



Prosper is a place where everyone matters.

Minutes

Prosper Town Council Meeting
Council Chambers
Prosper Town Hall
200 S. Main Street, Prosper, Texas
Tuesday, September 24, 2019

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 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
January Cook, Purchasing Agent
Paul Naughton, Landscape Architect
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
Kent Bauer, Emergency Management Coordinator

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

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

Announcements of recent and upcoming events.

Councilmember Miller read the following announcements:

The Town will host an informational Meet & Greet with the North Texas Tollway Authority (NTTA), regarding the expansion of the Dallas North Tollway on Thursday, September 26, from 6:00-7:00 p.m. in Council Chambers. Town staff and NTTA will present information on the project, and will be available to answer questions. The public is invited to attend.

On Tuesday, October 1, residents are encouraged to participate in National Night Out by spending the evening outside visiting with neighbors and Prosper's public safety personnel. This annual event was created to heighten awareness, and strengthen participation in local anti-crime efforts. Contact Officer Erin Hubbard for more information or to schedule a block party.

The deadline to register to vote in the November 5 election is October 7. Residents are encouraged to make sure their voter registration is up to date. Contact the Collin County or Denton County Election offices, or the Town website for more information.

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

Presentations.

1. **Presentation of a Flag Certificate by members of the Edmund Terrell Chapter of the Sons of the American Revolution. (RB)**

Donald Babbs and T.L. Holden from the Edmund Terrell Chapter of the SAR presented the Flag Certificate to the Town Council.

2. **Presentation of a Proclamation to members of the Prosper Police and Fire Departments declaring October 1, 2019, as *National Night Out*. (RB)**

Mayor Smith presented the Proclamation to Chief Kowalski and Chief Blasingame.

AGENDA BRIEFING:

Questions About Items Listed on the Regular Meeting Agenda.

This item was not discussed.

Discussion Items.

3. **Discussion on Downtown Empowerment Zones and Architectural Standards. (JW)**

Development Services Director John Webb briefed the Council on proposed updates to the Town's Neighborhood Empowerment Zone (NEZ) regulations. Town staff is proposing to renew NEZ No. 1 for non-residential properties. The Town Attorney has determined that residential properties do not meet the criteria to receive the NEZ incentives; therefore, Town staff is proposing to repeal NEZ No. 2 for residential properties. Property owners will be asked to sign a voluntary Development Agreement to meet the Town's development standards in order to receive incentives. Property and sales tax incentives will be decided on a case-by-case basis. Town staff recommended that NEZ No. 1 be expanded to include the NEZ No. 2 area, but limit incentives to non-residential uses. Town Attorney Terry Welch explained the criteria necessary to offer incentives to residential and non-residential properties according to federal and state law. Town staff was directed to inform the Prosper Developers Council (PDC) of the proposed changes. A proposed ordinance amending the Neighborhood Empowerment Zones will be brought forward at a future Town Council meeting.

4. Discussion on the Downtown Open Space. (DR)

Development Services Director John Webb updated the Council on the Downtown Open Space project. Phase 1 of the Downtown Assessment included public meetings and stakeholder meetings to determine preferred uses, architectural standards, and open space areas that are appropriate for downtown. Mr. Webb introduced Mark Bowers with Kimley-Horn, the Town's consultant for the Downtown Open Space project, who continued the presentation. Mr. Bowers discussed the functions and benefits of designating open space in urban and downtown areas. Utilizing input from the public, stakeholders, and staff, Mr. Bowers presented two downtown open space scenarios for Council to consider. Scenario 1 creates open space in downtown by leveraging properties currently owned by the Town and the Prosper Economic Development Corporation (PEDC) to encourage adjacent development. Scenario 2 places an emphasis on parking, with Broadway and Main Street designated as festival streets for downtown events. The goal for both scenarios is to use open space as a catalyst for development in downtown.

