



MINUTES
Prosper Town Council Meeting
Prosper Town Hall, Council Chambers
250 W. First Street, Prosper, Texas
Tuesday, December 12, 2023

Call to Order/ Roll Call.

The meeting was called to order at 6:15 p.m.

Council Members Present:

Mayor David F. Bristol
Mayor Pro-Tem Craig Andres
Deputy Mayor Pro-Tem Marcus E. Ray
Councilmember Amy Bartley
Councilmember Chris Kern
Councilmember Jeff Hodges
Councilmember Charles Cotten

Staff Members Present:

Mario Canizares, Town Manager
Michelle Lewis Sirianni, Town Secretary
Terry Welch, Town Attorney
Chuck Ewings, Assistant Town Manager
David Hoover, Development Services Director
Hulon Webb, Director of Engineering
Suzanne Porter, Planning Manager
Chris Landrum, Finance Director
Ryan Patterson, Assistant Finance Director
James Edwards, Human Resources Director
Frank Jaromin, Director of Public Works
Mary Ann Moon, Economic Development Director
Dan Baker, Parks and Recreation Director
Wilson Haynes, Senior Communications Specialist
Kellen Land, Help Desk Technician
Doug Kowalski, Police Chief

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

Mike Martin with Hope Fellowship led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were recited.

Announcements of recent and upcoming events.

Councilmember Kern made the following announcements:

We would like to thank all those who attended the annual Christmas Festival this year. We had great weather and a fantastic turnout of over 7,000 people. An extra special thanks to our Parks and Recreation Department for all their hard work, as well as to all the staff who helped and volunteered, and the sponsors for allowing the Town to make the event bigger and better each year.

Be on the lookout this week through the Prosper Parks and Recreation Facebook page for this year's Light the Night holiday lighting contest winners. Winners to be announced on social media on Friday, December 15.

Thank you to everyone who has and continues to donate to the Salvation Army Red Kettle Campaign. This past Saturday, Prosper Mayor, David Bristol, and members of the Town Council and staff were out collecting donations from generous shoppers at Kroger on Preston Road to support neighbors who battle poverty, addiction, and homelessness. You can still donate online to The Salvation Army of North Texas McKinney Corps Team. Show your support today and help the Town of Prosper reach and beat their goal of \$2,000 dollars.

Reminder that Town Hall Offices will be closed on Monday, December 25 and Tuesday, December 26 for the Christmas Holiday as well as Monday, January 1 for the New Year's Holiday. Trash services will be delayed by one day due to the holidays. The special bulk drop off location at Public Works will be closed on Saturday, December 23.

The Prosper Community Library will be closed Saturday, December 23 thru Tuesday, December 26 for the Christmas Holiday, as well as Monday, January 1 for the New Year's Holiday, and lastly,

A reminder to citizens that the Tuesday, December 26 Town Council meeting has been canceled. We wish everyone a Happy Holiday Season!

Councilmember Bartley thanked Cornerstone and Prosper Ladies Association for their holiday drives and success in assisting those in the community.

Mayor Bristol thanked the Salvation Army and encouraged residents to continue to donate to the Red Kettle Campaign.

Presentations.

- 1. Presentation to the Town of Prosper for the Award for Excellence in Financial Reporting from the Government Finance Officers Association of Texas (GFOA). (CL)**

Mayor Bristol presented the GFOA award to members of the Finance Department.

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 at the request of Council Members or staff.

- 2. Consider and act upon the minutes from the November 28, 2023, Town Council Work Session meeting. (MLS)**
- 3. Consider and act upon the minutes from the November 28, 2023, Town Council Regular meeting. (MLS)**
- 4. Consider and act upon awarding RFP No. 2024-03-B for stop loss insurance for the Town's self-insurance fund, effective January 1, 2023, and authorizing the Town Manager to execute all documents for the same. (JE)**
- 5. Consider and act upon approving the purchase of a wastewater inspection software from ITpipes Opco, LLC, a sole source provider; and authorizing the Town Manager to execute documents for the same. (FJ)**
- 6. Consider and act upon approving the purchase of water meters from Core & Main, a sole source provider; and authorizing the Town Manager to execute documents for the same. (FJ)**

7. **Consider and act upon approving a Master Cooperative Purchasing Agreement between the Town of Prosper and the Sheriffs' Association of Texas for the procurement of vehicles and authorize the Town Manager to execute documents for same. (CL)**
8. **Consider and act upon the approval of purchases of new and replacement vehicles, upfitting and equipment for FY24 utilizing cooperative purchasing agreements and approved purchasing methods and authorize the Town Manager or his/her designee to execute documents related to said purchases. (CL)**
9. **Consider and act upon approving an Interlocal Agreement between the Town of Prosper and the City of Denton for the procurement of goods and services and authorize the Town Manager to execute documents for the same. (CL)**
10. **Consider and act upon accepting the 2023 FY23 COPS Hiring Program grant award from the Department of Justice (DOJ) Office of Community Oriented Policing Services (COPS Office). (DK)**
11. **Consider and act upon awarding CSP No. 2024-01-B to DDM Construction Corporation, related to construction services for the Preston Road/Prosper Trail Dual Left Turn Lanes and Coit Road/US 380 Southbound Dual Left Turn projects; and authorizing the Town Manager to execute a construction agreement for same. (HW)**

Mayor Bristol requested to pull item #4.

Mayor Pro-Tem Andres made a motion to approve items 2 and 3, and 5 through 11. Deputy Mayor Pro-Tem Ray seconded that motion. Motion carried unanimously.

Mayor Bristol stated his concern of the timeframe of the item, the difference between a 24/12 and Paid Contract, the deductible, and if the Town would be able to have a firm bid by October 1.

Mr. Dave Gibson, the Town's consultant with Holmes Murphy, answered and explained the differences in each item. He was agreeable to providing a bid to the Town by October 1.

Mayor Bristol made a motion to approve item 4. Councilmember Cotten seconded that motion. Motion carried unanimously.

CITIZEN COMMENTS

Beckett, Boy Scout from Prosper Pack 380 asked what one main issue the Town is currently facing today.

Mr. Canizares responded by noting that due to the amount of growth, the Town is experiencing increased traffic. Therefore, has been prioritizing the building of roadways and infrastructure.

Items for Individual Consideration:

12. **Consider and act upon Resolution 2023-82 of the Town Council of the Town of Prosper, Texas, declaring the public necessity to acquire certain water line easements and temporary construction easements for the construction of the Town's FM 1461 12-inch Water Line Relocation project; determining the public use and necessity for such acquisition; authorizing the acquisition of property**

rights necessary for said Project; appointing an appraiser and negotiator as necessary; authorizing the Town Manager to establish just compensation for the property rights to be acquired; authorizing the Town Manager to take all steps necessary to acquire the needed property rights in compliance with all applicable laws and resolutions; and authorizing the Town Attorney to institute condemnation proceedings to acquire the property rights if purchase negotiations are not successful. (HW)

Mr. Webb introduced this item noting the water line relocation project. The proposed resolution is requesting advance authorization to pursue acquisition by eminent domain if standard negotiations are unsuccessful.

Mayor Pro-Tem Andres made a motion to approve Resolution 2023-82 of the Town Council of the Town of Prosper, Texas, declaring the public necessity to acquire certain water line easements and temporary construction easements for the construction of the Town's FM 1461 12-inch Water Line Relocation project; determining the public use and necessity for such acquisition; authorizing the acquisition of property rights necessary for said Project; appointing an appraiser and negotiator as necessary; authorizing the Town Manager to establish just compensation for the property rights to be acquired; authorizing the Town Manager to take all steps necessary to acquire the needed property rights in compliance with all applicable laws and resolutions; and authorizing the Town Attorney to institute condemnation proceedings to acquire the property rights if purchase negotiations are not successful. Councilmember Cotten seconded that motion.

Councilmember Cotten – In Favor
Councilmember Hodges – In Favor
Deputy Mayor Pro-Tem Ray – In Favor
Mayor Bristol – In Favor
Mayor Pro-Tem Andres – In Favor
Councilmember Kern – In Favor
Councilmember Bartley – In Favor

Motion carried with a 7-0 vote.

- 13. Consider and act upon Resolution 2023-83 of the Town Council of the Town of Prosper, Texas, declaring the public necessity to acquire certain wastewater line easements and temporary construction easements for the construction of the Town's Upper Doe Branch Wastewater Line (Teel – PISD Stadium) project; determining the public use and necessity for such acquisition; authorizing the acquisition of property rights necessary for said Project; appointing an appraiser and negotiator as necessary; authorizing the Town Manager to establish just compensation for the property rights to be acquired; authorizing the Town Manager to take all steps necessary to acquire the needed property rights in compliance with all applicable laws and resolutions; and authorizing the Town Attorney to institute condemnation proceedings to acquire the property rights if purchase negotiations are not successful. (HW)**

Mr. Webb introduced this item noting wastewater line project. The proposed resolution is requesting advance authorization to pursue acquisition by eminent domain if standard negotiations are unsuccessful.

Mayor Pro-Tem Andres made a motion to approve Resolution 2023-83 of the Town Council of the Town of Prosper, Texas, declaring the public necessity to acquire certain wastewater line easements and temporary construction easements for the

construction of the Town's Upper Doe Branch Wastewater Line (Teel – PISD Stadium) project; determining the public use and necessity for such acquisition; authorizing the acquisition of property rights necessary for said Project; appointing an appraiser and negotiator as necessary; authorizing the Town Manager to establish just compensation for the property rights to be acquired; authorizing the Town Manager to take all steps necessary to acquire the needed property rights in compliance with all applicable laws and resolutions; and authorizing the Town Attorney to institute condemnation proceedings to acquire the property rights if purchase negotiations are not successful. Councilmember Cotten seconded that motion.

Councilmember Cotten – In Favor
Councilmember Hodges – In Favor
Deputy Mayor Pro-Tem Ray – In Favor
Mayor Bristol – In Favor
Mayor Pro-Tem Andres – In Favor
Councilmember Kern – In Favor
Councilmember Bartley – In Favor

Motion carried with a 7-0 vote.

14. Consider and act upon approval of Raymond Community Park Guaranteed Maximum Price Contract #1 for Site Preparation and authorize the Town Manager to execute documents for the same. (DB)

Mr. Baker provided a brief history of the park project and this being the first of two awards. This item is for the initial phase of the project for the site preparation. Mr. Baker noted the schedule of the work, which is set to begin in January, and the cost of the initial phase, with funding being provided from the 2020 Bond Program.

Councilmember Hodges made a motion to approve and award the Raymond Community Park Guaranteed Maximum Price Contract #1 for Site Preparation and authorize the Town Manager to execute documents for the same. Councilmember Cotten seconded that motion. Motion carried unanimously.

15. Consider and act upon Ordinance 2023-84 amending Article 3.14 – Signs of the Town of Prosper Code of Ordinances to modify certain wall signs and development sign regulations. (DH)

Mr. Hoover stated the proposed amendment addresses the standards for a wall sign and a development sign. For wall signs, it would limit the location to two sides of the building, and for development signs, would limit the size to 32 square feet with a recommended maximum height being reduced from 12 to 10 feet. The Planning and Zoning Commission unanimously recommended approval. Staff recommends approval.

The Town Council discussed the current signs being grandfathered, provision for sign districts such as the Gates of Prosper, sign permits, and placement of signs based on the location of the front of a building.

