



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 25, 2020

Call to Order/ Roll Call.

The meeting was called to order at 5:46 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 Jeff Hodges
Councilmember Meigs Miller

Staff Members Present:

Harlan Jefferson, Town Manager
Terry Welch, Town Attorney
Melissa Lee, Town Secretary
Robyn Battle, Executive Director of Community Services
Chuck Springer, Executive Director of Administrative Services
Betty Pamplin, Finance Director
January Cook, Purchasing Manager
Rebecca Zook, Executive Director of Development & Infrastructure Services
John Webb, Development Services Director
Hulon Webb, Engineering Services Director
Dan Heischman, Assistant Director of Engineering Services - Development
Alex Glushko, Planning Manager
Frank Jaromin, Director of Public Works
Leigh Johnson, Director of Information Technology
Dudley Raymond, Director of Parks and Recreation
Doug Kowalski, Police Chief
Stuart Blasingame, Fire Chief

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

Pastor Jim Lugar, Life Journey Church, led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were recited.

Announcements of recent and upcoming events.

The Town of Prosper is holding a general Town Hall meeting to share information on the proposed budget for next fiscal year. The 90-minute meeting will be held on August 27 at 6:30 p.m. at Prosper Town Hall, with appropriate social distancing, or via Zoom. Town staff will present highlights from the FY 2020-2021 budget, and will be available to answer questions. A copy of the Proposed Budget is available on the Town website.

Residents are invited to “Light Our Town Blue” in support of the Prosper Police Department. The Town of Prosper, Prosper ISD, and local community groups are showing support for our Police Department through the month of September, and ending on October 6 with the Town’s annual National Night Out celebration. Prosper Town Hall, the Gateway Monument on Preston Road, and the PISD Football Stadium will be illuminated in blue each night, and we encourage residents to do the same by adding blue light bulbs to your front porch light and/or landscape lighting to show your support.

Collin County is launching the Collin CARES Small Business Grant Program for businesses located within Collin County. Using CARES Act funds, the County will award up to \$25,000 to eligible businesses that have experienced a revenue loss of greater than 15% due to the COVID-19 pandemic. Applications may be submitted September 4th through September 25th, and awards will be granted on a first-come, first-served basis. More information is available on the Collin County website.

The Prosper Fire Department will host its annual 9/11 Remembrance Ceremony at Town Hall on Friday, September 11, at 7:30 a.m. outside Town Hall. Attendees are asked to wear masks and maintain social distance. A blood drive will be held on September 10th and 11th as part of our annual 9/11 Ceremony. More details will be available soon on the Town website and Facebook page.

Governor Abbott has called a special election on September 29 to fill the State Senate District 30 seat, previously held by Pat Fallon. Fallon will run in an election this November to fill the seat of U.S. Representative John Ratcliff, who has been appointed as the director of national intelligence. Early voting begins on September 14. The Town Hall Community Room will serve as a polling place for early voting and election day.

Presentations.

1. Presenting Life Saving Awards to Firefighter Paramedics and Communication Officers. (SB)

Stuart Blasingame, Fire Chief, presented awards for two life saving instances. The first, awarded to Tiffany McDorman, Public Safety Communications Officer, Lieutenant/Paramedic Dwayne Norvell, Driver/Engineer/Paramedic Colby Rogers, Firefighter/Paramedic David Weimer, Firefighter/Paramedic Oliver Bradley, and Firefighter/Paramedic Jaycob Miller for their outstanding performance and lifesaving actions on April 24, 2020.

The second, awarded to Katherine Hickman, Public Safety Communications Officer, Lieutenant/Paramedic Dwayne Norvell, Driver/Engineer/Paramedic Colby Rogers, Firefighter/Paramedic David Weimer, Firefighter/Paramedic Jeremy Hunt, and Firefighter/Paramedic Taylor Kyles for their outstanding performance and life saving actions on July 27, 2020.

2. Prosper Fire Department received recognition for Best Practices. (SB)

Stuart Blasingame, Fire Chief, spoke on the recognition awarded to the Prosper Fire Department for Best Practices Recognition Status by the Texas Fire Chiefs Association on May 5, 2020. The TFCA Best Practices program provides a pathway for a fire department to push its service to a level of excellence that is validated by

independent experts. This designation demonstrates to customers of these organizations that their fire department is among the very best in the Texas Fire Service.

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 from the August 11, 2020, Town Council meeting. (ML)
4. Consider and act upon approving an Amendment to the Facility Management Services Agreement between TDIndustries, Inc., and the Town of Prosper Texas, through the National Cooperative Purchasing Alliance (NCPA); and authorizing the Town Manager to execute the same. (CS)
6. Consider and act upon approving the purchase and installation of a modular building for Public Works, from Vanguard Modular Building Systems, LLC, through The Interlocal Purchasing System (TIPS) Cooperative Purchasing Program; and authorizing the Town Manager to execute the same. (FJ)
7. Consider and act upon Ordinance No. 2020-63 amending Section 12.09.004 "School Traffic Zones" of Chapter 12 "Traffic and Vehicles" of the Town's Code of Ordinances by modifying the limits and hours of operation of such zones. (HW)
8. Consider and act upon authorizing the Town Manager to execute a First Amended Development Agreement between Matthew Clarke, and the Town of Prosper, Texas, related to the Downtown Office development, located at 603 E. Broadway Street. (AG)
9. Consider and act upon authorizing the Town Manager to execute a License, Maintenance and Hold Harmless Agreement between 1000 N. Preston, LLC, and the Town of Prosper, Texas, related to the installation and maintenance of angled parking stalls within the right-of-way of Hays Road adjacent to the development at 1000 N. Preston Road. (DH)
11. 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)

Mayor Smith removed Item 10 from the consent agenda.

10. Consider and act upon an ordinance amending the Zoning Ordinance regarding Permitted Uses and Definitions, and Development Requirements, including but not limited to Landscaping, Parking, Screening, and Non-Residential Design and Development Standards. (Z20-0010). (AG)

Staff recommended tabling this item until the September 8, 2020, Town Council meeting.

Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Miller seconded the motion to table Item 10 until the September 8, 2020, Town Council meeting.

The motion was approved by a vote of 7-0.

Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Andres seconded the motion to approve Items 3, 4, 6 - 9, and 11 on the consent agenda.

The motion was approved by a vote of 7-0.

Councilmember Ray removed Item 5 from the consent agenda.

5. **Consider and act upon approving a Standard Form of Agreement with Pogue Construction Co., LP, for the build-out of existing shell space in Town Hall; the purchase and installation of furniture for the renovated spaces from Workspace Interiors by Office Depot, through the Omnia Partners Cooperative; and authorizing the Town Manager to execute the same. (RB)**

Councilmember Ray opposed Item 5.

Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Hodges seconded the motion to approve the Standard Form of Agreement with Pogue Construction Co., LP, for the build-out of existing shell space in Town Hall; the purchase and installation of furniture for the renovated spaces from Workspace Interiors by Office Depot, through the Omnia Partners Cooperative; and authorizing the Town Manager to execute the same.

The motion was approved by a vote of 6-1 with Councilmember Ray opposed.

CITIZEN COMMENTS

There were no citizen comments.

REGULAR AGENDA:

Items for Individual Consideration:

12. **Discussion on current and proposed Emergency Medical Services (EMS) Fee Schedules for medical transports by the Fire Department. (SB)**

Stuart Blasingame, Fire Chief, presented information the rate adjustment which will allow the Town to maintain a financially responsible process and budgeting plan more in line with equivalent EMS systems, and support our annual EMS expenditures.

Council discussed the EMS billing structure and rates of comparator cities. Mayor Pro-Tem Vogelsang requested a standardized cost of service and discussed resident rates versus non-resident rates.

13. **Conduct a Public Hearing to consider and discuss the FY 2020-2021 Budget as proposed. (BP)**

Betty Pamplin, Finance Director, discussed FY 2020-2021 Proposed Budget with highlights that include no increase in property tax rate or utility rates for Town customers. Continued growth in property tax and sales tax was noted, as was continued staff additions to Public Safety. Hulon Webb, Engineering Services Director, provided information on the Capital Improvement projects included in the FY 2020-2021 Proposed Budget. Street, traffic and facility project funding was discussed. Dudley Raymond, Director of Parks and Recreation, provided information on the park projects included in the FY 2020-2021 Proposed Budget.

Mayor Smith opened the public hearing.

With no one speaking, Mayor Smith closed the public hearing.

Ms. Pamplin continued with a request for direction on the Broadband Committee recommendations of an additional Help Desk Technician for residents, loaner cellular hot spots, and Wi-fi for the exterior of Town Hall and Library. Council favored the recommendations.

14. Consider and act upon Ordinance No. 2020-64 amending Chapter 4, “Business Regulations,” of the Code of Ordinances by adding a new Article 4.11, Single-Family Dwelling Transient Rentals,” to prohibit the short term rental of single-family dwellings in the Town. (JW)

John Webb, Development Services Director, provided an overview of a short term rental (STR) as a type of lodging where a home, or part of a home, is rented for a fee for fewer than thirty (30) consecutive nights. Over the past several years, the number of STR's has increased significantly. In the United States, there are over 2,700 cities and counties with at least 50 STR's. In Prosper, there have been as many eight (8) homes marketed as a STR. The influx of out-of-town visitors upsets the peaceful enjoyment of long-standing residential neighborhoods as short-term renters have no stake in the community.

Mayor Smith asked for any citizen comments. Chester Johnson, 5451 Exeter Dr., Prosper, submitted a Public Meeting Appearance Card expressing his support for Item 14.

Council discussed the updates to the business regulations, specifically how the approved ordinance would affect current rentals on the market in Prosper.

After discussion, Councilmember Hodges made a motion and Councilmember Ray seconded the motion to approve Ordinance No. 2020-64 amending Chapter 4, “Business Regulations,” of the Code of Ordinances by adding a new Article 4.11, Single-Family Dwelling Transient Rentals,” to prohibit the short term rental of single-family dwellings in the Town.

The motion was approved by a vote of 7-0.

15. Discussion on Speed Limit Ordinance. (HW)

Hulon Webb, Engineering Services Director, discussed the Speed Limit Ordinance. Since the last ordinance updating the speed limits in 2017, the Town has added

several new roadways, and there are some other roadways currently being constructed that all require speed limits be established. Additionally, staff has analyzed several traffic accidents around the Gates of Prosper development and is recommending lowering speeds in the vicinity of the commercial development from 45 mph to 40 mph to improve safety. Lastly, staff is recommending the speed limit along existing Windsong Parkway be lowered to be more conducive of a residential neighborhood environment.

Council discussed the location and spacing of speed limit signs when there is a speed limit change along a roadway. Deputy Mayor Pro-Tem Dixon requested to leave existing Lovers Lane as 45-mph from US 380 to Coleman St. Councilmember Andres questioned the proposed 45-mph speed limit on Victory Way. Mr. Webb discussed Victory Way's classification as major thoroughfare and the intent for consistency on all major and minor thoroughfares.

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.

The Town Council recessed into Executive Session at 7:47 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 8:33 p.m.

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

Mayor Smith requested an agenda item on submitting an official ballot for the election of Places 1-4 of the Board of Trustees for the Texas Municipal League Intergovernmental Risk Pool.

Town Manager Jefferson discussed a joint meeting opportunity with the Planning and Zoning Commission and the Parks and Recreation Board on Tuesday September 1, 2020. Council agreed to the joint meeting on Tuesday September 1, 2020.

Adjourn.

The meeting was adjourned at 8:40 p.m. on Tuesday, August 25, 2020.

These minutes approved on the 8th day of September 2020.

APPROVED:

Ray Smith, Mayor

ATTEST:

Melissa Lee, Town Secretary

DRAFT