



Prosper is a place where everyone matters.

Minutes

Prosper Town Council Meeting
Council Chambers
Prosper Town Hall
200 S. Main Street, Prosper, Texas
Tuesday, September 10, 2019

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 Curry Vogelsang, Jr.
Deputy Mayor Pro-Tem Jason Dixon
Councilmember Marcus E. Ray
Councilmember Craig Andres
Councilmember Meigs Miller
Councilmember Jeff Hodges

Staff Members Present:

Harlan Jefferson, Town Manager
Terry Welch, Town Attorney
Robyn Battle, Town Secretary/Public Information Officer
Chuck Springer, Executive Director of Administrative Services
Kelly Neal, Finance Director
Kala Smith, Human Resources Director
Leigh Johnson, IT Director
Dudley Raymond, Parks and Recreation Director
Leslie Scott, Director of Library Services
Hulon Webb, Engineering Services Director
Pete Anaya, Assistant Director of Engineering Services – Capital Projects
Aubrey Smith, Water and Sewer Superintendent
John Webb, Development Services Director
Alex Glushko, Planning Manager
Doug Kowalski, Police Chief
Stuart Blasingame, Fire Chief

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

Police Chaplain Isaac Varela led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were recited.

Announcements of recent and upcoming events.

Councilmember Ray read the following announcements:

The Prosper Fire Department will host its annual 9/11 Remembrance Ceremony at Town Hall tomorrow morning at 7:30 a.m. Following the ceremony, a blood drive will take place at Town Hall from 9:00 a.m.-3:00 p.m., sponsored by the Town, the Prosper Chamber of Commerce, and

Carter Blood Care. A second blood drive will take place on Saturday, September 14, from 9:00 a.m.-3:00 p.m. at the Prosper Walmart. Residents are encouraged attend the 9/11 Ceremony tomorrow morning, and to donate blood in honor of the many lives lost in the September 11th tragedy.

The Town's Water Conservation Division will offer a free class on Texas Trees, with information on tree selection and proper planting practices on September 23. More information and online registration is available on the Town website.

The Town will host an informational Meet & Greet with the North Texas Tollway Authority (NTTA), regarding the expansion of the Dallas North Tollway on Thursday, September 26, from 6:00-7:00 p.m. in Council Chambers. Town staff and NTTA will present information on the project, and will be available to answer questions. The public is invited to attend.

On Tuesday, October 1, residents are encouraged to participate in National Night Out by spending the evening outside visiting with neighbors and Prosper's public safety personnel. This annual event was created to heighten awareness, and strengthen participation in local anti-crime efforts. Contact Officer Erin Hubbard for more information or to schedule a block party.

Presentations.

- 1. Presentation of a Proclamation to members of the Preston Ridge Chapter of the Daughters of the American Revolution declaring September 17-23, 2019, as *Constitution Week*. (RB)**

Mayor Smith presented the Proclamation to Beth Buck of the Preston Ridge Chapter of the Daughters of the American Revolution.

AGENDA BRIEFING:

Questions About Items Listed on the Regular Meeting Agenda.

This item was not discussed.

Discussion Items.

- 2. Discussion on Revised Empowerment Zones and Architectural Standards for the Downtown Commercial and Residential Areas. (JW)**

This item was tabled to the September 24, 2019, Town Council meeting.

- 3. Discussion on the Town Hall Lobby Art project. (RB)**

Town Secretary/PIO Robyn Battle presented this item before the Town Council. The Town's Art Committee has made a recommendation to purchase three art pieces for the Town Hall Lobby from a local artist, Corbin Ringley. Corbin presented conceptual renderings of the proposed projects. The Town Council provided feedback on the renderings. Mr. Ringley will provide a formal proposal with a cost estimate and timeline once the final conceptual renderings are approved. No further action was taken.