Councilmember Cotten made a motion to approve an ordinance amending Article 3.14 – Signs of the Town of Prosper Code of Ordinances to modify certain wall signs and development sign regulations, and further, (1) the maximum height of a development sign shall not exceed 8 feet; and (2) wall signs shall not be permitted on any façade that does not front on an entrance, public thoroughfare, or interior roadway within a development. Councilmember Bartley seconded that motion. Motion carried unanimously.

16. **Consider and act upon amending Chapter 2, Section 13 – Multifamily District; Chapter 4, Section 4.3 – Non-residential and multifamily parking provisions; and Chapter 4, Section 8 – Non-Residential & Multifamily Design and Development of the Town of Prosper Zoning Ordinance to modify Multifamily development standards. (ZONE-23-0024) (DH)**

Mayor Bristol stated that he is recommending this item be tabled to a later date.

Councilmember Bartley made a motion to table amending Chapter 2, Section 13 – Multifamily District; Chapter 4, Section 4.3 – Non-residential and multifamily parking provisions; and Chapter 4, Section 8 – Non-Residential & Multifamily Design and Development of the Town of Prosper Zoning Ordinance to modify Multifamily development standards. (ZONE-23-0024) to January 9, 2024. Deputy Mayor Pro-Tem Ray seconded that motion. Motion carried unanimously.

17. **Conduct a public hearing to consider amending Chapter 3, Section 1.4 – Conditional Development Standards and Chapter 4 – Development Requirements of the Town of Prosper Zoning Ordinance to modify requirements related to drive-throughs. (ZONE-23-0033) (DH)**

Mr. Hoover stated staff is proposing amendments to the location of drive-throughs, landscape screening, and stacking of escape lane standards. Mr. Hoover provided examples of kinds of businesses that have drive-throughs and their requirements based on the Zoning Ordinance, as well as provided a review of each amendment. The Planning and Zoning Commission voted 5-2 in favor with specific concerns regarding the landscaping and associated maintenance requirements. Staff is recommending approval.

The Town Council discussed adjacencies of drive-throughs, how the amendments relate to existing Planned Developments (PD's), landscaping, and landscaping islands.

Mayor Bristol opened the public hearing.

No comments were made.

Mayor Bristol closed the public hearing.

The Town Council further discussed the depth of landscaping islands.

Cameron Reaves, Planning and Zoning Commissioner, spoke to his vote of opposition. Mr. Reaves commented that it was based on the landscaping with the recommendation of using evergreens, which could result in a safety issue due to the maximum height requirement and shielding visibility.

Councilmember Cotton made a motion to approve amending Chapter 3, Section 1.4 – Conditional Development Standards and Chapter 4 – Development Requirements of the Town of Prosper Zoning Ordinance to modify requirements related to drive-throughs, and Section 2.6(C)(2)(i)(i) of Chapter 4 shall require that landscape islands shall be a minimum of 5 feet. Councilmember Bartley seconded that motion. Motion carried with a 4-3 vote. Mayor Bristol, Deputy Mayor Pro-Tem Ray, and Councilmember Hodges voting in opposition.

18. Consider and act upon the 2024 Prosper Town Council Regular meeting schedule. (MLS)

Ms. Lewis Sirianni reviewed the proposed 2024 meeting dates.

Deputy Mayor Pro-Tem Ray made a motion to approve the 2024 Prosper Town Council Regular meeting schedule. Councilmember Hodges seconded that motion. Motion carried unanimously.

19. Discuss and consider Town Council Subcommittee reports. (DFB)

Councilmember Bartley and Deputy Mayor Pro-Tem Ray provided a Downtown Advisory Committee report.

Mayor Pro-Tem Andres stated a future update will be forthcoming regarding the McKinney Urban Transit Committee.

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

No comments were made.

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 and all matters incident and related thereto.

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 7:51 p.m.

Reconvene in Regular Session and take any action necessary as a result of the Closed Session.

The Town Council reconvened into Regular Session at 8:27 p.m.

No action was taken.

Adjourn.

The meeting was adjourned at 8:27 p.m.

These minutes were approved on the 9th day of January 2024.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

DRAFT