



*Prosper is a place where everyone matters.*

## MINUTES

**Prosper Town Council Meeting**  
Council Chambers  
Prosper Town Hall  
250 W. First Street, Prosper, Texas  
Tuesday, June 14, 2022

### **Call to Order/ Roll Call.**

The meeting was called to order at 5:45 p.m.

### **Council Members Present:**

Mayor David F. Bristol  
Mayor Pro-Tem Jeff Hodges  
Deputy Mayor Pro-Tem Craig Andres  
Councilmember Marcus E. Ray  
Councilmember Amy Bartley  
Councilmember Chris Kern  
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  
Hulon Webb, Engineering Services Director  
David Soto, Planning Manager  
Betty Pamplin, Finance Director  
Leigh Johnson, IT Director  
Todd Rice, Communications Manager  
Stuart Blasingame, Fire Chief  
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:

Thank you to all those who attended Discover Downtown: Boots on Broadway on Saturday, June 11. It was a great kick off to our Downtown events and a fun evening of entertainment, food, and live music. A special thanks to all the staff who helped make the event a success.

The Summer Reading Program at the Prosper Community Library began on June 1st. This year's theme is "This is Texas!" Summer reading participants will learn about this big Texas state we live in. Library staff will have Discover Days on Mondays and Tuesdays, and Wednesdays and Thursdays will be Create Days. Each event will offer fun facts, activities, and something to create and take home. Visit the Library's website or Facebook page for more information.

The annual Pride in the Sky Independence Day Celebration will take place on Saturday, July 2 at Frontier Park. Festivities begin at 5:00 p.m. and will include live music, Kid Zones, food, games, and fireworks set to music. Come out for a night of celebration and fun.

Join us for the next the Discover Downtown event series on Saturday, July 16 for Fun in the Sun from 3:00 to 6:00 p.m. Come beat the heat and have some fun with water slides, inflatables, games, and fun kid-centered entertainment, topped off with cool summer treats!

Councilmember Bartley extended her thanks to the Prosper Ladies Association for their sponsorship to the Fire and Police banquets. She also recognized Matt Furr, Parks Superintendent for going above and beyond for picking up trash at the downtown event.

Mayor Bristol acknowledged Flag Day and provided a brief history of the holiday.

### **Presentations.**

**1. Receive a presentation regarding the 2022 Mayor's Fitness Challenge. (TH)**

Mr. Helton gave statistics from this year's fitness challenge with over 81 participants and over 5,000 hours of logged activity. He announced the winner of the Fitbit and congratulated and thanked all those that attended.

### **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.

- 2. Consider and act upon the minutes of the May 24, 2022, Town Council meeting. (MLS)**
- 3. Consider and act upon the minutes of the May 25, 2022, Town Council Work Session meeting. (MLS)**
- 4. Receive the April financial report. (BP)**
- 5. Consider and act upon Resolution No. 2022-24 authorizing the placement of orders for the purchase of replacement vehicles in FY 2022-2023 to realize current incentives related to said purchase with payment to be made from the Town's Vehicle Equipment and Replacement Fund (VERF) in FY 2022-2023. (BP)**
- 6. Consider and act upon approving the purchase of athletic equipment and related accessories from Fit Supply, LLC., through the Texas Local Government Purchasing Cooperative. (SB)**
- 7. Consider and act upon the purchase of Holmatro Vehicle Extrication Equipment for two new fire apparatus (Pumper Engine & Quint) from Metro Fire Apparatus Specialist, Inc. through the Texas Local Government Purchasing Cooperative. (SB)**
- 8. Consider and act upon the purchase of Stryker Medical Equipment for newly ordered Fire Department apparatus from Stryker Medical through the National Association of State Procurement Officials (NASPO) program. (SB)**

9. Consider and act upon approving the purchase of one (1) Cascade SCBA Fill Station from August Industries Inc., through the Texas Local Government Purchasing Cooperative. (SB)
10. Consider and act upon approving the purchase of 12 SCBA's, 42 Air Cylinders, and two (2) RIT-PAK III's for newly ordered Fire Department apparatus from Municipal Emergency Services through the Texas Local Government Purchasing Cooperative. (SB)
11. Consider and act upon approving the purchase of public safety communication mobile radios, portable radios, and equipment for newly ordered Fire Department apparatus from Motorola Solutions through a Texas Department of Information Resources (DIR) Purchasing Contract. (SB)
12. Consider and act upon approving the purchase of public safety communication radios and equipment for the new Central Fire Station and Emergency Operations Center, from Motorola Solutions, through a Texas Department of Information Resources (DIR) Purchasing Contract. (SB)
13. Consider and act upon approving the purchase of installation services of mobile radios, fire station alerting system, antennas, and all associated equipment. (SB)
14. Consider and act upon awarding Bid No. 2022-05-B, EDA Award No. 08-79-05522 to Archer Western Construction, related to the construction services for the Lower Pressure Plane (LPP) Pump Station and LPP Water Line Phase 2 project; and authorizing the Town Manager to execute a construction agreement for same. (HW)
15. Consider and act upon awarding CSP No. 2022-38-B to DDM Construction Corporation, related to construction services for Prosper Public Works Highpoint Drive (Hays Road to Betts Drive); and authorizing the Town Manager to execute a construction agreement for same. (FJ)
16. Consider and act upon awarding CSP No. 2022-40-B to North Rock Construction, related to construction services for the Tanners Mill Park (2108-PK); and authorizing the Town Manager to execute a construction agreement for same. (PN)
17. Consider and act Resolution No. 2022-25 authorizing the Town Manager to execute an application to the Collin County Parks & Open Space Project Funding Assistance Program for the construction of the First Street Pedestrian Tunnel and Trail Project. (PN)
18. Consider and act upon Ordinance No. 2022-26 for a Specific Use Permit (SUP) 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. (S22-0003). (DS)
19. Consider and act upon an ordinance amending Planned Development-94 (PD-94), for the Westside Development, on 64.5± acres, northeast corner of US 380 and FM 1385, regarding hotel uses and development standards. (Z22-0001). (DS)
20. Consider and act upon authorizing the Town Manager to execute a Development Agreement between Alpha3 Prosper RI, LLC, and the Town of Prosper, Texas,

related to development on the Westside Development, located on the northeast corner of US 380 and FM 1385. (DS)

21. **Consider and act upon whether to direct staff to submit a written notice of appeal 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 any Site Plans and Preliminary Site Plans, including NWC 380 & Teel and Westside. (DS)**

Mayor Bristol pulled item 19, and Councilmember Bartley requested to pull items 4 and 20.

Councilmember Cotten made a motion to approve consent agenda items 2 thru 21 except items 4, 19, and 20. Mayor Pro Tem Hodges seconded that motion, and the motion was unanimously approved.

Councilmember Bartley asked questions regarding expenditures and numbers reflected for the commercial plan reviews by Bureau Veritas in relation to item 4.

Councilmember Bartley made a motion to approve item 4 as presented. Deputy Mayor Pro-Tem Andres seconded that motion, and the motion was unanimously approved.

Regarding items 19 and 20, Councilmember Bartley asked questions within Exhibits C, E, and F of the Development Agreement. She would like to ensure all changes are reflected before approving. Thereby, requested to table both items.

Councilmember Bartley made a motion to table item 19 to June 28, 2022. Councilmember Cotten seconded that motion, and the motion was unanimously approved.

Councilmember Bartley made a motion to table item 20 to June 28, 2022. Deputy Mayor Pro-Tem Andres seconded that motion, and the motion was unanimously approved.

### **CITIZEN COMMENTS**

Nicole Pala, 961 Whistler Lane was not in attendance. Therefore, no comments were made.

Barbara Nugent, 961 Grass Shore Lane, extended her praise to the Parks and Recreation Department for the Senior trip to Mineral Wells. She had a great time as it was entertaining and educational.

Yuricma Oquendo, 2103 West Yorkshire and Lisa Lee, 309 Cypress Garden Drive were not in attendance. Therefore, no comments were made.

### **Items for Individual Consideration:**

*Councilmember Bartley stepped away from the dais.*

22. **Conduct a public hearing and consider and act upon a request to rezone a portion of Planned Development-36, and a portion of Planned Development-63, to Planned Development (PD) for Legacy Gardens, on 121.4± acres, in order to modify the residential development standards, including but not limited to reducing permitted lot sizes, located on the south side of Frontier Parkway, west of Dallas Parkway. (Z20-0019). (DS)**

Mr. Soto stated this is a request to rezone 121.4± acres on a portion of Planned Development-36 (PD-36), and a portion of Planned Development-63 (PD-63), to

establish a new Planned Development. Per the Council's request, the applicant updated the development standards and number of lot sizes. The Planning and Zoning Commission recommended by a 6-0 vote to approve the request subject to the conditions of limiting 8F Type lots to a maximum of 75, 9F Type lots to a maximum of 57, 10F Type lots to a maximum of 148, and increasing the maximum dwelling size to 1,800 square feet for all proposed lot types. Staff recommends approval.

The Town Council discussed the increase in larger lot sizes as well as the minimum dwelling size.

Mayor Bristol opened the public hearing.

No comments were made.

Mayor Bristol closed the public hearing.

Councilmember Ray made a motion to approve a request to rezone a portion of Planned Development-36, and a portion of Planned Development-63, to Planned Development (PD) for Legacy Gardens, on 121.4± acres, to modify the residential development standards, including but not limited to reducing permitted lot sizes, located on the south side of Frontier Parkway, west of Dallas Parkway and subject to approval of a Development Agreement. Mayor Pro-Tem Hodges seconded that motion. The motion passed with a 6-0 vote.

