



*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 10, 2021

**5:45 PM**

### **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 Meigs Miller

Deputy Mayor Pro-Tem Craig Andres

Councilmember Marcus E. Ray

Councilmember Amy Bartley

Councilmember Jeff Hodges

Councilmember Charles Cotten

### **Staff Members Present:**

Harlan Jefferson, Town Manager

Terry Welch, Town Attorney

Robyn Battle, Executive Director of Community Services

Dudley Raymond, Parks & Recreation Director

Todd Rice, Communications Manager

Rebecca Zook, Executive Director of Development and Infrastructure Services

Frank Jaromin, Director of Public Works

Khara Dodds, Development Services Director

Hulon Webb, Engineering Services Director

Alex Glushko, Planning Manager

Chuck Springer, Executive Director of Administrative Services

Betty Pamplin, Finance Director

Stuart Blasingame, Fire Chief

Shaw Eft, Assistant Fire Chief

Bryan Ausenbaugh, Fire Marshal

Scott Brewer, Assistant Police Chief

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

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

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

Councilmember Cotten read the following announcements:

This morning, the North Central Texas Trauma Regional Advisory Council Board of Directors has approved the Cardiac and Heart Safe Community committee's recommendation to award Prosper Fire Rescue and the Town of Prosper with the "Heart Safe Community" recognition. The Heart Safe Community program recognizes community efforts toward protecting citizens from the

effects of heart disease and sudden cardiac death. A formal presentation to Prosper Fire Rescue will be conducted in December.

The Town of Prosper is holding a general Town Hall Budget Meeting to share information on the proposed budget for next fiscal year. The meeting will be held on Thursday, August 26 at 6:00 p.m. at Prosper Town Hall. Residents may also attend via Zoom. Town staff will present highlights from the FY 2021-2022 budget and will be available to answer questions.

The Prosper Fire Department will hold a special 9/11 Remembrance Ceremony commemorating the 20th anniversary of 9/11 on Saturday, September 11, at 7:30 a.m. outside Town Hall. A blood drive will be held on September 10th and 11th as part of our annual Ceremony. More information and a link to sign up for the blood drive are available on the Town Facebook page.

The Town Council would like to wish all Prosper students, parents, and teachers a safe and successful school year.

Councilmember Bartley expressed appreciation for the hard work from the Prosper Ladies Association who assisted in the reduced or free lunch program for children this summer. They helped 248 children by serving 21,000 meals. Cornerstone's Back to School Event was a success. They helped over 300 families with backpacks, school supplies and outfits.

Mayor Smith reminded everyone that with school starting soon to remember to drive slowly in school zones for the safety of our children.

#### **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 from the July 27, 2021 Town Council Meeting. (RB)**
2. **Consider and act upon Ordinance No. 2021-38 establishing the 2021 certified appraisal roll. (BP)**
3. **Consider and act upon scheduling a Public Hearing on the FY 2021-2022 Proposed Budget. (BP)**
4. **Consider and act upon scheduling a Public Hearing for the FY 2021-2022 proposed tax rate. (BP)**
5. **Consider accepting submission of the 2021 no-new-revenue tax rate of \$0.481842 per \$100 taxable value and the voter-approval tax rate of \$0.539436 per \$100 taxable value. (BP)**
6. **Receive the June financial report. (BP)**
7. **Receive the Quarterly Investment Report. (BP)**
8. **Consider and act upon Resolution No. 2021-39 approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the company's 2021 rate review mechanism filing. (BP)**



9. Consider and act upon Resolution No. 2021-40 authorizing the placement of orders for the purchase of replacement vehicles in FY 2021-2022 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 2021-2022. (BP)
10. Consider and act upon ratifying an emergency purchase expenditure to Prime Controls, Inc. related to the Town's Supervisory Control and Data Acquisition (SCADA) System. (FJ)
11. Consider and act upon Ordinance No. 2021-41 renaming a segment of a Prosper Road to Prosper Trail, located between Teel Parkway and Legacy Drive. (MD21-0004) (AG)
12. 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, including Gates of Prosper Multifamily, Prosper Business Park, and Rheas Mill Baptist Church. (AG)

Councilmember Hodges made a motion and Deputy Mayor Pro-Tem Andres seconded the motion to approve all items on the Consent Agenda. The motion was approved by a vote of 7-0.

#### **CITIZEN COMMENTS**

There were no citizen comments.

#### **Items for Individual Consideration:**

13. Conduct a Public Hearing, and consider and act upon a request to amend a portion of Planned Development-40 (PD-40), on 16.9± acres, Windsong Ranch Marketplace, located on the north side of US 380, east of Gee Road, in order to facilitate the development of two (2) drive-through restaurants. (Z21-0007). (AG)

Planning Manager Alex Glushko presented this item before the Town Council. Town staff has received a request to amend a portion of Planned-Development-40 for Windsong Ranch Marketplace for two restaurants, Swig and Salad n Go. Neither restaurant offers sit-down seating; both are primarily a drive-through business. There are concerns about the potential for repurposing buildings under 1,000 square feet if either should go out of business. The applicant has noted the large open space surrounding the buildings, which could be utilized in the future, should another business need more space. Mr. Glushko confirmed that the request complies with the Town's standard traffic stacking requirements for drive-through restaurants.

Responding to a question regarding traffic congestion and cut-through traffic, Director of Engineering Services Hulon Webb responded that the Town is working with TxDOT to maximize the signal timing at the U.S. 380 and Gee Road intersection. Once the widening starts on U.S. 380 and the overpass is built at Teel Road, Gee Road, and Legacy Road, the congestion should be improved.

The Council discussed whether adjusting the orientation of the building could maximize the stacking capacity. Mr. Glushko shared staff's concerns regarding the small size of the buildings should either go out of business. The Planning & Zoning Commission recommended denial of the request noting concerns with traffic congestion.



Mayor Smith opened the Public Hearing.

Kevin Wier with Spiars Engineering addressed the Council regarding traffic congestion concerns.

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

After discussion, Councilmember Cotten made a motion and Mayor Pro-Tem Miller seconded the motion to approve a request to amend a portion of Planned Development-40 (PD-40), on 16.9± acres, Windsong Ranch Marketplace, located on the north side of US 380, east of Gee Road, in order to facilitate the development of two (2) drive-through restaurants, subject to the approval of a Development Agreement. The motion was approved by a vote of 6-1, with Councilmember Hodges voting in opposition.

14. **Conduct a Public Hearing, and consider and act upon a request to rezone 163.2± acres, from Planned Development-90 (PD-90) to Planned Development (PD), to facilitate the development of a single family residential subdivision with private social club, located on the north side of First Street, east of Coit Road. (Z20-0021). (AG)**

Mayor Pro-Tem Miller made a motion and seconded by Councilmember Ray to table Item 14 to the August 24, 2021, Town Council meeting. The motion was approved by a vote of 7-0.

15. **Consider all matters incident and related to the issuance and sale of the Town of Prosper, Texas Combination Tax and Surplus Revenue Certificates of Obligation, Series 2021, including the adoption of an ordinance appointing a representative of the Town and delegating to the representative certain matters with respect to the sale of the Certificates; establishing parameters for the approval of such delegated matters; approving the use of a Paying Agent/Registrar Agreement and an engagement letter of Bond Counsel; ordering the levy of an annual ad valorem tax and the pledge of utility revenues for the payment of the Certificates; and enacting other provisions relating to the issuance and sale of Certificates. (BP)**

Betty Pamplin, Director of Finance, presented this item before the Town Council. On June 8, 2021, the Town Council approved a resolution directing staff to publish notice of the Town's intent to issue a maximum of \$7,450,000 in Town of Prosper Certificates of Obligation for planned capital projects. It is anticipated that a competitive sale of the Certificates will occur the week of August 16-20th.

Dan Culver, Bond Counsel, and Jason Hughes, Hilltop Securites, were both attending via Zoom. Responding to a question from Council, Chuck Springer, Executive Director of Administrative Services, responded that Town staff has been seeing interest rates of approximately 1.9%, which is lower than the maximum interest rate indicated for the Certificates of Obligation.

After discussion, Councilmember Ray made a motion and Deputy Mayor Pro-Tem Andres seconded the motion to adopt Ordinance No. 2021-42 authorizing the issuance of the Town's Combination Tax and Surplus Revenue Certificates of Obligation, Series 2021, appointing a representative of the Town and delegating to the representative certain matters with respect to the sale of the Certificates, and enacting other provisions relating to the issuance and sale of the Certificates. The motion was approved by a vote of 7-0.



16. **Consider all matters incident and related to the issuance and sale of the Town of Prosper, Texas General Obligation Bonds, Series 2021, including the adoption of an ordinance appointing a representative of the Town and delegating to the representative certain matters with respect to the sale of the Bonds; establishing parameters for the approval of such delegated matters; approving the use of a Paying Agent/Registrar Agreement; ordering the levy of an annual ad valorem tax for the payment of the Bonds; and enacting other provisions relating to the issuance and sale of the Bonds. (BP)**

Betty Pamplin, Director of Finance, presented again to Council regarding the Issuance of the 2021 General Obligation Bonds. This will be the first issuance of the \$210 million authorized by voters in the November 2020 Bond Election. Proceeds from the sale of the Bonds will be used to fund planned capital projects including Proposition A not to exceed \$18,000,000 for certain public safety facilities, Proposition B, not to exceed \$2,200,000 for parks and recreational facilities, and Proposition C, not to exceed \$19,800,000 for streets, roads, bridges, and intersections.

After discussion, Councilmember Hodges made a motion and Councilmember Ray seconded the motion to adopt Ordinance No. 2021-43 authorizing the issuance of the Town's General Obligation Bonds, Series 2021, appointing a representative of the Town and delegating to the representative certain matters with respect to the sale of the Bonds, and enacting other provisions relating to the issuance and sale of the Bonds. The motion was approved by a vote of 7-0.

17. **Submission of the FY 2021-2022 Proposed Budget and Budget Message by the Town Manager.(BP)**

Finance Director Betty Pamplin presented this item before the Town Council. The FY 2021-2022 Proposed Budget was submitted to the Town Council under separate cover. Ms. Pamplin explained that this item does not require any action, and she reviewed the remaining key dates in the budget approval process. The Public Hearing for the Proposed Budget will be held on August 24, and a public meeting will be held on August 26. The Town Council will consider the Proposed Budget for adoption at the September 14, 2021, Town Council meeting. No further action was taken.

18. **Consider and act upon a proposed FY 2021-2022 property tax rate. (BP)**

Betty Pamplin presented this item before the Town Council. State law requires the Town to hold one public hearing and publish a newspaper notice if proposing to consider a tax rate that exceeds the no-new-revenue rate or the voter approval rate, whichever is lower. The Town Council may adopt a tax rate that is lower than the proposed rate, but it cannot be higher. Staff recommended the Town Council propose the rate of fifty-two cents (\$0.52) per \$100 valuation. Ms. Pamplin reviewed previous years' tax rates and tax revenue.

Councilmember Hodges made a motion and Mayor Pro-Tem Miller seconded the motion to place a proposal to adopt a FY 2021-2022 tax rate of fifty-two cents (\$0.52) per one hundred dollars (\$100) of valuation on the September 14, 2021, Town Council Agenda. The Town Councilmembers voted as follows:

Councilmember Hodges – for  
Deputy Mayor Pro-Tem Andres – for  
Mayor Smith – for  
Mayor Pro-Tme Miller – for



Councilmember Ray – for  
Councilmember Bartley – for  
Councilmember Cotten – for

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

**19. Central Fire Station & Fire Administration 100% Design Development Project Update. (SB)**

Fire Chief Stuart Blasingame presented this item before the Town Council. BRW Architects, Inc. has completed 100% Design Development of the new Central Fire Station & Fire Administration Project. The floor plans and exterior/interior perspectives were presented, and the project is still within budget. Construction documents will be presented to Council in November 2021.

Chief Blasingame expressed his appreciation for the work done by Town staff, Pogue, and BRW in making adjustments to the project such as changing the limestone benches to wood, and reducing the size of the roof overhang, which helped reduce a \$1.2 million overage to get the project back within budget. No further action was taken.

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

**20. Update on Town Hall Honor Walls. (DR)**

Dudley Raymond, Parks & Recreation Director, reviewed the concept designs for the Honor Walls that were prepared by Randall Scott Architects. The proposed design has a brick façade that matches Town Hall, with a sloped limestone cap on top and limestone pavers at the bottom. Low ground cover will surround the monument, which will be lit from spotlights mounted on the ground. The six military seals and two public safety seals will be either bronze or aluminum. Upon Council's approval, Town staff will proceed with development of construction documents.

Council agreed with the designs developed by the architect and directed staff to proceed with construction of the Honor Walls as proposed. No further action was taken.

**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 and consider personnel matters and all matters incident and related thereto.*

*Section 551.071 – Consultation with Town Attorney regarding Town of Prosper v. C.W. Young Construction Co., L.P., et al., Cause No. 17-7725-367, pending in the 431st Judicial District Court of Denton County, Texas.*

The Town Council recessed into Executive Session at 7:01 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 7:51 p.m. No action was taken as a result of the Closed Session.

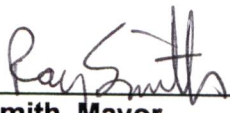
**Adjourn.**

The meeting was adjourned at 7:51 p.m. on August 10, 2021.

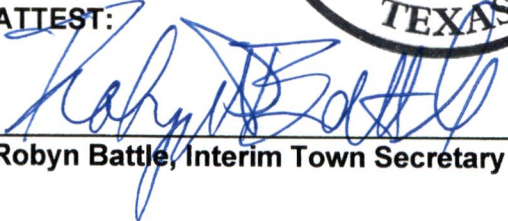
These minutes approved on the 24th day of August 2021.



APPROVED:

  
\_\_\_\_\_  
Ray Smith, Mayor

ATTEST:

  
\_\_\_\_\_  
Robyn Battle, Interim Town Secretary