The Council emphasized the importance of providing adequate parking in downtown, and the connectivity and compatibility with the Blue Star property that will develop on the south side of First Street. A public process should be utilized to identify appropriate active and passive uses for open space in downtown, and to make sure the downtown plan meets the desires of the residents. Consideration should also be given to the larger parcels in downtown, such as the silos, the Oncor property, and the metal buildings. Mr. Bowers noted that the scope of this particular project focused on publicly owned property only, plus alleys and streets. The Council noted the importance of strategically acquiring property in the downtown area to accommodate open space and parking. Mr. Bowers stated that the next step in the process is to present the scenarios to the PEDC, and to bring a preferred scenario back for consideration at a future Town Council meeting.

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.

- 5. Consider and act upon the minutes from the September 5, 2019, Special Called Town Council Meeting. (RB)**
- 6. Consider and act upon the minutes from the September 10, 2019, Town Council Meeting. (RB)**
- 8. Consider and act upon authorizing the Town Manager to execute an Interlocal Agreement between the North Central Texas Emergency Communication District and the Town of Prosper for regional 9-1-1 service. (DK)**
- 9. Consider and act upon Resolution 19-73 of the Town Council of the Town of Prosper, Texas, authorizing the Town to submit a grant application to the Office of the Governor (OOG) for Prosper Police Department SWAT equipment enhancement grant. (KB)**

10. Consider and act upon authorizing the Town Manager to execute a Second Amended Annexation Agreement between OM Frontier Estates, LLC. and the Town of Prosper, Texas, regarding a 22.05± acre property, generally located on the south side of Frontier Parkway, west of Custer Road. (AG)
11. Consider and act upon authorizing the Town Manager to execute a Second Amended Annexation Agreement between Harold and Maureen Patin and the Town of Prosper, Texas, regarding a 10.59± acre property, generally located on the south side of Prosper Trail, west of Custer Road. (AG)
12. Consider and act upon authorizing the Town Manager to execute a Second Amended Annexation Agreement between Y-C Nurseries, Inc. and the Town of Prosper, Texas, regarding a 12.38± acre property, generally located on the north side of US 380, west of Dallas Parkway. (AG)
13. Consider and act upon Ordinance No. 19-69 rezoning 11.0± acres from Planned Development-65 (PD-65) to Planned Development-98 (PD-98), located on the south side of future Prairie Drive, west of future Mahard Drive, to facilitate the development of a Retirement Housing Complex, consisting of one (1) and three (3) story buildings. (Z19-0005). (AG)
14. Consider and act upon Ordinance No. 19-70 rezoning 5.7± acres from Planned Development-65 (PD-65) to Office (O), located on the southwest corner of future Prairie Drive and Mahard Parkway. (Z19-0006). (AG)
15. Consider and act upon Ordinance No. 19-71 rezoning 16.1± acres of Planned Development-43 (PD-43) and Specific Use Permit-9 (SUP-9), and 3.3± acres of Planned Development-65 (PD-65) to Planned Development (PD-99), located on the northwest corner of Mahard Parkway and US 380, to facilitate the development of a Major Automotive Repair Facility (Toyota/Penske). (Z19-0007). (AG)
16. Consider and act upon authorizing the Town Manager to execute a Development Agreement between Prosper Villages at Legacy, LLC, and the Town of Prosper, Texas, related to the Prosper Center development. (AG)
17. 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 Ray removed Item 7 from the Consent Agenda.

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

7. Receive the July Financial Report. (CS)

Chuck Springer, Executive Director of Administrative Services, responded to questions regarding building permit revenue, noting that although permit revenue has

been lower than projected over the past several months, overall revenue in the general fund is on target for the fiscal year. Additionally, expenditures for inspection services to Bureau Veritas will be lower than projected, which will help balance the permit revenue shortfall. In FY 2019-2020, the Town expects to have three large permitting projects which will cause an increase in overall permit revenue and expenditures.

After discussion, Councilmember Ray made a motion and Mayor Pro-Tem Vogelsang seconded the motion to approve Item 7. 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.

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:

- 18. Presentation of service plan and first 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)**

Planning Manager Alex Glushko presented this item before the Town Council. 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 first of two required Public Hearings; the second Public Hearing is scheduled for October 8, 2019. Following that Public Hearing, the Town Council will consider an ordinance completing the annexation process.

Mr. Glushko responded to a question from the Council, stating that Prosper ISD will be required to develop any infrastructure necessary for the development of the property, or dedicate it to the Town.

Mayor Smith opened the Public Hearing.

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

No further action was taken.

19. **Conduct a Public Hearing, and consider and act upon a request to rezone 0.2± acres from Downtown Office (DTO) to Planned Development-Downtown Office (PD-DTO), located on the northeast corner of Church Street and Second Street, to allow for the development of an Assisted Living Facility. (Z19-0013). (AG)**

Planning Manager Alex Glushko presented this item before the Town Council. The purpose of this request is to allow for development of an assisted living facility. The project consists of a proposed one-story, 5,467 square-foot building, containing fourteen beds. There will be a maximum of three employees. The applicant is proposing to construct a total of ten parking spaces; four of which will be located on-site and six of which will be located on-street and available to the public, as well as assisted living clientele. The parking has been designed to meet the Town standards, and will allow for a shared driveway off of Second Street when the property adjacent to the east redevelops as Downtown Office in the future. Mr. Glushko reviewed the proposed modifications to the base Downtown Office (DTO) district, as requested by the applicant. The Council discussed the proposed reduction in setback. Fire Chief Blasingame noted that the Fire Department is requiring 10 feet of clearance on all sides of the building to allow appropriate emergency access. The Council expressed a concern with the parking on the east side of the building. The applicants noted that the parking on the east side would most likely be used for staff, and not the public.

Mayor Smith opened the Public Hearing.

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

After discussion, Councilmember Ray made a motion and Councilmember Miller seconded the motion to approve the request to rezone 0.2± acres from Downtown Office (DTO) to Planned Development-Downtown Office (PD-DTO), located on the northeast corner of Church Street and Second Street, subject to approval of a Development Agreement by Town Council, including building elevations consistent with proposed Exhibit F. The motion was approved by a vote of 7-0.

20. **Consider and act upon a resolution of the Town Council of the Town of Prosper, Texas, accepting grant funds from the U.S. Department of Homeland Security for grant funding under the 2016 Staffing for Adequate Fire and Emergency Response (SAFER) grant program to create six (6) new, paid, full time, firefighter positions (SB)**

Fire Chief Blasingame presented this item before the Town Council. The Town was recently awarded the SAFER grant from the U.S. Department of Homeland Security, which will provide \$919,257.60 over the next three fiscal years. The grant will fund a significant portion of the initial cost of hiring six new staff members for the Fire Department, allowing the Town to provide the highest level of fire protection to residents, homeowners and businesses.

Mayor Pro-Tem Vogelsang made a motion and Councilmember Hodges seconded the motion to approve Resolution 19-72 accepting the FEMA SAFER grant award for FY 2020-2022. The motion was approved by a vote of 7-0.

21. Discussion of Amendments to the FY 2019-2020 Budget. (CS)

Chuck Springer, Executive Director of Administrative Services, presented this item before the Town Council. The FY 2019-2020 Budget was adopted on September 10, 2019. At that time, Town staff was directed to bring forward the following items for discussion regarding potential amendments to the FY 2019-2020 Adopted Budget that include:

- Addition of 6 Firefighter positions
- Town compensation study and timing of market adjustments
- Supplemental request for a Fire Brush Truck replacement
- Town Health Insurance Trust Fund costs and market comparisons

Mr. Springer presented information on the six firefighter positions that are being added to the budget as a result of the Town being awarded the SAFER grant. He then provided information on the proposed compensation increase, and the cost difference between implementing the increase in its entirety in FY 2019-2020, rather than phasing it in over three years. Fire Chief Blasingame provided additional information on the request for a fire brush truck to replace an existing brush truck, which needs extensive repairs. Mr. Springer indicated that approval of the brush truck would necessitate an adjustment to the Vehicle and Equipment Replacement (VERF) fund, since the truck would be replaced sooner than planned.

Lance Pendley with McGriff, Seibels and Williams, the Town's benefits consultant, provided information on the Town's health insurance trust fund costs, and market comparisons for employee medical and pharmacy benefits. The Council discussed the Town's plan design, including the health savings account offered to employees, and the per employee/per month (PEPM) cost for claims compared to other municipalities, which is lower than average. Kala Smith, the Town's Human Resources Director, briefed the Council on information given to the Town's Employee Engagement Committee. The Committee had no concerns with the recommendation provided by the benefits consultant and the Council Benefits Subcommittee.

Mr. Springer responded to concerns from the Council on the total amount budgeted for Professional Services in FY 2019-2020, which exceed the total amount of discretionary requests submitted by Town staff. Mr. Springer provided several examples of expenditures that are categorized as Professional Services across all Town departments, noting that the services and costs vary significantly among departments.

After discussion, the Town Council directed staff to amend the budget to include the SAFER grant funding for six new firefighter positions; to provide the total proposed compensation market adjustment in FY 2019-2020, rather than phasing it in over three years; and to approve the supplemental request for the fire brush truck, including an adjustment to the VERF fund designating a lifespan for the truck as ten years, rather than fifteen years.

Deputy Mayor Pro-Tem Dixon left the Council bench at 8:59 p.m.

22. Consider and act upon awarding RFP No. 2019-63-A for ASO Medical and Captive Benefits to UMR, Inc., a subsidiary of United Healthcare, effective January 1, 2020, and authorizing the Town Manager to execute all documents for the same. (KS)
23. Consider and act upon awarding RFP No. 2019-61-A for Pharmacy Benefits Management Services to ProAct, Inc.; and authorizing the Town Manager to execute all documents for the same. (KS)

Mayor Smith opened Items 22 and 23 concurrently.

Human Resources Director Kala Smith introduced Lance Pendley with McGriff, Seibels and Williams, the Town's benefits consultant, who presented both items before the Town Council. Mr. Pendley reviewed the proposals for employee medical and pharmacy benefits for FY 2019-2020. After reviewing the results with the Council Benefits Subcommittee and Town staff, Mr. Pendley recommended the Town select UMR, a subsidiary of United Healthcare, for employee medical benefits, and ProAct, Inc., for employee pharmacy benefits.

After discussion, Mayor Pro-Tem Vogelsang made a motion and Councilmember Hodges seconded the motion to award RFP No. 2019-63-A for ASO Medical and Captive Benefits to UMR, Inc., a subsidiary of United Healthcare, effective January 1, 2020, and authorize the Town Manager to execute all documents for the same. The motion was approved by a vote of 6-0.

Councilmember Hodges made a motion and Councilmember Andres seconded the motion to award RFP No. 2019-61-A for Pharmacy Benefits Management Services to ProAct Rx, Inc., and authorize the Town Manager to execute all documents for the same. The motion was approved by a vote of 6-0.

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 551.071 – Consultation with the Town Attorney relative to plat approval in accordance with Chapter 212 of the Texas Local Government Code.

The Town Council recessed into Executive Session at 9:15 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 10:15 p.m. All Councilmembers took their seats at the Council bench. 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.

24. Discuss Development and Infrastructure Fees. (JW/HW)

This item was not discussed.

25. Discussion on Agenda Format. (RB)

Town Secretary/PIO Robyn Battle requested feedback from the Council on the meeting agenda format, particularly regarding the Agenda Briefing portion of the meeting. The Town Council expressed a preference to remove the Questions about Items on the Regular Agenda section of the meeting, but to keep the Discussion Items section at the beginning of the meeting. The meetings will continue to start at 5:45 p.m.

Councilmember Ray directed Town staff to investigate placing additional monitors in Council Chambers so the audience can better view the PowerPoint presentations.

Councilmember Hodges requested additional information on the sight lines at Town intersections. More information will be brought forward at a future Town Council meeting.

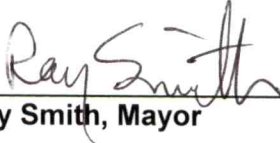
Adjourn.

The meeting was adjourned at 10:21 p.m. on Tuesday, September 24, 2019.

These minutes approved on the 8th day of October 2019.



APPROVED:



Ray Smith, Mayor

ATTEST:



Robyn Battle, Town Secretary