*Councilmember Bartley returned to the dais.*

**23. Conduct a public hearing and consider and act upon a request to rezone 0.2± acre from Single Family-15 (SF-15) to Planned Development-Downtown Single Family (PD), located on the north side of Third Street, east of Coleman Street. (Z22-0009). (DS)**

Mr. Soto stated the purpose of this rezoning request is to allow for deviation from the required lot depth from 120 feet to 100 feet for the purpose of developing a single-family downtown residence. The existing house will be demolished in order to re-build. At the May 17, 2022, Planning and Zoning Commission meeting, the Commission recommended approval by a vote of 6-0. Staff recommends approval.

The Council discussed the property to the north and completion time of the re-build.

Mayor Bristol opened the public hearing.

No comments were made.

Mayor Bristol closed the public hearing.

Mayor Pro-Tem Hodges made a motion to approve a request to rezone 0.2± acre from Single Family-15 (SF-15) to Planned Development-Downtown Single Family (PD), located on the north side of Third Street, east of Coleman Street. Deputy Mayor Pro-Tem Andres seconded that motion, and the motion was unanimously approved.

**24. Conduct a public hearing and consider and act upon a request to amend Planned Development-69 (PD-69), on 71.0± acres, generally to modify the allowed uses and landscape standards, located on the southeast corner of Dallas Parkway and Frontier Parkway. (Z22-0007). (DS)**

Mr. Soto stated the proposed amendment to PD-69 is to modify the allowed uses and landscape standards. The applicant is proposing to allow the following uses within Tract 1: Big Box, Restaurant with drive-through to be incorporated with the Big Box, convenience store with gas pumps and/or gas pumps, car wash (accessory use to convenience store with gas pumps and/or gas pumps, and outdoor merchandise display. There is no amendment for the uses on Tract 2. The applicant is also requesting modifications to the landscape regulations in order to allow 25' of the required 30' landscape buffer to be allowed within the 100' drainage easement along Frontier Parkway, and to not place earthen berms along Frontier Parkway. At the May 17, 2022, Planning and Zoning Commission, the Commission recommended approval by a vote of 6-0. Staff recommends approval.

The Town Council discussed drive-throughs and their current locations in that area, and the placement of outdoor merchandise displays.

Matt Moore, 301 S. Coleman, with ClayMoore Engineering stated that he has worked continuously with staff to modify the amendment to meet the Town's requirements.

Mayor Bristol opened the public hearing.

No comments were made.

Mayor Bristol closed the public hearing.

Councilmember Ray made a motion to approve a request to amend Planned Development-69 (PD-69), on 71.0± acres, generally to modify the allowed uses and landscape standards, located on the southeast corner of Dallas Parkway and Frontier Parkway. Councilmember Cotten seconded that motion, and the motion was unanimously approved.

**25. Conduct a public hearing and consider and act upon a request for a Specific Use Permit (SUP) for a Restaurant with Drive-Through Service on 1.2± acres, located on the north side of US 380, west of Custer Road. (The property is zoned Commercial (C)). (S22-0002). (DS)**

Mr. Soto stated this request is to allow for a drive-through restaurant use within a 2,400-standalone building. The site includes adequate parking and stacking. Staff has reviewed the request for the SUP and believes the applicant has satisfied the criteria within the Town's Zoning Ordinance. However, staff is concerned with the total number of drive-through restaurants within the proposed area. Staff recommends approval subject to a Development Agreement including, but not limited to, right-of-way and/or easement dedication, and architectural building materials.

The Town Council discussed the current landscaping, the expansion of US 380 in relation to the project area, and traffic volume.

Mayor Bristol opened the public hearing.

No comments were made.

Mayor Bristol closed the public hearing.

The Council further discussed the traffic flow, consecutive drive-throughs in the area, enhanced landscaping, and removal of the billboard in that location.

Councilmember Ray made a motion to approve a request for a Specific Use Permit (SUP) for a Restaurant with Drive-Through Service on 1.2± acres, located on the north side of US 380, west of Custer Road subject to the approval of a Development Agreement, including, but not limited to, right-of-way and/or easement dedication, and architectural building materials. Further, the developer shall endeavor to reposition the outdoor trash receptacle to be screened from view along U.S. Highway 380; and the existing billboard on the property shall be removed within 90 days of the effective date of this ordinance. Councilmember Cotten seconded that motion. The motion passed with a 5-2 vote, with Councilmembers Bartley and Kern voting in opposition.

