



MINUTES
Prosper Town Council Meeting
Prosper Town Hall, Council Chambers
250 W. First Street, Prosper, Texas
Tuesday, January 23, 2024

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

Council Members Absent:

Councilmember Charles Cotten

Staff Members Present:

Mario Canizares, Town Manager
Michelle Lewis Sirianni, Town Secretary
Terry Welch, Town Attorney
Bob Scott, Deputy Town Manager
Chuck Ewings, Assistant Town Manager
Robyn Battle, Executive Director
David Hoover, Development Services Director
Hulon Webb, Director of Engineering
Suzanne Porter, Planning Manager
Chris Landrum, Finance Director
Mary Ann Moon, Economic Development Director
Dan Baker, Parks and Recreation Director
Todd Rice, Communications and Media Relations Manager
Kellen Land, Help Desk Technician
Doug Kowalski, Police Chief
Stuart Blasingame, Fire Chief

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

Greg Jones with Rock Creek Church led the invocation. Cub Scout Pack 289 led and recited the Pledge of Allegiance and the Pledge to the Texas Flag.

Announcements of recent and upcoming events.

Councilmember Kern made the following announcements:

Join Mayor Bristol for the Mayor's Annual Update on Thursday, January 25 from 5:30 p.m. to 7:00 p.m. at Hope Fellowship Church located at 2000 W. Prosper Trail. Mayor Bristol will be sharing important insights into the Town's progress over the past year, as well as all the exciting things coming in 2024. The event is free and open to the public.

Join us on Saturday, February 17 from 9 to 11 a.m. for the Prosper Fishing Derby at the Frontier Park Pond, located at 1551 Frontier Pkwy. The Prosper Fishing Derby is a friendly competition for kids and a relaxing morning for the entire family. Judges will be stationed around the pond to

chart fish caught and tally the catches of the day. Prizes will be awarded for Most Fish Caught in various age divisions. The event is free of charge and registration is not required. For more details, visit the Special Events page within the Parks and Recreation Department.

Thank you for your patience regarding the distribution of the approximately 28,000 new 95-gallon trash and recycling carts to all residences. This is a large undertaking, and we are working to resolve problems as quickly as we can. Distribution is currently slightly ahead of schedule, and you may receive your new carts before your scheduled trash day.

CWD logo carts should be left out on the street for pickup by CWD after they are emptied. New Prosper carts can be used immediately upon receipt and will be serviced by CWD through Wednesday, January 31st. Republic will begin servicing the Town on Thursday, February 1st.

A trash transition page on the Town's website has a list of Frequently Asked Questions and other helpful information. Any additional questions can be sent to ub@prospertx.gov.

Presentations.

- 1. Presentation of a Proclamation to the University of Texas at Dallas Naveen Jindal School of Management recognizing its Capstone Senior Project program. (LJ)**

Mr. Johnson provided an overview of the program followed by Mayor Bristol presenting a Proclamation to the students.

- 2. Presentation of a Proclamation declaring the week of January 13-28, 2024, as Health for Humanity Yogathon. (MLS)**

Mayor Bristol read and presented a Proclamation to Neeraj Agrawal.

Mr. Agrawal spoke about the Health for Humanity Yogathon and thanked the Mayor and Town Council for their support.

- 3. Recognize Frank Jaromin, Public Works Director, for his years of dedicated service to the Town of Prosper upon his retirement. (CE)**

Mr. Ewings recognized Mr. Jaromin for his years of service to the Town.

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.

- 4. Consider and act upon the minutes from the January 9, 2024, Town Council Work Session meeting. (MLS)**
- 5. Consider and act upon the minutes from the January 9, 2024, Town Council Regular meeting. (MLS)**
- 6. Consider acceptance of the December 2023 monthly financial report. (CL)**
- 7. Consider and act upon ratifying an emergency purchase expenditure to Consolidated Traffic Controls, Inc. related to the Town's emergency repair of a traffic signal pole located at Prosper Trail and the Dallas North Tollway (DNT). (FJ)**

8. Consider and act upon Ordinance 2024-13 releasing 19.358 Acres, more or less, generally located west of FM 1385 in Denton County, from the Town's Extraterritorial Jurisdiction. (TW)
9. Consider and authorize the transfer of \$6,102,367.26 in American Rescue Plan Act (ARPA) funds to Upper Trinity Regional Water District (UTRWD) to support the expansion of the Doe Branch Wastewater Treatment Plant. (CE)
10. Consider and act upon Ordinance 2024-14 amending the Town of Prosper Zoning Ordinance by amending conditional development standards for certain location requirements of gas pumps contained in Subpart 3 and Subpart 17 of Subsection 1.4 of Section 1 of Chapter 3. (ZONE-23-0039) (DH)
11. Consider and act upon Ordinance 2024-15 to rezone 26.1± acres from Agricultural (AG) to Planned Development-126 (PD-126), for Prosper School Church Addition, Block A, Lot 2, located north of West First Street and west of South Legacy Drive. (ZONE-23-0030) (DH)
12. Consider and act upon authorizing the Town Manager to execute a Development Agreement between James Riley and the Town of Prosper relative to Rock Creek Church. (DH)
13. Consider and act upon Ordinance 2024-16 to rezone 34.7± acres from Commercial (C) to Planned Development-119 (PD-119), for Collin County School Land Survey, Abstract No. 147, Tract 47, located north of West Prosper Trail and west of North Dallas Parkway. (Z22-0019) (DH)

Deputy Mayor Pro-Tem Ray requested to pull item 7.

Mayor Pro-Tem Andres made a motion to approve consent agenda items 4 through 6 and 8 through 13. Councilmember Hodges seconded that motion. Motion carried with a 6-0 vote.

Mayor Bristol commented that there were individuals wanting to comment on item 7.

Former Council Members Jason Dixon, Meigs Miller, and Curry Vogelsang shared their appreciation and gratitude to Mr. Jaromin for all he's done for the Town. They acknowledged his dedication, leadership, and service upon his retirement.

Deputy Mayor Pro-Tem Ray and Mayor Bristol shared their thanks echoing comments made by the former Councilmembers.

Deputy Mayor Pro-Tem Ray made a motion to approve item 7. Mayor Pro-Tem Andres seconded that motion. Motion carried with a 6-0 vote.

CITIZEN COMMENTS

No comments were made.

Items for Individual Consideration:

14. Conduct a public hearing to consider and act upon a request for a Specific Use Permit (SUP) for a Wireless Communications and Support Structure, on Lakewood Preserve, Block A, Lot 1, on 0.1± acre, located south of East First Street and east of South Coit Road. (ZONE-23-0036) (DH)

Mr. Hoover presented the item providing a background of the item and the previous requests made, noting the site location, and plantings/landscaping that would be done around the structure. Mr. Hoover commented that the company would be responsible for maintaining the landscaping that is being planted.

The Town Council discussed the caliper size of the trees being planted, size and height of structure in relation to the overhead powerlines, and if the park nearby would be affected in any way.

Mayor Bristol opened the public hearing.

No comments were made.

Mayor Bristol closed the public hearing.

Deputy Mayor Pro-Tem Ray made a motion to approve a request for a Specific Use Permit (SUP) for a Wireless Communications and Support Structure, on Lakewood Preserve, Block A, Lot 1, on 0.1± acre, located south of East First Street and east of South Coit Road. Councilmember Hodges seconded that motion. Motion carried with a 6-0 vote.

- 15. Consider and act upon awarding CSP No. 2024-10-B to Zachry Construction Corporation, related to construction services for the Legacy Drive (Prairie – First) – 4 Lanes project; and authorizing the Town Manager to execute a construction agreement for same. (HW)**

Mr. Webb provided a brief description of the project and the bid process. Of the four bids received, the Town selected Zachary Construction based on being the lowest bid and overall time to complete the project.

Councilmember Bartley stated that this project is an accelerated infrastructure project.

Councilmember Hodges made a motion to approve awarding CSP No. 2024-10-B to Zachry Construction Corporation, related to construction services for the Legacy Drive (Prairie – First) – 4 Lanes project; and authorizing the Town Manager to execute a construction agreement for same. Mayor Pro-Tem Andres seconded that motion. Motion carried with a 6-0 vote.

- 16. Consider and act upon awarding CSP No. 2024-11-B to Maya Underground Contractors LLC, related to construction services for the Dallas North Tollway (Prosper Trail - Frontier) 12-inch Waterline project; and authorizing the Town Manager to execute a construction agreement for same. (HW)**

Mr. Webb provided a brief description of the project and the bid process. Of the nine bids received, the Town selected Maya Underground Contractors, LLC based on overall cost and days to complete the project. Mr. Webb noted that time was important due to the impacts on traffic that will occur during the construction period.

The Town Council discussed the area of the project and the positive impact this will have once completed.

Mayor Pro-Tem Andres made a motion to award CSP No. 2024-11-B to Maya Underground Contractors LLC, related to construction services for the Dallas North Tollway (Prosper Trail - Frontier) 12-inch Waterline project; and authorizing the Town Manager to execute a construction agreement for same. Councilmember Hodges seconded that motion. Motion carried with a 6-0 vote.

17. **Consider and act upon Resolution 2024-17 of the Town Council of the Town of Prosper, Texas, declaring the public necessity to acquire certain properties for right-of-way, drainage easements, a water easement, a street easement, a sidewalk easement and temporary construction easements for the construction of the Craig Road (Preston - Fifth) 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 if purchase negotiations are not successful. (HW)**

Mr. Webb stated the Town is in the process of developing engineering plans for the construction of the Craig Road (Preston - Fifth) project. To facilitate the construction of the project, it is necessary for the Town to acquire several parcels of right-of-way, drainage easements, a street easement, a sidewalk easement, and temporary construction easements. The thirteen (13) properties are identified in the attached resolution, and the location map included with this agenda item depicts the properties affected. As with other similar road construction projects, it is not anticipated that all parcels will require the use of eminent domain to complete the acquisition process, however, staff is requesting advance authorization to pursue acquisition by eminent domain if standard negotiations are unsuccessful.

Councilmember Bartley made a motion to approve Resolution 2024-17 declaring the public necessity to acquire certain properties for right-of-way, drainage easements, a street easement, a sidewalk easement, and temporary construction easements, for the construction of the Craig Road (Preston - Fifth) project with such properties being more particularly described in the attached resolution; 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 if purchase negotiations are not successful. Councilmember Kern seconded that motion.

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 6-0 vote.

18. **Discuss and consider Town Council Subcommittee reports. (DFB)**

Councilmember Bartley provided an update on the Downtown Advisory Committee noting the purchase of new trash receptacles and benches. They are awaiting bids on archways and are acquiring pricing on other items. Deputy Mayor Pro-Tem Ray added the purchase of the new parking banners are up highlighting the public parking areas and designated handicap spaces and crosswalks are being repainted.

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.

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, Planning & Zoning Commission, and the Community Engagement Committee, and all matters incident and related thereto.

Section 551.071 - To consult with the Town Attorney regarding legal issues associated with Article 1.09 and Article 8.03 of the Town's Code of Ordinances, and Chapter 214 of the Texas Local Government Code, and all matters incident and related thereto.

The Town Council recessed into Executive Session at 7:20 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 9:22 p.m.

No action was taken.

Adjourn.

The meeting was adjourned at 9:22 p.m.

These minutes were approved on the 13th day of February 2024.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary