



Prosper is a place where everyone matters.

Minutes

Prosper Town Council Meeting
Council Chambers
Prosper Town Hall
250 W. First Street, Prosper, Texas
Tuesday, October 8, 2019

Call to Order/ Roll Call.

The meeting was called to order at 5:48 p.m.

Council Members Present:

Mayor Ray Smith
Mayor Pro-Tem Curry Vogelsang, Jr.
Deputy Mayor Pro-Tem Jason Dixon (arrived at 6:43 p.m.)
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
Hulon Webb, Engineering Services Director
Pete Anaya, Assistant Director of Engineering Services – Capital Projects
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.

Pastor Ben Lacey from Prestonwood Baptist Church 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 Town will host a public meeting to gather input on the design of Hays Park on Thursday, October 10, at 6:00 p.m. in Council Chambers during the Parks and Recreation Board Meeting. Residents are invited to attend and share their ideas.

The Prosper Police Department will offer Kid Print on Saturday, October 12, from 10:00 a.m.-noon at Lowe's in Prosper as part of Lowe's Safety Day. Kid Print allows parents to provide important information to law enforcement officers, should a child become lost or missing.

The Mayor's Luncheon for Active Adults, age 55 and older, will be held on October 23 from 11:00a.m.-1:00 p.m. Residents may contact Recreation Specialist Jonathan Weeks for more information and to register by October 14.

The Prosper Police and Fire Departments will host a Drug Take-Back Event on Saturday, October 26. Residents may drop off unused or unwanted prescription and over-the-counter drugs. The initiative provides a safe, responsible way for residents to help keep unused, expired, or unwanted drugs off the streets and out of our water supply.

The Prosper Parks and Recreation Department will hold its third annual Arbor Day Celebration on Saturday, November 2, at 9:00 a.m., at Folsom Park. The morning will include a Town proclamation and remarks by local dignitaries and the Parks and Recreation Board.

Presentations.

1. Presentation of Certificates of Appreciation to former members of the Town's Boards and Commissions. (RB)

Mayor Smith presented Certificates of Appreciation to Bobby Atteberry, former member of the Planning and Zoning Commission, and Norma Hutchins, former member of the Board of Adjustment/Construction Board of Appeals.

Discussion Items.

2. Discussion regarding the American Association of State Highway and Transportation Officials (AASHTO) Green Book, and the Texas Manual on Uniform Traffic Control Devices (TMUTCD). (HW)

Hulon Webb, Director of Engineering, presented this item before the Town Council. Mr. Webb reviewed the stopping distance at key intersections in Town, examining the distance from the intersection to the crosswalk and stop bars. He provided an overview of intersection sight line and visibility standards. The Town will improve visibility at certain intersections in Town by ensuring landscaping is modified or trimmed within sight lines and by moving the stop bar and stop sign at the intersections of Hays Road and First Street and La Cima and First Street.

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 September 24, 2019, Town Council Meeting. (RB)

4. Consider and act upon approving the renewal of dental benefits with Cigna Dental; and authorizing the Town Manager to execute the same for current and future renewal periods. (KS)

6. Consider and act upon authorizing the Town Manager to execute an Interlocal Agreement for Geographic Information System (GIS) services between the Town of Prosper and the City of Frisco. (AG)

7. **Consider and act upon Ordinance No. 19-74 abandoning a portion of Gee Road prescriptive right-of-way, beginning approximately 1,250 feet north of US 380 to the intersection with Fishtrap Road. (AG)**
8. **Consider and act upon authorizing the Town Manager to execute an Amended Annexation Agreement between Prosper Meadows and the Town of Prosper, Texas, regarding a 100.0± acre property, generally located on the south side of Parvin Road, west of Legacy Road. (AG)**

Councilmember Ray removed Item 5 from the Consent Agenda.

Mayor Pro-Tem Vogelsang removed Item 9 from the Consent Agenda.

Councilmember Hodges made a motion and Mayor Pro-Tem Vogelsang seconded the motion to approve all remaining items on the Consent Agenda. The motion was approved by a vote of 6-0.

5. **Consider and act upon authorizing the Competitive Sealed Proposal (CSP) procurement method for construction of the Old Town Regional Retention and Church & Parvin Drainage Improvement projects. (PA)**

The Council discussed how the various components of the CSP are weighted, indicating a preference to put more emphasis on the project timeline. Since references will be checked as part of the selection process, the Council determined it was not necessary to include this component in the selection criteria. The Council requested that staff not include an estimated completion time frame in the request for proposals. Town Manager Harlan Jefferson noted that provisions will be included in the contract that will enforce the project timeline.

Town staff was directed to allocate the project selection criteria in the CSP as follows:

- Contractor and Subcontractor experience with similar projects/Qualifications and experience of key personnel - 30%
- Proposed project timeline – 20%
- Cost proposal – 50%

After discussion, Mayor Pro-Tem Vogelsang made a motion and Councilmember Ray seconded the motion to approve the Competitive Sealed Proposal (CSP) procurement method for construction of the Old Town Regional Retention and Church & Parvin Drainage Improvement projects. The motion was approved by a vote of 6-0.

9. **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)**

Planning Manager Alex Glushko responded to a question about the site plan.

After discussion, Mayor Pro-Tem Vogelsang made a motion and Councilmember Hodges seconded the motion to approve Item 9. The motion was approved by a vote of 6-0.

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.

There were no Citizen Comments.

REGULAR AGENDA:

If you wish to address the 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:

10. **Presentation of service plan and second Public Hearing to consider the voluntary annexation of 6.8± acres, generally located 1,000± feet south of First Street, 4,000± feet west of Custer Road. (A19-0001). (AG)**
11. **Consider and act upon an ordinance annexing 6.8± acres, generally located 1,000± feet south of First Street, 4,000± feet west of Custer Road. (A19-0001). (AG)**

Mayor Smith opened Items 10 and 11 concurrently.

Planning Manager Alex Glushko presented Items 10 and 11 concurrently. In 2014, the Town extended the five-year Annexation Agreement with the property owner, who at that time, was Glen Miller. In October 2018, the property was sold to Prosper ISD. In August, Prosper ISD submitted a petition to have the property voluntarily annexed by the Town, indicating an intent to develop the subject property as a high school.

This is the second of two required Public Hearings; the first Public Hearing was held on September 24, 2019. Following the Public Hearing, the Town Council will consider an ordinance completing the annexation process.

Mayor Smith opened the Public Hearing.

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

Mayor Pro-Tem Vogelsang made a motion and Councilmember Miller seconded the motion to approve Ordinance No. 19-75 annexing 6.8± acres generally located 1,000± feet south of First Street, 4,000± feet west of Custer Road. The motion was approved by a vote of 6-0.

12. **Conduct a Public Hearing, and consider and act upon a request for a Sign Waiver to allow for a temporary sign at St. Martin de Porres Catholic Church, located on the north side of US 380, east of Windsong Parkway. (AG)**

Deputy Mayor Pro-Tem Dixon took his seat at the Council bench at 6:43 p.m.

Planning Manager Alex Glushko presented this item before the Town Council. This request is for a temporary wood frame sign for St. Martin de Porres Catholic Church, along US 380. The sign is proposed to consist of two adjoining, "V" shaped, four-foot by eight-foot plywood sign faces, each 32 square feet in area. The sign is proposed to be ten feet in height, including six-foot metal support posts. The church has indicated each 32 square-foot sign face would accommodate a banner to advertise various church events. The applicant has indicated that the temporary sign will be replaced by a permanent sign at some point in the future. The sign will be removed when not in use. The Council inquired whether the applicant would consider using a banner attached to two poles, rather than a plywood sign face, and the applicant agreed.

Mayor Smith opened the Public Hearing.