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 August 27, 2019, Town Council meeting. (RB)
5. Consider and act upon Resolution No. 19-58 designating *The Prosper Press* as the official newspaper of the Town of Prosper, and *The Dallas Morning News* as an alternative advertising source, for Fiscal Year 2019-2020. (RB)
6. Consider and act upon adopting the FY 2019-2020 Prosper Economic Development Corporation budget. (RS)
7. Consider and act upon Ordinance No. 19-59 approving a tariff authorizing an annual rate review (RRM) mechanism settlement between the Atmos Cities Steering Committee and Atmos Energy Corporation regarding the Company's 2019 rates set by the settlement as a substitution for the annual interim rate adjustment process defined by section 104.301 of the Texas Utilities Code. (KN)
8. 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)
9. Consider and act upon Ordinance No. 19-60 amending Chapter 13, "Utilities," of the Town's Code of Ordinances by adopting a new Article 13.13, "Wastewater Inflow Prevention Plan"; and adopting a Wastewater Inflow Prevention Plan. (FJ)
10. Consider and act upon authorizing the Town Manager to execute an Amendment to the First Amended Interlocal Agreement by and between the Town of Prosper, Texas and Collin County, Texas for the facility construction and use of an animal shelter in Collin County. (JW)
11. Consider and act upon authorizing the Town Manager to execute Amendment Thirteen to the Interlocal Agreement between Collin County and the Town of Prosper, extending the agreement through FY 2019-2020, relating to Animal Control Services. (JW)
12. Consider and act upon Ordinance No. 19-61 abandoning a portion of Fishtrap Road prescriptive right-of-way, located north of the intersection of Fishtrap Road and Gee Road, north of US 380. (AG)
13. Consider and act upon Ordinance 19-62 abandoning portions of Good Hope Road prescriptive right-of-way, located north of US 380 and south of a point 150 feet north of Mill Branch Drive. (AG)
14. Consider and act upon Ordinance No. 19-63 abandoning a portion of S. Coleman Street right-of-way, located south of First Street, north of Preston Road. (AG)

15. **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 Miller made a motion and Councilmember Hodges seconded the motion to approve all items on the Consent Agenda. The motion was approved by a vote of 7-0.

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.

Jakob Lee Smith, 130 Fallbrook Drive, Murphy, spoke regarding a housing grant program for individuals who work in Prosper.

REGULAR AGENDA:

If you wish to address the Town Council, please fill out a "Public Meeting Appearance Card" and present it to the Town Secretary, preferably before the meeting begins. Pursuant to Section 551.007 of the Texas Government Code, individuals wishing to address the Council for items listed as public hearings will be recognized when the public hearing is opened. For individuals wishing to speak on a non-public hearing item, they may either address the Council during the Citizen Comments portion of the meeting or when the item is considered by the Town Council.

Items for Individual Consideration:

16. **Conduct a Public Hearing, and consider and act upon an ordinance to amend Planned Development-33 (PD-33), on 127.9± acres, located on the southwest corner of Prosper Trail and Cook Lane, to allow for the expansion of a House of Worship (Prestonwood Baptist Church), including a Private School and Gymnasium. (Z19-0012). (AG)**

Planning Manager Alex Glushko presented this item before the Town Council. In October 2006, the Town Council approved Planned Development-33 (PD-33) for the Prestonwood Baptist Church North Campus. With this amendment, Prestonwood is proposing to update the proposed conceptual site plan and conceptual elevations to reflect the existing development, as well as to allow for the expansion of the existing building. The proposed building expansion is for a total of 37,441 square feet, two stories in height, and includes classrooms and a gymnasium. The applicant spoke in favor of the request and offered to answer any questions.

Mayor Smith opened the Public Hearing.

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

Mr. Glushko confirmed that the temporary building on the property is not associated with this zoning request.

After discussion, Mayor Pro-Tem Vogelsang made a motion and Councilmember Andres seconded the motion to approve Ordinance No 19-64 to amend Planned Development-33 (PD-33), on 127.9± acres, located on the southwest corner of Prosper Trail and Cook Lane, to allow for the expansion of a House of Worship (Prestonwood Baptist Church), including a Private School and Gymnasium. The motion was approved by a vote of 7-0.

17. Consider and act upon an ordinance adopting the Fiscal Year 2019-2020 Annual Budget for the fiscal year beginning October 1, 2019, and ending September 30, 2020. (KN)

Finance Director Kelly Neal presented this item before the Town Council. Approval of this item will appropriate funds for the FY 2019-2020 Budget. The FY 2019-2020 Proposed Budget was submitted to the Town Council on August 13, 2019. Prior to tonight's meeting, the Town published required notices, held public hearings that included staff presentations about the budget, and 2019 tax rate, and gave interested taxpayers the opportunity to be heard by the Town Council.

The FY 2019-2020 Proposed Budget raises more in property tax revenues than in the previous year. The Proposed FY 2019-2020 budget is composed of discretionary and non-discretionary supplemental requests. Ms. Neal reviewed some of the more prominent requests from the General Fund and Water/Sewer Fund, and reviewed changes to the budget since the proposed budget was submitted on August 13, 2019.

The Council discussed the cost estimate for employee health benefits. Ms. Neal reviewed the cost projections Town staff and the benefits consultant estimated based on claims history and projected costs, and cost-saving measures the Town has implemented. The Council Benefits Subcommittee previously reviewed the estimate as well. Upon a suggestion from Town Manager Harlan Jefferson, the Council requested Town staff schedule the Town's employee benefits consultant to provide additional information at the September 24, 2019, Town Council meeting.

The Council discussed additional discretionary requests from the budget, including the CCTV camera truck, the Frontier Park storage sheds, and Code Compliance staffing levels. Ms. Neal responded to questions about the request for a brush truck from the Fire Department, which had been cut from the proposed budget, noting that the funds from the General Fund would be required to fully fund the truck.

After discussion, Mayor Pro-Tem Vogelsang made a motion and Councilmember Miller seconded the motion to to approve Ordinance No. 19-65 adopting the Fiscal Year 2019-2020 Annual Budget for the fiscal year beginning October 1, 2019, and ending September 30, 2020, as proposed.

The motion was approved by a record vote of 7-0 as follows:

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

Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Ray seconded the motion to ratify the property tax revenue increase as reflected in the Fiscal Year 2019-2020 Adopted Budget.

The motion was approved by a record vote of 7-0 as follows:

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

18. Consider and act upon an ordinance adopting the Town of Prosper 2019 Property Tax Rate. (KN)

Finance Director Kelly Neal presented this item before the Town Council. This item is to adopt the 2019 tax rate to generate sufficient revenues as required in the Adopted FY 2019-2020 Budget. The attached ordinance sets the 2019 ad valorem tax rate at \$0.52 cents per \$100 assessed valuation.

Mayor Pro-Tem Vogelsang made a motion and Councilmember Andres seconded the motion that the property tax rate be increased by the adoption of a tax rate of \$0.52 per \$100 assessed valuation, which is effectively a 5.06 percent increase in the tax rate.

The motion was approved by a record vote of 7-0 as follows:

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

19. Consider and act upon a resolution adopting the Fiscal Year 2019-2020 Capital Improvement Program. (HW)

Hulon Webb, Director of Engineering, presented this item before the Town Council. Town staff has prepared the FY 2019-2020 Proposed Capital Improvement Program (CIP) for adoption by the Town Council. This program includes budgeted capital projects for the 2019-2020 fiscal year and major planned capital projects to 2029. Mr. Webb reviewed the major streets, traffic, parks, water, wastewater, and drainage projects on the CIP. The Council directed staff to reduce the traffic signal project budgets from \$300,000 to \$250,000, and to increase the budget for Fishtrap Road from \$700,00 to \$900,00 to accommodate the design of four lanes.

After discussion, Councilmember Hodges made a motion and Councilmember Ray seconded the motion to approve Resolution No. 19-67 adopting the Fiscal Year 2019-2020 Capital Improvement Program, with the reduction in the traffic signal amounts as referenced in the staff presentation, and the design of Fishtrap Road is increased from \$700,000 to \$900,00. The motion was approved by a vote of 7-0.

20. Consider and act upon an ordinance amending various Town Fees; amending Appendix A, "Fee Schedule," to the Town's Code of Ordinances by amending Section 1, "Construction Permits and Fees," by adding a new subsection (c), "Third Party Geotechnical and Material Testing Fees," and a new subsection (d), "Camera Inspection Fee for Wastewater Mains"; amending subsection (2), "Other Fees," of Section V, "Development Fees," of Appendix A, "Fee Schedule," to the Town's Code of Ordinances by adding thereto a new subpart (I), "Engineering Plan Review Fees"; repealing existing Section IX, "Water and Sewer Rates," and replacing it with a new section IX, "Water and Sewer Rates." (KN)

Finance Director Kelly Neal presented this item before the Town Council. Town staff is requesting to implement four new fees, including third party geotechnical and material testing fees, camera inspection fees for wastewater mains, engineering plan review fees, and an inflow and infiltration fee. Town staff is also proposing to amend the commercial water base rate. No change in rates is recommended for residential customers in FY 2019-2020.

Councilmember Hodges made a motion and Councilmember Ray seconded the motion to approve Ordinance No. 19-68 amending various Town Fees; amending Appendix A, "Fee Schedule," to the Town's Code of Ordinances by amending Section 1, "Construction Permits and Fees," by adding a new subsection (c), "Third Party Geotechnical and Material Testing Fees," and a new subsection (d), "Camera Inspection Fee for Wastewater Mains"; amending subsection (2), "Other Fees," of Section V, "Development Fees," of Appendix A, "Fee Schedule," to the Town's Code of Ordinances by adding thereto a new subpart (I), "Engineering Plan Review Fees"; repealing existing Section IX, "Water and Sewer Rates," and replacing it with a new section IX, "Water and Sewer Rates." The motion was approved by a vote of 7-0.

21. Discussion on the Downtown Open Space. (DR)

This item was tabled to the September 24, 2019, Town Council 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.

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

The Town Council recessed into Executive Session at 7:20 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 9:09 p.m.

Councilmember Miller made a motion and Councilmember Hodges seconded the motion to appoint the following individuals to a Town Board or Commission:

BOARD NAME	TERM EXPIRES	APPOINTEE
BOARD OF ADJUSTMENT / CONSTRUCTION BOARD OF APPEALS		
Place No. 1 (Alternate)	09-30-2021	Josh Carson
Place No. 3	09-30-2021	George Dupont
Place No. 5	09-30-2021	Paul Hutchins
Place No. 7	09-30-2021	Brad Black
ECONOMIC DEVELOPMENT CORPORATION		
Place No. 1	09-30-2022	Roger Thedford
Place No. 3	09-30-2022	Jim Wicker
LIBRARY BOARD		
Place No. 1	09-30-2021	Danielle Philipson
Place No. 3	09-30-2021	Lenorah Johnson
Place No. 5	09-30-2021	Mandi Jackson
Place No. 7	09-30-2021	Andrew Cartwright
PARKS AND RECREATION BOARD		
Place No. 1	09-30-2021	Henry Coleman
Place No. 3	09-30-2021	Rebekah Land
Place No. 4	09-30-2020	Matthew Cely
Place No. 5	09-30-2021	Cameron Reeves
Place No. 7	09-30-2021	John Metcalf
PLANNING AND ZONING COMMISSION		
Place No. 1	09-30-2021	Charles Cotten
Place No. 3	09-30-2021	Amy Bartley
Place No. 5	09-30-2021	Chris Kern
Place No. 7	09-30-2021	Brandon Daniel

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

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

22. Discuss Development and Infrastructure Fees. (JW/HW)

This item was not discussed.

23. Discuss Tailgate Party. (RB)

Town Secretary/PIO Robyn Battle briefed the Council on plans for the tailgate parties for the remainder of the football season. The Council will hold a party on September 27, and will make a decision on the remainder of the season after that date.

Mr. Jefferson updated the Town Council on the STEP Grant program. The Council provided direction to continue with the program.

Council directed staff to request a traffic study on a section of US 380 to determine whether the appropriate speed limits are posted.

Adjourn.

The meeting was adjourned at 9:23 p.m. on Tuesday, September 10, 2019.

These minutes approved on the 24th day of September 2019.

APPROVED:

Ray Smith, Mayor

ATTEST:

Robyn Battle, Town Secretary