**26. Consider and act upon authorizing the Town Manager to execute a First Amendment to the Development Agreement between Founders Classical Academy of Prosper, and the Town of Prosper, Texas, related to the Founders development. (DS)**

Mr. Soto stated the initial Site Plan was approved in June 2020 and the Development Agreement in March 2021. As part of the agreement, all the outdoor lighting standards shall comply with a 0.0-foot candle. Staff inspected the lighting on several different occasions and although improvements were made to reduce light pollution, it was not meeting the requirement. The applicant has requested a revised Development Agreement to modify the outdoor lighting standards to follow the Town requirements. Staff recommends approval.

The Town Council discussed the impact of the lights to the surrounding subdivisions, and the difference in the foot candle measurements.

Carrie Moore, 4011 Pepper Grass Lane, expressed her concern of the cost to change out the lights and requested the Council to hold them to the same standards as others.

Bryan Dahlberg, 845 Proton Road, San Antonio, representative of the school, requested to be held to the same standards of others and supports the proposed amendment.

Anthony DeGuerre, 7920 Collin David South, Apt. 201, expressed his concerns on how this may impact the school's budget, and requested to be held to same standards as others.

Austin Tull, 1301 Waters Ridge Dr., Lewisville, stated that the school has made efforts to bring the lighting into compliance with the Town's requirements. He supports the proposed amendment.

Heather Brown, 4300 E. First Street, stated as a teacher at Founders Classical Academy, she indicated the extra measures in place to ensure lighting is not an issue and try to go above and beyond to be good neighbors.

The following citizens requested to speak but were not in attendance.

Annie Kim, 10718 Brandenburg Dr., Frisco.

Heather Richardson, 2365 Weston Road, Celina.

Suzanne Cartmill, 7808 Chief Spotted Tail Drive, McKinney.

Nancy DeBolt, 730 Camden Way, Prosper.

Shelly Creel, 1620 Hidden Glen Court, Prosper.

Brandon Cartmill, 7808 Chief Spotted Tail Drive, McKinney.

The Town Council further discussed the lighting and the Town's current ordinance requirements.

Councilmember Cotten made a motion to authorizing the Town Manager to execute a First Amendment to the Development Agreement between Founders Classical Academy of Prosper, and the Town of Prosper, Texas, related to the Founders development. Councilmember Ray seconded that motion, and the motion was unanimously approved.

**27. Consider and act upon Ordinance No. 2022-28 amending Ordinance No. 2021-55 (FY 2021-2022 Annual Budget). (BP)**

Ms. Pamplin provided an overview of the proposed amendments from the General Fund.

The Town Council discussed the Energov software implementation and the personnel expenses within the proposed budget amendments.

Councilmember Cotten made a motion to approve Ordinance 2022-28 amending Ordinance No. 2021-55 (FY 2021-2022 Annual Budget). Mayor Pro-Tem Hodges seconded that motion, and the motion was unanimously approved.

**28. Receive an update regarding schematic design for Fire Station No. 4. (SB)**

Chief Blasingame stated BRW has completed the schematic design for Fire Station No. 4. He provided renderings of the design and indicated staff continues to work with the architect to find cost savings. The anticipated completion date of the project is March to April 2024.

**29. Consider and act upon awarding RFP No. 2022-46-B Construction Manager-At-Risk for Prosper Fire Station No. 4 to Pogue Construction Co., LP; and authorizing the Town Manager to execute documents for the same. (SB)**

Chief Blasingame stated the Town received five (5) proposals for the project. The proposals were evaluated by a committee of 11 members based on certain criteria set forth in the bid. Upon completion of the evaluation, Pogue Construction Co. was the top ranked contractor. Pogue has extensive fire administration and station construction experience with favorable responses received from references. Staff recommends approval.

Councilmember Cotten made a motion to approve awarding RFP No. 2022-46-B Construction Manager-At-Risk for Prosper Fire Station No. 4 to Pogue Construction Co., LP; and authorizing the Town Manager to execute documents for the same. Councilmember Ray seconded that motion, and the motion was unanimously approved.

**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.*

*Section 551.074 - To discuss and consider the Town Manager's performance review.*

The Town Council recessed into Executive Session at 8:43 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 10:42 p.m.

Mayor Pro-Tem Hodges made a motion to approve the amended and restated Developers Agreement with Prosper Residences, LLC and authorize the Town Manager to execute on behalf of the Town. Councilmember Cotten seconded that motion, and the motion was unanimously approved.

Mayor Pro-Tem Hodges made a motion to appoint David Bristol to the Prosper Economic Development Corporation. Councilmember Ray seconded that motion, and the motion was unanimously approved.

**Adjourn.**

The meeting was adjourned at 10:44 p.m.

These minutes approved on the 28<sup>th</sup> day of June 2022.

**APPROVED:**

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**David F. Bristol, Mayor**

**ATTEST:**

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**Michelle Lewis Sirianni, Town Secretary**