



Prosper is a place where everyone matters.

MINUTES

Prosper Town Council Meeting
Council Chambers
Prosper Town Hall
250 W. First Street, Prosper, Texas
Tuesday, May 10, 2022
5:45 PM

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 Meigs Miller
Deputy Mayor Pro-Tem Craig Andres
Councilmember Marcus E. Ray
Councilmember Amy Bartley
Councilmember Jeff Hodges
Councilmember Charles Cotten

Staff Members Present:

Harlan Jefferson, Town Manager
Terry Welch, Town Attorney
Michelle Lewis Sirianni, Town Secretary
Robyn Battle, Executive Director of Community Services
Bob Scott, Executive Director of Administrative Services
Betty Pamplin, Finance Director
Rebecca Zook, Executive Director of Development & Infrastructure Services
Hulon Webb, Engineering Services Director
Khara Dodds, Development Services Director
David Soto, Planning Manager
Leigh Johnson, IT Director
Todd Rice, Communications Manager
Haley Alsabrook, Community Engagement Specialist
Frank Jaromin, Public Works Director
Stuart Blasingame, Fire Chief
Shaw Eft, Assistant Fire Chief
Bill Bonny, Division Chief
Doug Kowalski, Police Chief
Scott Brewer, Assistant Police Chief

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

Mayor Smith led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were recited.

Announcements of recent and upcoming events.

Councilmember Cotten made the following announcements:

On Thursday, May 12 from 6:00 to 7:00 p.m., the Parks and Recreation Department will be doing a site tour at Whitley Place Park, 4001 Glacier Point Ct. to learn more about Prosper's trees and the importance of planting and maintaining trees. Residents may gather in the parking lot area where the tour will begin.

Carter BloodCare will be at the Prosper Community Library on Friday, May 13 from 7:30 a.m. to 6:00 p.m. and on Saturday, May 14 from 9:00 a.m. to 2:00 p.m. for those wanting to donate. Residents may sign up by visiting the Upcoming Events page from the Town's website homepage.

Friends of the Prosper Community Library will be hosting a book sale on Saturday May 14 from 10:00 a.m. to 3:00 p.m. and Sunday, May 15 from noon to 2:00 p.m. at Prosper Town Hall. Stop by to purchase gently used fiction, nonfiction, children's titles and more.

On Friday, May 20 from 9:00 a.m. to 11:00 a.m., the Parks and Recreation Department will be hosting a Homecoming at Frontier Park pavilion to celebrate and recognize all those who helped build Windmill Playground, which was solely built from community donations and volunteer efforts. A light breakfast will be served, and a group photo taken to memorialize the event.

Residents are encouraged to honor the Police Department for National Police Month by turning their porch light blue for the month of May. Light bulbs may be obtained at the Police Station at 801 Safety Way or the information desk in Town Hall.

Presentations.

1. Recognize Citizens Academy graduates. (RB)

Ms. Battle gave an overview of the first Citizens Academy provided by the Town. The program which took place over the course of nine weeks was an interactive and educational experience that helped citizens learn about how local government works and operates.

Mayor Smith presented certificates to the graduates.

Ms. Morris presented Ms. Battle and staff an award of appreciation for all their hard work and dedication of the Town for overseeing the program.

2. Proclamation recognizing Emergency Medical Services (EMS) Week. (SB)

Mayor Smith read and presented the Proclamation to the Fire Chief and members of the Prosper Fire Rescue team.

3. Proclamation recognizing Public Works Week. (FJ)

Mayor Smith read and presented the Proclamation to the Public Works Director and staff.

4. Proclamation recognizing Police Week. (DK)

Mayor Smith read and presented the Proclamation to the Police Chief and members of the Prosper Police Department.

5. Receive an update from the Police Department. (DK)

Chief Kowalski provided an update on the Police Department that included an overview of the organizational chart, their activity for the month of April, a yearly comparison of the calls for service received, and their awards and achievements over the past year.

