



Prosper is a place where everyone matters.

Minutes

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

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.

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 grand opening of the new Prosper Police Station and 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.

On September 11, Town Hall, the Gateway Monument, and PISD Stadium will be lit in red white and blue. In October, the Town will continue to honor our public safety personnel by lighting Town Hall and the Gateway Monument in red, in honor of Fire Prevention Month.

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 from 7:30am-5:30pm as part of our annual 9/11 Ceremony.

TxDOT will hold a virtual public meeting on Tuesday, September 15, to discuss improvements to FM 1385 from US 380 to FM 455. The meeting will consist of a pre-recorded video presentation and exhibits for review. The public may submit comments via email, voicemail, or an online comment form. More details are available at www.keepitmovingdallas.com/FM1385.

Collin County has launched 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 due to the COVID-19 pandemic. Applications may be submitted through September 25th, and awards will be granted on a first-come, first-served basis. More information is available on the Collin County website.

Presentations.

- 1. Presentation of a Proclamation to members of the Shawnee Trail Chapter, National Society Daughters of the American Revolution declaring September 17-23, 2020, as Constitution Week. (ML)**

Mayor Smith presented a proclamation to the members of the Shawnee Trail Chapter, National Society Daughters of the American Revolution declaring September 17-23, 2020, as Constitution Week.

- 2. Presenting Teamwork Awards to the Police Corporal and Communications Officers. (DK)**

Doug Kowalski, Police Chief, presented teamwork awards to Police Corporal Preston Robinson and Communications Officers Jackie Tyson and Natasha Renes for their outstanding performance and lifesaving actions on August 21, 2020.

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 22, 2020, Town Council meeting. (ML)**
- 4. Consider and act upon the minutes from the August 25, 2020, Town Council meeting. (ML)**
- 5. Receive the July financial report. (BP)**

6. Consider and act upon adopting the FY 2020-2021 Prosper Economic Development Corporation budget. (RS)
7. Consider and act upon Resolution No. 2020-65 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 2020-2021. (ML)
8. Consider and act upon submitting an official ballot for the election of Places 1-4 of the Board of Trustees for the Texas Municipal League Intergovernmental Risk Pool. (RB)
9. Consider and act upon Resolution No. 2020-66 approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the company's 2020 rate review mechanism filing. (BP)
12. Consider and act upon Ordinance No. 2020-68 to rezone 27.4± acres from Planned Development-65 (PD-65) to Planned Development-104 (PD-104), located on the south side of Prairie Drive, east of Legacy Drive. (Z20-0014). (AG)
13. Consider and act to authorize the Town Manager to execute a Development Agreement between Prosper Villages at Legacy, LLC, and the Town of Prosper, Texas, related to the Greens at Legacy development. (AG)
14. Consider and act upon Ordinance No. 2020-69 modifying the development standards of Planned Development-40 (PD-40), for Windsong Ranch, generally to modify the residential development standards, including, but not limited to building material, roofing, window, and building encroachment regulations. (Z20-0015). (AG)
15. Consider and act upon authorizing the Town Manager to execute a First Amended Development Agreement between VP Windsong Operation, LLC and VP Windsong Investments, LLC, and the Town of Prosper, Texas, related to the Windsong Ranch development. (AG)
16. Consider and act upon Ordinance No. 2020-70 abandoning a portion of Good Hope Road prescriptive right-of-way, located south of Parvin Road, beginning at a point approximately 600 feet from the southern property line of Good Hope Cemetery and extending southward approximately 1,100 feet. (AG)
17. Consider and act upon Ordinance No. 2020-59 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)

Councilmember Andres removed Items 10 and 11 from the consent agenda.

Mayor Pro-Tem Vogelsang made a motion and Councilmember Miller seconded the motion to approve Items 3 thru 9 and 12 thru 17 on the consent agenda.

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

10. **Consider and act upon awarding Bid No. 2020-81-B to Accelerated Critical Path, Inc., related to construction services for the Prosper Trail/DNT Intersection Improvements project; and authorizing the Town Manager to execute a construction agreement for same. (HW)**

Councilmember Andres questioned if the Town had used Accelerated Critical Path, Inc. before and if the reference process was recently conducted. Director Webb confirmed the Town has used this firm for previous Town projects and discussed the reference check process that was conducted.

11. **Consider and act upon Ordinance No. 2020-67 amending Section 12.09.003 "Speed Limits on Specific Streets" of Chapter 12 "Traffic and Vehicles" of the Town's Code of Ordinances by modifying the prima facie speed limits on certain streets. (HW)**

Councilmember Andres had questions on the speed limit around the high school. Director Webb discussed the speed limit and enforcement of it around the high school.

Councilmember Ray made a motion and Councilmember Andres seconded the motion to approve Items 10 and 11 on the consent agenda.

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

CITIZEN COMMENTS

There were no citizen comments.

REGULAR AGENDA:

Items for Individual Consideration:

18. **Conduct a Public Hearing to consider and discuss a proposal to adopt a tax rate of \$0.52 per \$100 valuation. (BP)**

Betty Pamplin, Finance Director, discussed the proposal to adopt the tax rate of \$0.52 per \$100 valuation.

Mayor Smith opened the public hearing.

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

No further action was taken.

19. **Consider and act upon Ordinance No. 2020-71 adopting the Fiscal Year (FY) 2020-2021 Annual Budget and Capital Improvement Program for the fiscal year beginning October 1, 2020 and ending September 30, 2021. (BP)**

Betty Pamplin, Finance Director, discussed the ordinance adopting the Fiscal Year (FY) 2020-2021 Annual Budget and Capital Improvement Program for the fiscal year beginning October 1, 2020 and ending September 30, 2021. The FY 2020-2021 Proposed Budget raises more in property tax revenues than in the previous year. The Town of Prosper FY 2020-2021 Annual Budget addresses increased service levels to Town residents in response to continued growth. The proposed budget also provides

essential or money-saving capital investments in infrastructure and other public improvements, as well as additional public safety resources.

After discussion, Mayor Pro-Tem Vogelsang made a motion and Councilmember Miller seconded the motion to approve Ordinance No. 2020-71 adopting the Fiscal Year (FY) 2020-2021 Annual Budget and Capital Improvement Program for the fiscal year beginning October 1, 2020 and ending September 30, 2021, as proposed.

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

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

Mayor Pro-Tem Vogelsang made a motion and Deputy Mayor Pro-Tem Dixon seconded the motion to ratify the property tax revenue increase as reflected in the fiscal Year 2020-2021 Adopted Budget.

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

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

20. Consider and act upon Ordinance No. 2020-72 adopting the Town of Prosper 2020 Property Tax Rate. (BP)

Betty Pamplin, Finance Director, discussed the ordinance which would set the 2020 ad valorem tax rate at \$0.52 cents per \$100 assessed valuation.

After discussion, Mayor Pro-Tem Vogelsang made a motion and Deputy Mayor Pro-Tem Dixon seconded the motion to approve Ordinance No. 2020-72 adopting the Town of Prosper 2020 Property Tax Rate.

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

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

21. Conduct a Public Hearing to consider and discuss proposed Water and Sewer utility rate structure. (BP)

Betty Pamplin, Finance Director, discussed the proposed Water and Sewer utility rate structure. According to the Town Charter, Section 10.06 Regulation of Rates, the Town shall call a public hearing for consideration of the change. The enterprise fund for Water and Sewer Utilities is intended to be self-sufficient by charging its consumers the costs of its services. The only change staff is recommending to the current rates is to increase the water and sewer rates to out-of-town customers from the same rate as in-town customers to a rate equal to 1.5 times the rate charged to in-town customers. Staff presented these recommendations at the August 11, 2020 and August 25, 2020 Town Council meetings.

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

No further action was taken.

22. Consider and act upon Ordinance No. 2020-73 amending Appendix A, "Fee Schedule," to the Town's Code of Ordinances by repealing existing Section IX, "Water and Sewer Rates," and replacing it with a new section IX, "Water and Sewer Rates"; and repealing existing Section XI, "Rates for Collection of Solid Waste and Recyclables," and replacing it with a new section XI, "Rates for Collection of Solid Waste and Recyclables; and adding a new section XXII "Emergency Medical Services (EMS) Rates." (BP)

Betty Pamplin, Finance Director, discussed the recommended amendments to Appendix A, "Fee Schedule," of the Town's Code of Ordinances regarding Section IX, "Water and Sewer Rates", Section XI, "Rates for Collection of Solid Waste and Recyclables", and section XXII "Emergency Medical Services (EMS) Rates."

After discussion, Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Hodges seconded the motion to approve upon Ordinance No. 2020-73 amending Appendix A, "Fee Schedule," to the Town's Code of Ordinances by repealing existing Section IX, "Water and Sewer Rates," and replacing it with a new section IX, "Water and Sewer Rates"; and repealing existing Section XI, "Rates for Collection of Solid Waste and Recyclables," and replacing it with a new section XI, "Rates for Collection of Solid Waste and Recyclables; and adding a new section XXII "Emergency Medical Services (EMS) Rates."

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

23. Consider and act upon an amendment to the Wastewater Master Plan. (DH)

Dan Heischman, Assistant Director of Engineering Services – Development, provided information regarding the amendment. During pre-development meetings with the Windsong Ranch engineering design team, it was discovered that an area that Windsong Ranch is planning to develop east of Doe Branch is shown on the Town's Wastewater Master Plan to be served by a future wastewater line on the west side of Doe Branch. Upon further analysis, it was determined that providing wastewater services from the west side of Doe Branch to the east side of Doe Branch would be cost prohibitive due to the physical constraints of the existing shallow UTRWD trunk

main, which would need to be crossed, combined with relatively low creek elevations in relation to the UTRWD trunk main. In order to provide wastewater service to the area east of the Doe Branch main channel, it was recommended that a new wastewater line be extended to serve the basin on the east side of Doe Branch.

Council had questions on the logistics of adding the new wastewater line, additionally its connection points and capacity was discussed.

After discussion, Mayor Pro-Tem Vogelsang made a motion and Deputy Mayor Pro-Tem Dixon seconded the motion to approve the amendment to the Wastewater Master Plan.

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.

Section 551-074 - To discuss and consider personnel matters and all matters incident and related thereto.

Section 551.074 – To discuss and review the Town Manager's performance evaluation.

The Town Council recessed into Executive Session at 6:33 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 8:37 p.m.

Councilmember Miller made a motion and Councilmember Hodges seconded the motion to authorize the Mayor to execute an agreement for Town Manager services pursuant to the terms discussed in Executive Session.

The motion was approved by a vote of 4-0.

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

Robyn Battle, Executive Director of Community Services, asked Council if they would like to hold tailgate parties prior to each PISD home football game for the 2020 season. Council responded that due to COVID-19 they would not be interested in holding tailgate parties for this season.

Adjourn.

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

These minutes approved on the 22nd day of September 2020.

APPROVED:



Ray Smith, Mayor

ATTEST:



Melissa Lee, Town Secretary

