



Prosper is a place where everyone matters.

Minutes
Prosper Town Council Meeting
Council Chambers
Prosper Town Hall
250 W. First Street, Prosper, Texas
Tuesday, August 11, 2020

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 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.

Pastor Matt Anderson of One Community Church led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were recited.

Announcements of recent and upcoming events.

Fishtrap Road from Gray Wolf Drive to FM 1385 will be closed to through traffic for road construction improvements for approximately 30 days, weather permitting. Travelers will need to find alternate routes during this time.

Each Thursday, be on the lookout for "Thoroughfare Thursday" updates on the Town's Facebook page to learn about road improvement projects throughout the Town. Updates are also available

on the Town's Monthly CIP Report, which is available on the Engineering page on the Town website.

The Town's Public Works Department is hosting a free virtual class on Water Efficient Sprinklers on Tuesday, August 25, at 6pm. Residents will learn how to do minor repairs and simple irrigation tips that can make a MAJOR impact on your water waste and your water bill, and keep landscapes looking their best. Registration is available on the Water Conservation page on the Town website.

The Town has been notified of one positive case of West Nile Virus. Eliminating standing or stagnant water where mosquitoes can breed, and reducing the chances of mosquito bites are the most effective lines of defense against exposure to West Nile Virus. Remember to follow the 4 D's to reduce your risk of mosquito bites:

- Drain standing water so mosquitoes don't have a place to breed, and treat water that can't be drained.
- Defend by using an EPA-approved insect repellent.
- Dress in long sleeves and pants when outdoors.
- Limit outdoor activities dusk to dawn when mosquitoes are most active

The Town Council would like to wish all Prosper students, parents, and teachers a safe and successful school year.

Presentations.

1. Unity Table Proclamation (RB)

Mayor Smith presented a proclamation to Pastor Matt Anderson of One Community Church proclaiming August 29-30, 2020, as Unity Table Weekend encouraging our friends and neighbors to share a meal to celebrate what unites us as a community.

2. Recognition of Bond Committee (CS)

Mayor Smith presented Certificates of Appreciation to David Bristol, Prosper Economic Development Corporation's Vice President and 2020 Bond Committee Chairman, Mayor Pro-Tem Vogelsang and to the 2020 Bond Committee. Mayor Smith thanked the committee for their commitment and dedication.

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 28, 2020, Town Council Meeting. (ML)**
- 4. Receive the June financial report. (BP)**
- 5. Receive the Quarterly Investment Report. (BP)**
- 6. Consider and act upon Ordinance No. 2020-58 establishing the 2020 certified appraisal roll. (BP)**

7. **Consider and act upon scheduling a Public Hearing on the FY 2020-2021 Proposed Budget. (BP)**
8. **Consider and act upon scheduling a Public Hearing for the FY 2020-2021 proposed tax rate. (BP)**
9. **Consider accepting submission of the 2020 no-new-revenue tax rate of \$0.515548 per \$100 taxable value and the voter-approval tax rate of \$0.550300 per \$100 taxable value. (BP)**

Mayor Smith removed Items 10, 11 and 12 from the Consent Agenda.

Councilmember Miller made a motion and Councilmember Andres seconded the motion to approve Items 3 thru 9 on the Consent Agenda.

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

10. **Consider and act upon authorizing the Town Manager to execute a Professional Services Agreement between Halff Associates, Inc., and the Town of Prosper, Texas, related to the Downtown Monument Project (1922-PK). (DR)**

Deputy Mayor Pro-Tem Dixon requested clarification on the scope of the agreement and if the 12-month time frame of completion could be reduced. Dudley Raymond, Director of Parks and Recreation, confirmed it was the entire project not just the monument and would relay Deputy Mayor Pro-Tem Dixon's comments to the consultant regarding his request for a reduced project schedule.

Councilmember Ray asked if the funding for the Downtown Monument Project was primarily for the design phase and requested this item be tabled until input was received from the Downtown Visionary Committee and the EDC regarding this project. Mayor Pro-Tem Dixon responded the funding was for the design phase and recommended not tabling the item as it had been previously discussed by the Visionary Committee.

Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Andres seconded the motion to approve the Professional Services Agreement between Halff Associates, Inc., and the Town of Prosper, Texas, related to the Downtown Monument Project (1922-PK).

The motion was approved by a vote of 6-1 with Councilmember Ray opposed.

