



MINUTES
Prosper Town Council Meeting
Prosper Town Hall, Council Chambers
250 W. First Street, Prosper, Texas
Tuesday, April 30, 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
Councilmember Charles Cotten

Staff Members Present:

Mario Canizares, Town Manager
Terry Welch, Town Attorney
Michelle Lewis Sirianni, Town Secretary
Bob Scott, Deputy Town Manager
Chuck Ewings, Assistant Town Manager
Robyn Battle, Executive Director
Leslie Scott, Director of Library Services
Chris Landrum, Finance Director
Whitney Rehm, Budget Office & Grants Administrator
Hulon Webb, Director of Engineering Services
Pete Anaya, Assistant Director of Engineering, CIP
David Hoover, Development Services Director
Suzanne Porter, Planning Manager
Dan Baker, Parks and Recreation Director
Todd Rice, Communications and Media Relations Manager
Jessika Hotchkin, Help Desk Technician
Aidan Daily, Police Crime Analyst
Doug Kowalski, Police Chief

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

Mike Martin with Hope Fellowship Church 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:

Registration is now open for the upcoming Prosper Citizens Fire Academy. Join us and dive deeper into the world of your local Fire Department. Classes will run for 10 weeks, every Thursday evening from 6:30 to 9:00 p.m., starting August 1. Space is limited, and registration closes on July 11! Visit prospertx.gov/citizensfireacademy to register and for additional information.

The Town of Prosper is updating our Parks, Recreation, and Open Space Master Plan this year, and we need your input! Your ideas will guide decisions on everything from park development to recreational programming for all ages. The survey will be open through May 19, so don't miss out

on your chance to make a difference. Respondents will be entered for a drawing to win one of several gift cards! It's short, easy, and best of all, your feedback will help shape the future of our community. Visit prospertx.gov/parksmasterplan to complete the survey.

Join us in observing the National Day of Prayer on Thursday, May 2. The gathering begins at 11:30 a.m. on the south side of Town Hall with prayer and worship service beginning at noon.

Join us on Friday, May 3 at the Prosper Community Library for an exciting opportunity to dive into the world of Public Works and discover the incredible tools and vehicles they use. Festivities kick off at 10:30 a.m. All ages are welcome.

Join us on Saturday, May 4 for Movie Night featuring the movie Star Wars: The Rise of Skywalker from 6:30 p.m. to 10:30 p.m. The movie will begin at 7:30 p.m. Remember to bring your blanket and chairs. This community event is offered at no charge. For more information, visit the Special Events page under the Parks and Recreation Department or email events@prospertx.gov.

Councilmember Hodges stated Election Day is Saturday, May 4, and encouraged citizens to get out and vote for the PISD.

Presentations.

1. Proclamation recognizing May 2, 2024, as National Day of Prayer. (MLS)

Mayor Bristol read and presented a Proclamation to Dr. John Herring.

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 April 13, 2024, Town Council Work Session meeting. (MLS)**
- 3. Consider and act upon the minutes from the April 16, 2024, Town Council Regular meeting. (MLS)**
- 4. Consider acceptance of the March 2024 monthly financial report. (CL)**
- 5. Receive the Quarterly Investment Report for March 31, 2024. (CL)**
- 6. Consider and act upon Resolution 2024-31 authorizing the Town Manager, and/or his/her designee, to apply for the FY 2024 Motor Vehicle Crime Prevention Authority SB 224 Catalytic Converter Grants Second Solicitation Grant. (WR)**
- 7. Consider and act upon approving an update to the Library Policies. (LS)**
- 8. Consider and act upon authorizing the Town Manager to approve an agreement with URETEK USA for repairs to the northbound lanes of Dallas Parkway from US Highway 380 to First Street for \$603,000.00. (CE)**
- 9. Consider and act upon authorizing the Town Manager to approve an agreement with Green World Care to provide mowing services for certain rights-of-way and public works facilities for \$19,044.00, with the option of four (4) one-year renewals. (CE)**

10. Consider and act upon authorizing the Town Manager to approve a Proposal for Electrical Services between Trinity Lighting and Electrical Services and the Town of Prosper, Texas, to run electrical service to the Main Street tree wells for tree lighting for an amount not to exceed \$128,200.00. (DB)
11. Consider and act upon authorizing the Town Manager to execute Contract Amendment No. 2 to the Professional Engineering Services Agreement, between Freese and Nichols, Inc., and the Town of Prosper, Texas, related to the design of the Lower Pressure Plane (LPP) Pump Station and LPP Water Line Phase 2 project for \$277,950.00. (PA)
12. Consider and act upon approving Change Order No. 2 for CSP No. 2022-05-B, EDA Award No. 08-79-05522 to Archer Western Construction, related to construction services for the Lower Pressure Plane (LPP) Pump Station and Water Line Phase 2 project for \$93,758.99; and authorizing the Town Manager to execute Change Order No. 2 for same. (PA)
13. Consider and act upon authorizing the Town Manager to enter into an agreement with Mels Electric, LLC, related to relocating existing traffic signal conduits at DNT / First Street & Prosper Trail Intersections project for \$173,449.00; and authorizing the Town Manager to execute documents for same. (PA)
14. Consider and act upon a request for a Site Plan a Big Box, Gas Pumps, and a Car Wash on Frontier Retail Center, Block A, Lot 6, on 16.9± acres, located on the south side of Frontier Parkway and 250± feet east of Dallas Parkway. (DEVAPP-23-0182) (DH)
15. Consider and act upon a request for a Façade Plan for a Big Box, Gas Pumps, and a Car Wash on Frontier Retail Center, Block A, Lot 6, on 16.9± acres, located on the south side of Frontier Parkway and 250± feet east of Dallas Parkway. (DEVAPP-23-0180) (DH)
16. Consider and act upon a request for a Façade Plan for Multifamily Buildings and a Leasing Office on Gates of Prosper, Phase 2, Block D, Lot 3, on 16.0± acres, located on the northwest corner of Bravo Way and Richland Boulevard. (DEVAPP-23-0212) (DH)
17. Consider and act upon Ordinance 2024-32 to rezone 0.3± acres from Single Family-15 (SF-15) to Planned Development-127 (PD-127) on Prosper Central Addition, Block 1, Lot 1, located on the northeast corner of Coleman Street and Sixth Street. (ZONE-23-0029) (DH)
18. Consider and act upon whether to direct staff to submit a written notice of appeals 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 Preliminary Site Plans and Site Plans. (DH)

