



MINUTES
Prosper Town Council Meeting
Prosper Town Hall, Council Chambers
250 W. First Street, Prosper, Texas
Tuesday, October 24, 2023

Call to Order/ Roll Call.

The meeting was called to order at 6:17 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
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
Leigh Johnson, IT Director
Frank Jaromin, Director of Public Works
Dan Baker, Parks and Recreation Director
Todd Rice, Communications Manager
Kellen Land, Help Desk Technician
Doug Kowalski, Police Chief
Shaw Eft, Assistant Fire 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:

Thank you to everyone who donated to the North Texas Peanut Butter Drive this year. The Town was recorded with donating 213 pounds of peanut butter and approximately \$2,238 dollars were raised to roughly estimate that over 7% of the people in Prosper donated.

Early Voting for the November 7 Election is now taking place and runs through Friday, November 3. Voting dates and hours may be found on the Town's website or by visiting the Collin County and Denton County Elections websites for additional information regarding Early Voting and Election Day voting locations.

Join the Prosper Community Library on Thursday, October 26 from 6 to 7 p.m. for a heartwarming Trick or Treat event designed especially for children with special needs and their families to enjoy a fun Halloween experience. Visit prosper.tx.gov/fallprograms for more details.

Join the Town for its annual Arbor Day Celebration on Saturday, November 4 at 9:00 a.m. at Windsong Park located at 950 Cooper Canyon Drive for a fun morning of planting and learning about trees.

Join the Town on Saturday, November 4 at 11:00 a.m. for a ribbon cutting of the Nancy Lieberman Charities (NLC) Dream Court opening at Tanner's Mill Park located at 1641 Prince William Lane in Prosper.

The annual Prosper Veterans Day 5K & Fun Run will be held on Saturday, November 11. The event is open to runners and walkers of all ages. Join us for a day of unity and support for our veterans. Register today by visiting prosper.tx.gov/veteransday5k.

Lastly, to wish the Texas Rangers good luck in the World Series, the cupola of Town Hall will be lit up red and blue. Go Rangers!

Presentations.

1. Presentation to members of the Visual Arts of Prosper declaring October 25, 2023, as International Artists Day. (RB)

Mayor Bristol read and presented a Proclamation to the members of the Visual Arts of Prosper.

2. Presentation regarding the 2023 Collin County Bond Election program. (DFB)

Ben Hangartner with the Collin County Planning Board presented an overview of the bond program, which included delineating the historic growth and future growth of the metroplex, a summary of the five proposed propositions for the bond election, and the impact of each.

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.

3. Consider and act upon the minutes from the October 10, 2023, Town Council Work Session meeting. (MLS)

4. Consider and act upon the minutes from the October 10, 2023, Town Council Regular meeting. (MLS)

5. Consider acceptance of the September 2023 monthly financial report. (CL)

6. Consider and act upon Resolution 2023-70 accepting and approving the 2023 Tax Roll. (CL)

7. Consider and act upon approving the purchase of a new Emergency Warning Siren and upgrading the complete Siren System utilizing The Interlocal Purchasing System (TIPS); and authorizing the Town Manager to execute the same. (SB)

8. Consider and act upon approving the purchase of TASER 7 devices, licenses, and cartridges from Axon Enterprises, Inc. utilizing BuyBoard Contract #698-23; and authorizing the Town Manager to execute documents for the same. (DK)
9. Consider and act upon approving the purchase of miscellaneous water and wastewater materials from Ferguson Enterprises, LLC, utilizing BuyBoard contracts in the amount of \$70,000; and authorizing the Town Manager to execute documents for the same. (FJ)
10. Consider and act upon approving the purchase of miscellaneous water and wastewater materials from Fortiline Waterworks, utilizing NCPA Contract Number 02-76; and authorizing the Town Manager to execute documents for the same. (FJ)
11. Consider and act upon renewing Bid No. 2019-53-A for one year to Wopac Construction, Inc., as the primary vendor, and HQS Construction, LLC, as the secondary vendor, at the unit prices bid, to establish an annual fixed-price contract for Miscellaneous Concrete Replacement Services; and authorizing the Town Manager to execute same. (FJ)
12. Consider and act upon authorizing the Town Manager to execute a Contract for Services between the Town of Prosper and V&A Landscaping to provide median maintenance on US Highway 380 from Custer Road to Legacy Drive. (DB)
13. Consider and act upon authorizing the Town Manager to execute a Managed Services Agreement between Conducive Consulting and the Town of Prosper, Texas, related to ongoing managed services of the Town's Security Information & Event Management (SIEM) environment through Texas Department of Information Resources (DIR) Contract DIR-TSO-4288. (LJ)
14. Consider and act upon Ordinance 2023-71 amending Chapter 13, "Utilities", of the Code of Ordinances of the Town of Prosper, Texas, by amending Section 13.11.001, "Plan Adopted", of Article 13.11, "FOG Outreach Plan." (FJ)
15. Consider and act upon Ordinance 2023-72 amending Chapter 13, "Utilities," of the Code of Ordinances of the Town of Prosper, Texas, by amending Article 13.10, "Backflow Prevention Plan." (FJ)
16. Consider and act upon approving an annual fixed-price agreement for the purchase of Hydrogen Sulfide Odor Control Technology for the Town's wastewater system, at the unit prices guaranteed, from Helix Laboratories, Inc., a sole source provider. (FJ)
17. Consider and act upon approving the rebuild of Pump 4 and Pump 5 utilizing Legacy Contracting LP dba Control Specialist LP through the City of Plano cooperative best value Contract No.: 2021-0125-AC. (FJ)
18. Consider and act upon approving a shortlist of qualified firms to provide various engineering services to the Town of Prosper. (HW)
19. Consider and act upon authorizing the Town Manager to execute a Professional Engineering Services Agreement between Lee Engineering, LLC, and the Town of Prosper, Texas, related to the traffic signal warrant study on Gee Road at Acacia Parkway and the design of pedestrian hybrid beacons. (HW)