11. **Consider and act upon authorizing the Town Manager to execute an Agreement to Contribute Right of Way Funds between the Texas Department of Transportation and the Town of Prosper, Texas, related to the construction of FM 1461 (Frontier Parkway) from SH 289 (Preston Road) to west of County Road 166. (HW)**

Councilmember Andres questioned if the execution of the agreement to contribute right of way funds finalized any citizen input that may be possible on right of way and the construction FM 1461. Hulon Webb, Engineering Services Director, responded there were still ongoing discussions of final design with the ability of public input.

Councilmember Andres made a motion and Councilmember Hodges seconded the motion to approve authorizing the Town Manager to execute an Agreement to Contribute Right of Way Funds between the Texas Department of Transportation and the Town of Prosper, Texas, related to the construction of FM 1461 (Frontier Parkway) from SH 289 (Preston Road) to west of County Road 166.

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

- 12. Consider and act upon an ordinance 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)**

Mayor Smith recommended tabling this item until the August 25, 2020, Town Council meeting to allow for additional time for the development community to review the proposed amendments.

Councilmember Hodges made a motion and Councilmember Miller seconded the motion to table Item 12 until the August 25, 2020, Town Council meeting.

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

CITIZEN COMMENTS

There were no citizen comments.

REGULAR AGENDA:

Items for Individual Consideration:

- 13. Conduct a Public Hearing, and consider and act upon a request to modify 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)**

John Webb, Development Services Director, provided an overview of the request that would amend 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. The developer is currently working with Shaddock-Caldwell Custom Homes which intends to develop several Type C, D, and F lots within Windsong Ranch. The prospective builder has indicated certain development standards, intended for production builders, will inhibit development of their custom homes.

The developer, David Blom, Vice President/Partner for Tellus Group, LLC., discussed with Council the desire to offer a greater variety at the upper end of the product scale.

Mayor Smith opened the public hearing.

The builder, Ben Caldwell with Shaddock-Caldwell Custom Homes, presented examples of the proposed roof pitch, roof material and color. Cementitious siding and cedar shake siding were discussed as a primary exterior building material. As

well, Mr. Caldwell discussed side yard encroachment reduction, the removal of the requirement of window frame color and allowing for pin-mounted addresses for all lot types.

Deputy Mayor Pro-Tem Jason Dixon had questions about the architectural standards within the HOA regarding roof colors and future homeowners. Mr. Caldwell replied architectural control is legislated by the covenants, conditions, and restrictions (CC&Rs) in the HOA that governs the community. Additionally, within the HOA is an architectural review committee with approval rights to address this. Council discussed cedar shake wood used as an exterior building material and the maintenance and safety of it. Councilmember Ray had questions on roof pitch and the constraints of roof color.

Windsong resident Doug Charles, via Zoom, voiced concern that the product design proposed is inconsistent with the current subdivision standards for Windsong Ranch.

Windsong resident Mrs. Jacko, via Zoom, spoke on the possibility of increased insurance rates due to the use of wood products and a concern for the decline of standardization regarding building materials within the subdivision. Mrs. Jacko urged for some form of unity to the subdivision standards for Windsong Ranch.

Mayor Smith closed the public hearing.

After discussion, Councilmember Miller made a motion and Councilmember Ray seconded the motion to approve the request to modify 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) contingent upon the following: Decorative wood products shall not be a permitted exterior surface, and before final Council approval of this planned development ordinance, the applicant shall meet with the Fire Chief and Town personnel to propose appropriate standards for decorative wood products as an accent material.

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

- 14. Consider and act upon Ordinance No. 2020-60 ordering a General Election to be held on November 3, 2020, and authorizing the Town Manager to execute contracts with the Collin County Election Administration, the Denton County Election Administration, and the Prosper Independent School District for joint election services. (ML)**

Melissa Lee, Town Secretary, provided information on the ordinance ordering a General Election to be held on November 3, 2020. In accordance with the Election Code, the Prosper Town Council ordered a General Election on February 11, 2020, to be held on the uniform election date in May for the purpose of electing Council members for Place 3 and Place 5. As a result of the COVID-19 public health emergency, Governor Abbott authorized municipalities to postpone municipal elections until the November 3, 2020, General Election. The Town Council approved an ordinance to postpone the election on March 24, 2020.