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.

6. **Consider and act upon the minutes from the April 26, 2022, Town Council meeting. (MLS)**
7. **Receive the March Financial Report. (BP)**
8. **Receive the Quarterly Investment Report. (BP)**
9. **Consider and act upon Ordinance 2022-21 releasing ± 24.94 acres, more or less, of the Town's extraterritorial jurisdiction (ETJ) generally located at the northwest corner of the intersection of FM 1385 and Bryan Road; and authorize the Town Manager to execute a Transaction Fee Agreement relative to said ETJ release. (TW)**

Councilmember Ray made a motion to approve consent agenda items 6 thru 9. Mayor Pro-Tem Miller seconded that motion, and the motion was unanimously approved.

CITIZEN COMMENTS

No comments were made.

Items for Individual Consideration:

10. **Conduct a public hearing and consider and act upon a request for a Specific Use Permit, on $0.7\pm$ acre, for a Wireless Communication and Support Structure, to allow for additional antennas on an existing tower located in the Bradford Farms subdivision located east of Hays Road, north of First Street. (S22-0003). (KD)**

Ms. Dodds stated the purpose of the request is to permit the modification of equipment on an existing telecommunications cell tower. The location of the existing monopole and compound were identified along with an outline and description of the modifications being requested. Ms. Dodds noted that there will be no change to the height of the existing tower or size of the existing compound. The Planning and Zoning Commission recommended approval of the request. Staff recommends approval.

Councilmember Bartley made a motion to amend Planned Development-94 (PD-94), for the Westside Development, on $64.5\pm$ acres, northeast corner of US 380 and FM 1385, regarding hotel uses and development standards, subject to an amendment to the existing Development Agreement, and further authorizing the Town Manager to execute on behalf of the Town a Development Agreement limiting the retail/restaurant component of the development on Lot 16 to family-friendly businesses. Councilmember Cotten seconded that motion, and the motion was unanimously approved.

Ron Corley, 2309 Brinlee Branch Lane, McKinney, representing Dish Wireless, stated the addition of the one antenna is to provide a 5G Network. He reiterated that they are not going any higher than the existing structure.

Doug Henderson, 3602 Lake Champlain, Arlington, applicant of the request, stated the equipment will be hidden by the existing screened fence. He thanked the Development Services Department staff for their help through the process.

Mayor Smith opened the public hearing.

No comments were made.

Mayor Smith closed the public hearing.

Councilmember Cotten made a motion to approve the request for a Specific Use Permit, on 0.7± acre, for a Wireless Communication and Support Structure, to allow for additional antennas on an existing tower located in the Bradford Farms subdivision located east of Hays Road, north of First Street. Deputy Mayor Pro-Tem seconded that motion, and the motion was unanimously approved.

11. Conduct a public hearing and consider and act upon a request to rezone Planned Development-86 (PD-86) to Planned Development (PD), on 277.6± acres, to amend the single-family residential regulations, located on the north side of US 380, west of Custer Road. (Z22-0005). (DS)

Mr. Soto stated this request is to establish a new Planned Development (PD) in order to correspond to the new ownerships for multiple tracts to facilitate the development of a single-family detached residential subdivision, and to modify the location of uses currently existing. Mr. Soto provided a comparison of the existing PD and proposed PD regarding the lot sizes, landscape buffers and sidewalks along with setbacks for each, and uses permitted within the tracts. The Planning and Zoning Commission recommend approval of the request as presented by the applicant. Town staff is recommending approval of the request subject to the applicant revising the sidewalk provision to follow Town standards, to revise the landscape buffer to follow Town standards, and approval of a Development Agreement including, but not limited to, right-of-way and/or easement dedication, and architectural building materials.

Douglas Mousel, 5850 Granite Parkway, Plano, representing the applicant, provided a history of the property, and their reasoning for requesting the rezoning in order to align with the designated tracts. He described the proposed changes regarding lot sizes, as well as provided examples of what they would like to do for the landscape buffering and screening, as well as sidewalks. He is requesting approval as submitted.