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

Councilmember Miller made a motion and Councilmember Andres seconded the motion to approve the request for a Sign Waiver to allow for a temporary sign at St. Martin de Porres Catholic Church, subject to use of the sign for no more than twelve (12) weeks per year, and not more than four (4) consecutive weeks at a time. Further, use of the sign shall be discontinued after a period of time no greater than two (2) years from the date of Town Council approval, or the construction of a permanent sign, whichever occurs first. The waiver shall not include any plywood backing of the banners. The motion was approved by a vote of 7-0.

13. Consider and act upon an ordinance amending Ordinance No. 19-65 (FY 2019-2020 Budget). (CS)

Chuck Springer, Executive Director of Administrative Services, presented this item before the Town Council. The proposed budget amendment will amend the FY 2019-2020 Budget by increasing revenues and expenditures for the the Staffing for Adequate Fire and Emergency Response (SAFER) grant, the state homeland security grant, the adjustment to the Town's Compensation Plan to be implemented in its entirety this fiscal year, and the fire department brush truck replacement. Mr. Springer reviewed the details of the budget amendment, and the impact on the General Fund, Special Revenue Fund, Water/Sewer Fund, and Storm Drainage Fund. Responding to a question from Council, Mr. Springer indicated that the expected life span of the brush truck will be amended to ten years for the purposes of planning for future replacements in the Town's Vehicle and Equipment Replacement Fund (VERF).

Councilmember Hodges made a motion and Councilmember Ray seconded the motion to approve Ordinance No. 19-76 amending Ordinance No. 19-65 (FY 2019-2020 Budget) to provide budget authority to increase revenues and expenditures in the General Fund, to increase revenues and expenditures in the Vehicle and Equipment Replacement Fund, and to increase expenditures in the Crime Control and Prevention Special Purpose District Fund, Fire Control, Prevention and Emergency Medical Services Special Purpose District Fund, Water-Sewer Fund, and Storm Drainage Fund. The motion was approved by a vote of 7-0.

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 6:49 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 8:34 p.m.

Councilmember Miller made a motion and Councilmember Hodges seconded the motion to authorize the Town Manager to execute a Development Agreement with TR 38 Acres LLC, and signing the right-of-way dedication documentation. The motion was approved by a vote of 7-0.

Councilmember Miller made a motion and Deputy Mayor Pro-Tem Dixon seconded the motion to authorize the Town Manager to execute a First Amended Economic Development Incentive Agreement with Northeast 423/380 Ltd. and Northwest 423/380 Ltd. The motion was approved by a vote of 7-0.

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

14. Discussion regarding updates to the Thoroughfare Plan. (HW)

Hulon Webb, Director of Engineering, briefed the Council on the Town's Thoroughfare Plan. Town staff has historically used the Thoroughfare Plan as a conceptual guide for the placement of the Town's major roadways. The Plan depicts a rough estimate of the current and anticipated roadway alignments within the Town. With the recent discussion on the Malabar Hills Preliminary Plat, Town staff received multiple comments from the public related to the interpretation that the Thoroughfare Plan portrays actual alignments, rather than conceptual. To clarify the misconceptions, Town staff will propose regular updates to the Thoroughfare Plan in situations where either the current or anticipated roadway alignments do not match. The next updated to the Thoroughfare Plan will be brought forward for Council approval in November 2019. Mayor Pro-Tem Vogelsang requested Town staff to include a grade separation at First Street and the BNSF Railroad in the next Thoroughfare Plan update.

15. Town Council Tailgate Party. (RB)

Town Secretary/PIO Robyn Battle briefed the Council on the tailgate party held on September 27. The Council decided not to hold any more parties this year, but will consider holding one party sometime during next year's football season. Town staff will bring the issue forward for Council consideration prior to the start of the 2020 football season.

Adjourn.

The meeting was adjourned at 8:57 p.m. on Tuesday, October 8, 2019.

These minutes approved on the 22nd day of October 2019.



APPROVED:



Ray Smith, Mayor

ATTEST:



Robyn Battle, Town Secretary