Councilmember Miller made a motion and Deputy Mayor Pro-Tem Dixon seconded the motion to approve Ordinance No. 2020-60 ordering a General Election to be held

on November 3, 2020, and authorizing the Town Manager to execute contracts with the Collin County Election Administration, the Denton County Election Administration, and the Prosper Independent School District for joint election services.

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

15. Consider and take action on Ordinance No. 2020-61 calling a bond election in the Town on November 3, 2020, and providing for the administration of the election. (CS)

Chuck Springer, Executive Director of Administrative Services, provided an overview of the ordinance calling a bond election in the Town on November 3, 2020. The Town Council appointed a Citizens Bond Advisory Committee on February 25, 2020. The Committee held eight meetings from March through July. On July 14, 2020, Committee Vice Chair Curry Volelsang presented the Committee's unanimous recommendation to call a bond election with three propositions totaling \$210 million. The Committee also recommended specific language for the three propositions. The ordinance will call a bond election for the Town matching the recommendations of the Bond Committee with the following three propositions:

- Proposition A – authorizing the issuance of \$30,000,000 tax bonds for Public Safety Facilities;
- Proposition B – authorizing the issuance of \$30,000,000 tax bonds for Parks, Trails and Recreation Facilities;
- Proposition C – authorizing the issuance of \$150,000,000 tax bond for Streets and Roads.

Councilmember Hodges made a motion and Councilmember Andres seconded the motion to approve Ordinance No. 2020-61 calling a bond election in the Town on November 3, 2020, and providing for the administration of the election.

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

16. Consider and act upon Ordinance No. 2020-62 ordering a Special Local Option Election to be held on November 3, 2020, for the purpose of legalizing the sale of all alcoholic beverages for off-premise consumption only, and legalizing the sale of mixed beverages in restaurants by food and beverage certificate holders only. (ML)

Melissa Lee, Town Secretary, provided information on the ordinance ordering a Special Local Option Election to be held on November 3, 2020. On June 11, 2020, the Town Secretary received an application to issue petitions for two Local Option Election propositions. The two petitions were submitted to the Town Secretary on July 12, 2020. The Election Code requires that for a Local Option Election to be held, a petition must be signed by thirty-five percent (35%) of the number of residents who voted in the last gubernatorial election. The number of signatures required for each petition to be sufficient is 3,186. If a submitted petition bears the required number of signatures, then the Town Council is required to order a Local Option Election. The Town Secretary had certified that both petitions have met the required number of signatures. The names of the signers will be retained on the original petitions in the Town Secretary's Office in accordance with the Town's Record Retention policy.

Councilmember Hodges made a motion and Deputy Mayor Pro-Tem Dixon seconded the motion to approve Ordinance No. 2020-62 ordering a Special Local Option Election to be held on November 3, 2020, for the purpose of legalizing the sale of all alcoholic beverages for off-premise consumption only, and legalizing the sale of mixed beverages in restaurants by food and beverage certificate holders only.

The motion was approved by a vote of 6-1 with Councilmember Miller opposed.

17. Submission of the FY 2020-2021 Proposed Budget and Budget Message by the Town Manager. (BP)

Harlan Jefferson, Town Manager, provided the Budget Message that included introductory comments on the current budget environment. The Town of Prosper FY 2020-2021 Proposed Budget addresses increased service levels to Town residents in response to continued growth, provides required or recommended capital investments in infrastructure and other public improvements as well as additional public safety resources. The Town has continued to thrive relative to many markets. Despite the Town's current and future growth potential and general optimism, this budget has been prepared with conservative revenue assumptions in mind.

Betty Pamplin, Finance Director, discussed FY 2020-2021 Proposed Budget with highlights that include no increase in property tax rate or utility rates for Town customers. Continued growth in property tax and sales tax was noted, as was continued staff additions to Public Safety. This budget will raise more revenue from property taxes than last year's budget by an amount of \$2,379,134, which is a 10.18 percent increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is \$1,874,898.

The FY 2020-2021 Proposed Budget Appropriations total \$60,242,561 for all operating funds, not including general debt service, capital projects, impact fees, vehicle equipment and replacement fund, or the Economic Development Corporation. Of that amount, approximately \$32,368,884 is for General Fund operations and maintenance, \$1,425,708 for the Crime Control and Prevention Special Purpose District, \$1,490,812 for the Fire Control, Prevention and Emergency Medical Services Special Purpose District, and \$24,957,157 for the Town's Enterprise Funds including Solid Waste, Water, and Sewer utilities as well as the Storm Drainage Utility Fund. General Debt Service Appropriations for the coming fiscal year are \$7,699,741.

Hulon Webb, Engineering Services Director, provided information on the Capital Improvement projects included in the FY 2020-2021 Proposed Budget. Street, traffic and facility project funding was discussed. Dudley Raymond, Director of Parks and Recreation, provided information on the park projects included in the FY 2020-2021 Proposed Budget.

Ms. Pamplin continued the presentation with an overview of the key dates in the budget process, which include Public Hearings on the FY 2020-2021 Budget and the proposed tax rate.

No further action was taken.

18. Consider and act upon a proposed FY 2020-2021 property tax rate. (BP)

Betty Pamplin, Finance Director, provided Council information on the proposed FY 2020-2021 property tax rate. According to Section 26.05(d) of the Property Tax Code, the Town is required to hold one public hearing and publish a newspaper ad if proposing to consider a tax rate that exceeds the no-new-revenue rate or voter-approval rate, whichever is lower. The rate the Town finally adopts can be lower than the proposed and published rate, but it cannot exceed it without undergoing the required posting requirements and timeframes.

Deputy Mayor Pro-Tem Dixon made a motion and Mayor Pro-Tem Vogelsang seconded the motion to place a proposal to adopt a FY 2020-2021 tax rate of fifty-two cents (\$0.52) per one hundred dollars (\$100) of valuation on the September 8, 2020, Town Council Agenda. The Town Council voted as follows:

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

19. Consider and act upon awarding Bid No. 2020-75-B to Mario Sinacola & Sons Excavating, Inc., related to construction services for the Prosper Trail – Coit Rd to Custer Rd 2-Lanes (CIP No. 2008-ST) project; and authorizing the Town Manager to execute a construction agreement for same. (HW)

Hulon Webb, Engineering Services Director, provided an overview of project scope, location and cost. After taking into consideration cost and time, Mario Sinacola & Sons Excavating, Inc., submitted the lowest bid of \$5,236,331.05, with a final completion time of 330 days.

Council discussed the level of communication with the community regarding any disruptions that may occur. Director Webb commented on future public communication scheduled and noted there would be minimal disruptions to traffic.

Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Ray seconded the motion to approve awarding Bid No. 2020-75-B to Mario Sinacola & Sons Excavating, Inc., related to construction services for the Prosper Trail – Coit Rd to Custer Rd 2-Lanes (CIP No. 2008-ST) project; and authorizing the Town Manager to execute a construction agreement for same.

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

20. Discussion on Third Floor Remodeling project and Public Works Modular Building. (RB)

Robyn Battle, Executive Director of Community Services, discussed with Council the Third Floor Remodeling project and Public Works Modular Building. The COVID-19 public health emergency has caused the Town to look for new ways to create social distance between employees in order to provide a safer work environment. Town staff

is proposing to remodel the three unfinished shell spaces on the third floor of Town Hall, and purchase an additional modular building for Public Works, to increase the amount of space between employees in the Town Secretary, Communications, Information Technology, Human Resources, Finance, and Public Works divisions.

Councilmember Ray questioned the renovation cost and resulting increase of space to accommodate existing and additional future employees. Ms. Battle responded that the project qualifies as an eligible use of funds as it meets a short term need to get Town employees socially distanced. Staff requested, with the consensus of Council, to move forward with the preparation of construction documents to be presented at the August 25, 2020, Town Council meeting for consideration.

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 regarding legal issues associated with alcoholic beverage local option elections and all matters incident and related thereto.

Section 551.074 – To discuss appointments to the Board of Adjustment/Construction Board of Appeals, Parks & Recreation Board, Library Board, Prosper Economic Development Corporation Board, and Planning & Zoning Commission.

The Town Council recessed into Executive Session at 8:38 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 9:23 p.m.

Councilmember Miller made a motion and Councilmember Hodges seconded the motion to appoint Ty Bledsoe to fill the unexpired term of Henry Coleman, Parks & Recreation Board Place 1.

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

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

Council requested postponing the August 15, 2020, Town Council Special Called meeting, with a future meeting date to be determined.

Adjourn.

The meeting was adjourned at 9:25 p.m. on Tuesday, August 11, 2020.

These minutes approved on the 25th day of August 2020.

APPROVED:



Ray Smith, Mayor

ATTEST:



Melissa Lee, Town Secretary