Deputy Mayor Pro-Tem Ray requested to pull items 12 and 13.

Mayor Pro-Tem Andres made a motion to approve items 2 through 11, and 14 through 18. Councilmember Cotten seconded the motion. Motion carried unanimously.

Regarding item 12, Deputy Mayor Pro-Tem Ray encouraged trying to plan for such items in advance with engineering plans.

Regarding item 13, Deputy Mayor Pro-Tem Ray questioned if there would have been a way to avoid the relocation since they knew the lights would be there.

Mr. Anaya indicated they continually work with NTTA and coordinate with the Town's projects as best they can.

Deputy Mayor Pro-Tem Ray made a motion to approve items 12 and 13. Councilmember Cotten seconded the motion. Motion carried unanimously.

CITIZEN COMMENTS

No comments were made.

Items for Individual Consideration:

Mayor Bristol moved up item 20.

20. Consider and act upon authorizing the Town Manager to execute a Proposal for Services with 720 Design for the preparation of a Library Master Plan for \$98,375.00. (LS)

Ms. Scott stated the Master Plan will provide a foundation for future expansion and growth of the Library. An overview of the scope was provided, which includes a needs assessment, information gathering through focus groups, leadership interviews, and an online community survey. The estimated timeframe to complete is six to nine months with completion by December 2024.

Deputy Mayor Pro-Tem Ray made a motion to approve authorizing the Town Manager to execute a Proposal for Services with 720 Design for the preparation of a Library Master Plan for \$98,375.00. Councilmember Cotten seconded the motion. Motion carried unanimously.

19. Consider and act upon authorizing the Town Manager to execute the First Amendment to the Roadway Construction Reimbursement Agreement between MSW Prosper 380 II, LP, and the Town of Prosper, Texas, related to the construction of roadways within the Town's Tax Increment Reinvestment Zone No. 2 (TIRZ No. 2). (HW)

Mr. Webb stated since the last Town Council meeting, staff has met with the entity and the agreement has been revised to address the concerns of the Town Council. Mr. Webb stated that revisions include that the developer agrees to pay late penalties of \$1,000.00 per day until the roadways are substantially complete, all improvements referenced in the agreement shall be finally accepted by the Town on or before August 30, 2024, and if not, the developer agrees to late penalties of \$1,000.00 per day until all improvements are accepted by the Town, and any late penalties assessed by the developer shall be deducted from any eligible reimbursements to the developer from the funds of the TIRZ No. 2. Staff is recommending approval.

Councilmember Bartley made a motion to approve authorizing the Town Manager to execute the First Amendment to the Roadway Construction Reimbursement Agreement between MSW Prosper 380 II, LP, and the Town of Prosper, Texas, related to the construction of roadways within the Town's Tax Increment Reinvestment Zone No. 2 (TIRZ No. 2). Councilmember Cotten seconded the motion. Motion carried unanimously.

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

Finance Subcommittee: Deputy Mayor Pro-Tem Ray stated the committee reviewed the Town's Investment Policy and collateral mechanisms.

CIP Subcommittee: Councilmember Cotten stated they reviewed street projects/improvements, signage for crosswalks, a traffic signal at Gee Road and Acacia, and the design of Coleman. Councilmember Bartley commented on the CIP Park projects, and they discussed the allocating and prioritizing of any contingency funds for items that were excluded from Raymond Community Park.

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

Mayor Bristol requested to have the Economic Development Corporation (EDC) brief the Town Council on their real estate acquisition program that may take the form of a joint session or an agenda item.

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 the 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.

Section 551.071 - Consultation with the Town Attorney regarding legal issues associated with an ordinance regarding solicitation to motor vehicle occupants, and motor vehicle weight limits, and all matters incident and related thereto.

The Town Council recessed into Executive Session at 6:45 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 8:16 p.m.

Deputy Mayor Pro-Tem Ray made a motion to remove the incumbent in Place 1 of the Prosper Economic Development Corporation and to declare the seat vacant. Councilmember Cotten seconded the motion. Motion carried with a vote of 5-0. Mayor Bristol abstained from the vote and Mayor Pro-Tem Andres was not present during the vote.

Adjourn.

The meeting was adjourned at 8:17 p.m.

These minutes were approved on the 14th day of May 2024.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

DRAFT