The Town Council asked questions regarding front and side yard setbacks as it pertains to landscaping and lot placement, accessory buildings, including non-family friendly uses within the Development Agreement, the quantity of lots, and those that back up to creek. The Council also asked if there would be any open spaces, parks and/or amenity center within the development.

Mayor Smith opened the public hearing.

Jim Williams, Founder and Chairman of LandPlan Development stated their walkways through the development are gathering spaces for the residents and the aesthetics of the trees and creek will enhance the development as well as offer what residents are wanting in their neighborhood.

Mayor Smith closed the public hearing.

Councilmember Bartley made a motion to approve the request to rezone Planned Development-86 (PD-86) to Planned Development (PD), on 277.6± acres, to amend the single-family residential regulations, located on the north side of US 380, west of Custer Road subject to (1) amend Section 4.1(b) of the proposed development standards by amending the first sentence to read "Fences constructed alongside property lines between lots shall be wrought iron and landscaped and be a minimum

of six-foot (6') in height"; (2) side yard setbacks of Type C lots (55') shall be increased to seven ft. (7') from five feet (5'); and approval of a development agreement, including but not limited to right-of-way and easement dedication, architectural standards and building materials, and prohibition of non-family friendly business establishments relative to the non-residential tracts. Councilmember Cotten seconded that motion. Motion failed by a 2-5 vote.

Mayor Pro-Tem Miller made a motion to approve the request to rezone Planned Development-86 (PD-86) to Planned Development (PD), on 277.6± acres, to amend the single-family residential regulations, located on the north side of US 380, west of Custer Road subject to (1) amend Section 4.1(b) of the proposed development standards by amending the first sentence to read "Fences constructed alongside property lines between lots shall be wrought iron and landscaped and be a minimum of six-foot (6') in height"; and (2) approval of a development agreement, including but not limited to right-of-way and easement dedication, architectural standards and building materials, and prohibition of non-family friendly business establishments relative to the non-residential tracts. Councilmember Cotten seconded that motion, and the motion was unanimously approved.

- 12. Consider and act upon Resolution 2022-22 declaring the necessity to acquire certain property for right-of-way for the construction of the Teel Parkway / US 380 Intersection Improvements project; determining the public use and necessity of such acquisition; authorizing the acquisition of property rights 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 there is only one property owner affected for this project. This item will allow staff to pursue acquisition by eminent domain if standard negotiations are unsuccessful. Therefore, staff is requesting approval of the proposed resolution. Mr. Webb noted due to the nature of this item, it requires a roll call vote.

Mayor Pro-Tem Miller made a motion to approve Resolution 2022-22 declaring the necessity to acquire certain property for right-of-way for the construction of the Teel Parkway / US 380 Intersection Improvements project; determining the public use and necessity of such acquisition; authorizing the acquisition of property rights 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 Hodges voted in favor.

Deputy Mayor Pro-Tem Andres voted in favor.

Mayor Smith voted in favor.

Mayor Pro-Tem Miller voted in favor.

Councilmember Ray voted in favor.

Councilmember Bartley voted in favor.

Councilmember Cotten voted in favor.

The motion passes with a unanimous record vote of 7-0.

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

13. Discuss Town Council seating arrangements for the May 24 regular meeting. (HJ)

Councilmember Bartley stated she requested the item in order to discuss the option of all of the Council sitting at the dais at the next meeting in order for the families of the newly and re-elected to have easier photo opportunities.

The Council was in consensus for them all to move to the dais for the next regular Town Council meeting.

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, and Planning & Zoning Commission.

The Town Council recessed into Executive Session at 7:47 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 8:51 p.m.

No action was taken as a result of Executive Session.

Adjourn.

The meeting was adjourned at 8:51 p.m.

These minutes approved on the 24th day of May 2022.

APPROVED:

Ray Smith, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary