the motion was unanimously approved.

12. **Conduct a public hearing and consider and act upon Ordinance 2022-72 amending the Thoroughfare Plan to realign segments of Teel Parkway, McKinley Street, Gorgeous Road, Coleman Street, and the DNT Collector, amend the cross section for First Street between Coleman Street and Craig Road, rename Fishtrap Road west of Legacy Drive to First Street, and add a collector road from the DNT Collector to Frontier Park. (CA22-0002). (HW)**

Mr. Webb presented the proposed changes to the Thoroughfare Plan. The Planning and Zoning Commission recommended approval at their October 18 meeting. Staff recommends approval of the proposed changes.

The Town Council discussed if the property owners were notified, and updating the map when zoning is approved versus waiting.

Mayor Bristol opened the public hearing.

Matt Moore, 301 S. Coleman with ClayMoore Engineering, asked the Town Council to reconsider the road from DNT collector to Frontier Park and let the traffic pattern(s) work themselves out as development occurs.

Mayor Bristol closed the public hearing.

Councilmember Cotten expressed concerns of the road connecting to Frontier Park and the need to have it on the Thoroughfare Plan.

Councilmember Cotten made a motion to approve Ordinance 2022-72 amending the Thoroughfare Plan to realign segments of Teel Parkway, McKinley Street, Gorgeous Road, Coleman Street, and the DNT Collector, amend the cross section for First Street between Coleman Street and Craig Road, rename Fishtrap Road west of Legacy Drive to First Street, and add a collector road from the DNT Collector to Frontier Park. Councilmember Bartley seconded that motion. The motion carried with a 6-1 vote. Mayor Pro-Tem Hodges voting in opposition.

13. **Consider and act upon authorizing the Interim Town Manager to execute a Standard Form of Agreement between the Town and Dean Electric, Inc., dba Dean Electric, related to Construction Manager-At-Risk services for Raymond Community Park Phase 1 Project; and an Addendum to the Standard Form of Agreement between the Town and the Construction Manager-At-Risk. (PN)**

Mayor left the dais.

Mr. Naughton presented the criteria evaluated by the committee for this item along with a timeline of the project. Staff recommends approval.

The Town Council expressed concerns of the matrix and scoring criteria, and the process of re-negotiating the bid or rejecting bids.

Councilmember Ray made a recommendation to enter negotiations with Dean Construction with the ability to go back and negotiate a price, and if should not

succeed, the Town Council would follow the procurement process in going to the next bidder.

Motion dies due to lack of second.

Councilmember Cotten made a motion to postpone for two weeks to negotiate with Dean Construction and including option of rejecting all bids if an agreement cannot be reached. Deputy Mayor Pro-Tem Andres seconded that motion. Motion carries with a 6-0 vote.

Mayor Bristol returned to the dais.

14. **Consider and act upon adopting Ordinance 2022-73 amending fees in the Town's Code of Ordinances, specifically Sections 113.2 and 113.3 of the International Fire Code, contained in Section 5.03.002 "Amendments" of Article 5.03, "Fire Code", of Chapter 3, "Fire Prevention and Protection," and amending various fees contained in Appendix A, "Fee Schedule," relating to Construction Permits and Fees, Sign-related Fees, Development Fees, Miscellaneous Fees, Health and Sanitation Fees, Public Works Fees, and Backflow Prevention Plan and Enforcement Fees; and repealing Section II, "Mechanical/Plumbing Permit Fees," and Section III, "Electrical Permit Fees," contained in Appendix A, "Fee Schedule." (RBS)**

Mr. Scott introduced item and indicated the item was presented to the Developer's Council with no feedback.

Mayor Pro-Tem Hodges asked regarding who is responsible for the fine if there is no permit. Mr. Cudd responded the homeowner would be responsible for ensuring there is a permit.

Councilmember Ray made a motion to adopt Ordinance 2022-73 amending fees in the Town's Code of Ordinances, specifically Sections 113.2 and 113.3 of the International Fire Code, contained in Section 5.03.002 "Amendments" of Article 5.03, "Fire Code", of Chapter 3, "Fire Prevention and Protection," and amending various fees contained in Appendix A, "Fee Schedule," relating to Construction Permits and Fees, Sign-related Fees, Development Fees, Miscellaneous Fees, Health and Sanitation Fees, Public Works Fees, and Backflow Prevention Plan and Enforcement Fees; and repealing Section II, "Mechanical/Plumbing Permit Fees," and Section III, "Electrical Permit Fees," contained in Appendix A, "Fee Schedule." Deputy Mayor Pro-Tem Andres seconded that motion, and the motion was unanimously approved.

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

Councilmember Cotten requested the evaluation matrix to be brought back to a future meeting.

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, including Town Manager search and selection process, and all matters incident and related thereto.

Section 551.089 - Deliberation of security information collected, assembled or maintained by or for a governmental entity to prevent, detect or investigate criminal activity, pursuant to Section 2059.055 of the Texas Government Code, 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, Planning & Zoning Commission, and the Community Engagement Committee, and all matters incident and related thereto.

The Town Council recessed into Executive Session at 9:20 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 10:54 p.m.

No action was taken.

Adjourn.

The meeting was adjourned at 10:54 p.m.

These minutes approved on the 22nd day of November 2022.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary