



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 9, 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 Jeff Hodges
Councilmember Charles Cotten
Councilmember Amy Bartley

Council Members Absent:

Councilmember Marcus E. Ray

Staff Members Present:

Harlan Jefferson, Town Manager
Terry Welch, Town Attorney
Michelle Lewis Sirianni, Town Secretary
Todd Rice, Communications Manager
Rebecca Zook, Executive Director of Development and Infrastructure Services
Khara Dodds, Development Services Director
Alex Glushko, Planning Manager
Brady Cudd, Building Official
Frank E. Jaromin, Director of Public Works
Travis Kvaal, Senior Backflow Inspector
Leigh Johnson, IT Director
Betty Pamplin, Finance Director
Stuart Blasingame, Fire Chief
Doug Kowalski, Police Chief

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

Mike Martin, Hope Fellowship, led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were recited.

Announcements of recent and upcoming events.

Thank you to all who attended the Prosper Arbor Day Celebration this past Saturday. A special thanks to Girl Scout Troop 8415, Girl Scout Troup 1325, and Boy Scout Troop 365 for participating. And of course, thank you to our Parks and Recreation Department for staff who provided instruction and guidance on proper tree planting techniques to the group.

The Prosper annual Christmas Festival will take place on Saturday, December 4 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

The Prosper annual Light the Night Decorating Contest sponsored by CoServ is back. Residents and businesses may now sign up to participate through December 12 to showcase their holiday lights and decorations. Top entries will earn bragging rights, a yard sign, and a cash prize. Visit ProsperChristmas.org for more information including contest categories.

Registration for the Parks and Recreation Winter 2021 camps and classes are now open. Don't miss out on the 2-day LEGO camp for kids on December 20 to 21. It's a great opportunity to drop off the kids while you take care of the last-minute holiday shopping. Visit Propserparksandrec.org to register.

Reminder that Town Hall Offices will be closed on Thursday, November 25 and Friday, November 26 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 27.

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 October 26, 2021, Town Council meeting. (MLS)**
- 2. Receive the September Financial Report. (BP)**
- 3. Receive the Quarterly Investment Report. (BP)**
- 4. Consider and act upon Ordinance No. 2021-65 amending Section 10.03.051, "Franchise Utilities," of Article 10.03, "Subdivision Ordinance," of Chapter 10, "Subdivision Regulation," of the Code of Ordinances, related to Fiber Optic Communications. (AG)**
- 5. Consider and act upon authorizing the Town Manager to execute an Interlocal Agreement for Fire Protection Services with Denton County Fresh Water District No.10 for the Artesia Area. (SB)**
- 6. Consider and act upon Ordinance No. 2021-66 amending Section 5.02 of the Town of Prosper Personnel Policies and Procedures Manual regarding vacation leave for members of the Fire and Police Departments as required by Local Government Code 142.0013 and increasing the maximum vacation accrual limit for all employees. (JE)**
- 7. 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 LIV Multifamily. (AG)**

Deputy Mayor Pro-Tem Andres made a motion to approve consent agenda items 1 thru 7. Mayor Pro-Tem Miller seconded that motion, and the motion was unanimously approved.

CITIZEN COMMENTS:

No comments were made.

Items for Individual Consideration:

8. **Conduct a public hearing and consider and act upon a request for a Sign Waiver at 101 E. Broadway Street (Prosper Chiropractic), regarding downtown signs, located on the northeast corner of Broadway Street and Coleman Street. (MD21-0010) (AG)**

Councilmember Bartley stepped away from the dais for this item.

Mr. Glushko stated the Town's Sign Ordinance currently requires downtown signs to be setback a minimum of fifteen feet from property lines. Due to the location of the existing structure and TxDOT right-of-way width, the sign would be located ten feet from the structure. Therefore, the applicant is requesting to have a minimum of one-foot setback from the property line. There are not any obstructions to visibility and the request meets all other Town standards. Staff is recommending approval.

Mayor Smith opened the public hearing.

No comments were made.

Mayor Smith closed the public hearing.

Councilmember Hodges made a motion to approve the request for a Sign Waiver at 101 E. Broadway Street (Prosper Chiropractic), regarding downtown signs, located on the northeast corner of Broadway Street and Coleman Street. Councilmember Cotten seconded that motion. Motion passes with a 6-0 vote. Councilmember Bartley was not present for the vote.

Councilmember Bartley returned to the dais.

9. **Conduct a public hearing and consider and act upon a request for a Sign Waiver for CareNow, in the Gates of Prosper, regarding a monument sign, located on the east side of Preston Road, north of Lovers Lane. (MD21-0011) (AG)**

Mr. Glushko stated the Town's Sign Ordinance requires a masonry border surrounding the sign, however, the Gates of Prosper has received approval for a sign style that does not include this requirement. CareNow was not included during the previous approvals. The proposed signage meets all other standards. Staff is recommending approval.

Mayor Smith opened the public hearing.

No comments were made.

Mayor Smith closed the public hearing.

The Town Council discussed the illumination of the sign and the removal of the sign in the back of the facility facing the residential area.

Deputy Mayor Pro-Tem Andres made a motion to approve a request for a Sign Waiver for CareNow, in the Gates of Prosper, regarding a monument sign, located on the east side of Preston Road, north of Lovers Lane subject to the removal of the sign adjacent to Willow Ridge subdivision. Councilmember Hodges seconded that motion, and the motion was unanimously approved.

10. **Consider and act upon authorizing the Town Manager to execute an agreement between the Town of Prosper, Texas, and Brown Reynolds Watford Architects, Inc., related to architectural and engineering design services for the Fire Station No. 4. (SB)**

Chief Blasingame stated the Town requested Statements of Qualifications (SOQ) from qualified firms to provide professional architectural and engineering services relating to the conceptual design and planning for Fire Station No. 4. Firms were required to submit information based on four different criteria and then was scored by the evaluation committee. Based on the committees scoring, staff is recommending Brown Reynolds Watford Architects.

Councilmember Hodges made a motion to approve authorizing the Town Manager to execute an agreement between the Town of Prosper, Texas, and Brown Reynolds Watford Architects, Inc., related to architectural and engineering design services for the Fire Station No. 4. Mayor Pro-Tem Miller seconded that motion, and the motion was unanimously approved.

11. **Receive an update regarding the Central Fire Station and Fire Administration Construction project. (SB)**

Chief Blasingame stated BRW Architects has completed 95% of the construction documents for the new Central Fire Station and Fire Administration building. The Chief provided renderings along with an updated budget summary for the project.

The Town Council discussed the current costs of building a facility and any concerns regarding the ability to complete the project within budget.

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

12. **Receive an update regarding the Irrigation Systems Ordinance. (BC)**

Mr. Cudd stated that based on new irrigation system requirements within the Texas Local Government Code, the Town is proposing to update the current ordinance. The initial update would include amendments to the licensing, permitting, and irrigation plan requirements. In fall 2022, an additional update to the ordinance will address the backflow assembly requirements, which will be in accordance with Texas Commission on Environmental Quality (TCEQ) Rules. Mr. Cudd indicated that staff will be providing public outreach to HOA's, homeowners, and will come back to the Town Council prior to ordinance approval.

Mr. Jefferson stated this is being done to adhere to the Texas Local Government Code requirements, now that the Town's population is over 20,000.

The Town Council discussed the importance of the public outreach efforts and educating property owners of the new requirements.

13. Discussion regarding Swimming Pool and Spa Code adoption. (BC)

Mr. Cudd stated that Town staff is looking to repeal the current pool and spa code and adopt a new code based on the 2021 International Code with NCTCOG amendments in order to following recent legislative changes. Key components of the changes were provided, including that pool setbacks will remain the same.

The Town Council discussed what defines a 'front yard' and the importance of being proactive on inspections.

14. Discussion regarding the General Obligation Refunding Bonds. (HJ)

Mr. Jefferson provided three options on the 2012 Refunding Bonds based on the feedback received at the last meeting from the Town Council. Summaries of the General Fund, Water and Sewer Fund, and the Stormwater Drainage Utility Fund were reviewed along with historical data for capital expenditures.

Jason Hughes, First Southwest Securities, reviewed a summary analysis of using cash for defeasance of debt versus using cash for project costs.

The Town Council discussed the fund summaries as it pertains to the capital project expenditures. The Town Council requested bringing back option 2 and option 3 for consideration at the next meeting.

15. Discussion regarding the November Strategic Planning discussion. (HJ)

Mr. Jefferson stated staff is looking for a date to hold the next Strategic Planning discussion.

The Town Council agreed on Tuesday, November 30 at 6:00 p.m. at Town Hall.

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.

The Town Council recessed into Executive Session at 7:11 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 7:43 p.m.

No action was taken.

Adjourn.

The meeting was adjourned at 7:44 p.m.

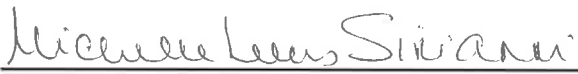
These minutes approved on the 23rd day of November 2021.

APPROVED:



Ray Smith, Mayor

ATTEST:



Michelle Lewis Sirianni, Town Secretary

