



Prosper is a place where everyone matters.

Minutes

Prosper Town Council Meeting
Council Chambers
Prosper Town Hall
200 S. Main Street, Prosper, Texas
August 13, 2019

Call to Order/ Roll Call.

The meeting was called to order at 5:55 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
Hulon Webb, Engineering Services Director
John Webb, Development Services Director
Doug Kowalski, Police Chief
Stuart Blasingame, Fire Chief
Pete Anaya, Assistant Director of Engineering Services – Capital Projects
Dudley Raymond, Parks and Recreation Director
Paul Naughton, Landscape Architect

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

Pastor Jim Lugar of Life Journey 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:

Thanks to everyone who attended the grand opening of the 407 Rec Center last week. The newly-renovated building now offers a dedicated space for youth and active adult programs. Online registration, along with a monthly calendar of activities, is available at www.prosperparksandrec.org.

Fall programs at the Prosper Community Library begin on September 3. Stop by the library or visit the Town website for a full program guide for children, teens, and adults.

The public is invited to attend the 8th Annual Town of Prosper Community Picnic on Saturday, September 7, from 4:00-7:00 p.m. in Frontier Park. Free hot dogs will be served by members of

the Town Council, courtesy of Lighthouse Christian Fellowship Church. Activities include a petting zoo, pony rides, inflatable games, slides, face painting, food and drinks. Families are encouraged to bring lawn chairs, blankets, and picnic supplies to this annual community event.

The Town's Water Conservation Division will offer free classes on effective landscaping and water techniques on September 9 and September 23. More information and online registration is available on the Town website.

The Council would like to thank Town staff who responded this weekend to a traffic light pole that was knocked down at the intersection of Prosper Trail and Coit. The Public Works Department responded quickly to get a temporary traffic signal installed.

The Town Council would like to remind residents that school zones will be active tomorrow, and we would like to wish everyone a safe and happy first day of school.

Presentations.

1. Presentation by the Director of Bethlehem Place. (RB)

Betsy Winters, Director of Bethlehem Place, provided the Town Council with an update on the program's activities. Bethlehem Place currently operates two days a week out of a facility on Church Street next to Prosper United Methodist Church. The program serves an average of 110 families per month, forty percent of which are Prosper residents. Bethlehem Place receives twenty-five percent of its food from the North Texas Food Bank, and the rest from donations and food drives. Ninety-five percent of the revenues received by the organization are used to directly serve families.

AGENDA BRIEFING:

Questions About Items Listed on the Regular Meeting Agenda.

This item was not discussed.

Discussion Items.

2. Prosper ISD Stadium Traffic Plan. (DK)

Police Chief Kowalski updated the Town Council on the traffic plan to accommodate football game attendance at Prosper ISD's new football stadium next to Frontier Park. Prosper ISD Police Chief Chad Vessels and Associate Superintendent Greg Bradley were in attendance to answer questions.

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 July 23, 2019, Town Council Meeting. (RB)

4. Consider accepting the submission of the certified collection rate of 100 percent for FY 2019-2020. (KN)

5. Consider and act upon Ordinance No. 19-54 establishing the 2019 certified appraisal roll. (KN)

6. Consider and act upon Ordinance No. 19-55 amending Subsection B, "Informal Hearing Process," Subsection C, "Formal Hearing Process," and Subsection D, "Hearing Procedure for Formal Hearings," of Section 7.02 of Chapter 7 of the Town of Prosper Personnel Policies and Regulations Manual. (KS)
7. Consider and act upon authorizing the Town Manager to execute a Construction Reimbursement Agreement between Pogue Construction Co., LP, and the Town of Prosper, Texas, related to reimbursement for the construction of the West Section of the Lower Pressure Plane Water Line, Phase 1 project. (HW)
8. Consider and act upon Ordinance No. 19-56 to rezone portions of Planned Development-43 (PD-43) and Planned Development-65 (PD-65) to Planned Development-97-Commercial (PD-97-C), on 17.1± acres, located on the north side of US 380, west of the Dallas Parkway. (Z18-0013). (AG)
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)

Councilmember Hodges made a motion and Councilmember Ray 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.

Bill Huston, 340 Kingsbury Lane, Prosper, spoke regarding excessive speeding in Tanner's Mill, and requested additional enforcement efforts. The Town Council directed staff to contact Mr. Huston about the issue.

REGULAR AGENDA:

If you wish to address the Council during the regular agenda portion of the meeting, please fill out a "Public Meeting Appearance Card" and present it to the Town Secretary prior to the meeting. Citizens wishing to address the Council for items listed as public hearings will be recognized by the Mayor. Those wishing to speak on a non-public hearing related item will be recognized on a case-by-case basis, at the discretion of the Mayor and Town Council.

Items for Individual Consideration:

10. **Submission of the FY 2019-2020 Proposed Budget and Budget Message by the Town Manager. (KN)**

Finance Director Kelly Neal presented this item before the Town Council. In accordance with the Town Charter, the FY 2019-2020 Proposed Budget, including the Budget Message from the Town Manager, was submitted to the Town Council under separate cover. No further action was taken.

11. **Consider accepting submission of the 2019 effective tax rate of \$0.494939 per \$100 taxable value and the rollback tax rate of \$0.530272 per \$100 taxable value. (KN)**

Finance Director Kelly Neal presented this item before the Town Council. State law requires municipalities that levied property taxes in 2018, and intend to levy them in 2019, must publish the effective and rollback tax rates, and hold two public hearings if the proposed tax rate exceeds the lower of the effective or rollback tax rate. Ms. Neal reviewed property tax revenue scenarios for the effective tax rate, rollback tax rate, the current tax rate of \$0.52, and the tax rate that would be required under the 3.5% revenue cap enacted by the Texas legislature that will go into effect next year.

After discussion, Councilmember Andres made a motion and Councilmember Miller seconded the motion to accept the submission of the 2019 effective tax rate of \$0.494939 per \$100 taxable value and the rollback tax rate of \$0.530272 per \$100 taxable value. The motion was approved by a vote of 7-0.

12. Consider and act upon a proposed FY 2019-2020 property tax rate. (KN)

Finance Director Kelly Neal presented this item before the Town Council. This agenda item is to set the proposed tax rate for consideration. According to Section 26.05(d) of the Property Tax Code, the Town is required to hold two public hearings and publish notice in the Town's official newspaper if proposing to consider a tax rate that exceeds the effective rate or rollback rate, whichever is lower. The Town's property tax rate has been \$0.52/\$100 valuation for the past twelve years.

Mayor Pro-Tem Vogelsang made a motion and Councilmember Hodges seconded the motion to place a proposal to adopt a FY 2019-2020 tax rate of fifty-two cents (\$0.52) per one hundred dollars (\$100) of valuation on the September 10, 2019, Town Council Agenda. The Town Council voted as follows:

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

13. Consider and act upon scheduling Public Hearings on the FY 2019-2020 Proposed Budget. (KN)

14. Consider and act upon scheduling Public Hearings for the FY 2019-2020 proposed tax rate. (KN)

Mayor Smith opened Items 13 and 14 concurrently.

Finance Director Kelly Neal presented Items 13 and 14 before the Town Council. Chapter 102 of the Texas Local Government Code requires the Town to hold a public hearing on the proposed budget and publish the notice for this meeting in addition to the notice required under Truth in Taxation guidelines. Section 26.05(d) of the Texas Property Tax Code requires taxing entities to hold two public hearings and publish newspaper ads before adopting a tax rate that exceeds the effective rate or rollback rate, whichever is lower.

Mayor Pro-Tem Vogelsang made a motion and Councilmember Hodges seconded the motion to to schedule Public Hearings on the FY 2019-2020 Proposed Budget for August 27, 2019, at 6:15 p.m., and September 5, 2019, at 5:45 p.m., with each meeting taking

place in the Council Chambers of Prosper Town Hall, located at 200 S. Main Street, Prosper, TX. The motion was approved by a vote of 7-0.

Mayor Pro-tem Vogelsang made a motion and Councilmember Hodges seconded the motion to set the Public Hearings on the proposal to increase total tax revenues and the proposed tax rate of \$0.52 per \$100 in valuation for August 27, 2019, at 6:15 p.m., and September 5, 2019, at 5:45 p.m., with each meeting taking place in the Council Chambers of Prosper Town Hall, located at 200 S. Main Street, Prosper, TX. The motion was approved by a vote of 7-0.

15. Discussion on the Downtown Monument Sign. (DR)

Parks and Recreation Director Dudley Raymond introduced Lenny Hughes of Halff and Associates, who presented this item before the Town Council. Mr. Hughes has refined two options related to the design previously approved by the Town Council. The Council provided direction to continue the design of option 3.1a, removing the vertical "Downtown" wording, and backlighting the wording on the windmill blades. No further action was taken.

16. Consider and act upon authorizing the Town Manager to execute a Professional Services Agreement between Freese and Nichols, Inc., and the Town of Prosper, Texas, related to the design of the Lower Pressure Plane Pump Station and Lower Pressure Plane Water Line, Phase 2 project. (PA)

Pete Anaya, Assistant Director of Engineering Services – Capital Projects, presented this item before the Town Council. As growth continues within the Lower Pressure Plane, a dedicated second pump station is required, along with the final extension of a water supply line from the terminus of the Lower Pressure Plane Water Line, Phase 1 project, to the Custer Road Pump Station site. This project will design the Lower Pressure Plane Pump Station (LPPPS) and the Lower Pressure Plane Water Line, Phase 2 water line from the Custer Road Pump Station site to the terminus the Lower Pressure Plane Water Line, Phase 1 project at Coit Road and Richland Boulevard. Mr. Anaya presented a timeline for project completion, and answered questions regarding project inspections to verify conformance with the contract terms.

After discussion, Councilmember Hodges made a motion and Councilmember Andres seconded the motion authorizing the Town Manager to execute a Professional Services Agreement between Freese and Nichols, Inc., and the Town of Prosper, Texas, related to the design of the Lower Pressure Plane Pump Station and Lower Pressure Plane Water Line, Phase 2 project. The motion was approved by a vote of 7-0.

17. Consider and act upon awarding Bid No. 2019-59-B to Roadway Solutions, Inc., related to construction services for the Traffic Signal Installation at Coit Road and E. First Street project; and authorizing the Town Manager to execute a construction agreement for same. (PA)

Pete Anaya, Assistant Director of Engineering Services – Capital Projects, presented this item before the Town Council. The result of a recent warrant study concluded that Coit Road at E. First Street is one of four intersections that meet the criteria for a traffic signal installation. The Council expressed concern that only two bids were received for the project. Town staff has gathered additional information from surrounding communities for a comparison of the Town's received bids, as well as the potential for rebidding the signal with the traffic signal at Fishtrap Road and Teel Parkway when it is ready to bid. Town staff also studied two traffic bids from the City of Frisco for comparison. After adjusting the cost to account for materials and installation, the proposed low bid for the construction of

the traffic signal at Coit Road and E. First Street is within 6% of the City of Frisco's bids. Town staff presented an option of pre-ordering materials to expedite the construction process. This option may be discussed again at a future meeting.

After discussion, Councilmember Hodges made a motion and Deputy Mayor Pro-Tem Dixon seconded the motion to award Bid No. 2019-59-B to Roadway Solutions, Inc., related to construction services for the Traffic Signal Installation at Coit Road and E. First Street project; and authorizing the Town Manager to execute a construction agreement for same. The motion was approved by a vote of 6-1, with Councilmember Ray casting the opposing vote.

18. Consider and act upon approving Change Order Number 08, to GRod Construction, LLC, related to construction services for the Downtown Enhancements project; and authorize the Town Manager to execute Change Order Number 08 for same. (HW)

Hulon Webb, Director of Engineering Services, presented this item before the Town Council. Recent completion of Fifth Street from the BNSF Railroad to Coleman has resulted in a section of N. Main Street from the alley to Fifth Street being left unimproved. This change order completes the reconstruction of N. Main Street by connecting the new pavement on Fifth Street to the end of the section of N. Main Street at the alley being constructed by GRod. The result will be continuous new concrete pavement for N. Main Street from Broadway to Fifth Street. The cost for this portion of the change order is \$80,264.00.

As construction of Broadway was nearing completion, the additions of decorative sign poles at various downtown intersections was considered critical to the look and feel of the downtown. While the original intent was to install poles at the intersection of Broadway and Main, and Main and Third Street, staff expanded the installation to the surrounding intersections. In order to ensure the installation of the decorative sign poles prior to the Downtown Live! event, staff directed the contractor to order 25 decorative poles and install 22 in the downtown area. This change order is associated with the purchase and installation of the decorative sign poles along with the associated stop signs. The cost of this portion of the change order is \$80,748.75.

In addition, this change includes an \$8,800.00 deduction for the removal of 16 bollards in the contract. Staff will work to purchase and install these separately. As of August 5, 2019, the contractor is responsible for paying \$500 per day in liquidated damages, due to the delay of substantial completion, which is not expected until September 4, 2019.

After discussion, Councilmember Ray made a motion and Deputy Mayor Pro-Tem Dixon seconded the motion to approve Change Order Number 08, to GRod Construction, LLC., related to construction services for the Downtown Enhancements project; and authorize the Town Manager to execute Change Order Number 08 for same. 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.

The Town Council recessed into Executive Session at 7:50 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 9:12 p.m. No action was taken as a result of the Closed Session.

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

19. Infrastructure Fee Waivers. (HW)

The item was not discussed.

20. 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)

This item was not discussed.

21. Town Council Dashboard Demonstration. (RB)

Robyn Battle, Town Secretary/Public Information Officer, provided a demonstration of the Council Dashboard, a website to be used to communicate Town-related information to the Town Council.

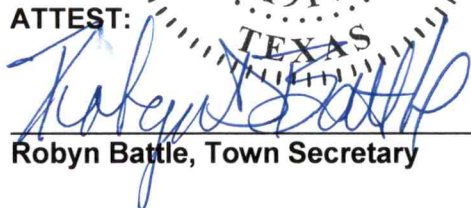
Adjourn.

The meeting was adjourned at 9:26 p.m. on Tuesday, August 13, 2019.

These minutes approved on the 27th day of August 2019.

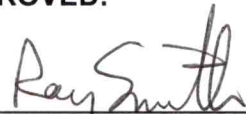


ATTEST:



Robyn Battle, Town Secretary

APPROVED:



Ray Smith, Mayor