20. **Consider and act upon authorizing the Town Manager to execute a Professional Engineering Services Agreement between Lee Engineering, LLC, and the Town of Prosper, Texas, related to the design and modification of a Traffic Signal at Dallas North Tollway and Frontier Parkway. (HW)**
21. **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 any Site Plans including Preston 48 Addition and Teel Plaza 1. (DH)**

Mayor Bristol requested to pull item 19.

Mayor Pro-Tem Andres made a motion to approve items 3 through 18 and 20 through 21. Councilmember Hodges seconded that motion. Motion carried unanimously.

Laura Rauba, 4890 Milby Drive, expressed her appreciation to the Town Council and staff for taking her and her neighbor's comments seriously and providing improvements to the intersection on Gee Road and Acacia Parkway.

Deputy Mayor Pro-Tem Ray made a motion to approve item 19. Councilmember Bartley seconded that motion. Motion carried unanimously.

CITIZEN COMMENTS

Toni Wengler, 1240 Packsaddle Trail, stated as Founder and President of the Visual Arts of Prosper, they would like to request the Town Council to consider a revolving art show in the lobby of Town Hall, to form an Arts Board or Program with a Comprehensive Art Plan for the Town.

Items for Individual Consideration:

22. **Conduct a public hearing and consider and act upon a request for a Specific Use Permit (SUP) for a new Drive-Thru Restaurant, on 1.5± acres, located south of West Frontier Parkway and east of North Dallas Parkway. (ZONE-23-0013) (DH)**

Mr. Hoover introduced this item indicating a SUP is required for drive-thru restaurants in the Retail District Zoning. The applicant is requesting that the Specific Use Permit allow them to provide a ten-foot landscape buffer on the western property line in lieu of the required ten-foot-wide landscape island. Additionally, the proposed ten-foot landscape buffer would be inclusive of the neighboring property to the west. The proposed site would only provide five feet of the landscape buffer while the neighboring property would provide the other five feet. The Planning and Zoning Commission discussed and recommended approval with a 3-1 vote to approve landscaping as proposed. Staff recommend approval of the request subject to the applicant providing the required landscaping per the Town's Zoning Ordinance.

Matt Moore, Clay Moore Engineering, representing the applicant noted that due to the location of the proposed, all plans have been vetted and approved by their entities. He described the landscaping area and noted the due to the drainage easement along Frontier Road, that the property is set back 50 feet. Therefore, the proposed landscaping being adequate and meeting Town requirements.

Mayor Bristol opened the public hearing.

No comments were made.

Mayor Bristol closed the public hearing.

The Town Council discussed the location and the bordering areas of the property, and the additional lots included in the overall project and how the landscape as a part of each lot should be looked at individually due to the different users and layouts.

Councilmember Hodges made a motion to approve a request for a Specific Use Permit (SUP) for a new Drive-Thru Restaurant, on 1.5± acres, located south of West Frontier Parkway and east of North Dallas Parkway as proposed. Councilmember Cotten seconded that motion. Motion carried unanimously.

23. Conduct a public hearing and consider and act upon a request to rezone 0.3± acres from Single Family-15 (SF-15) to Downtown Single-Family (DTSF), for Hillside Addition, Block 2, Lot 4, located north of East Fifth Street and west of North Church Street. (ZONE-23-0018) (DH)

Mr. Hoover stated the purpose of this request is to rezone the property from Single Family-15 (SF-15) to Downtown Single-Family (DTSF). Currently, no home exists on the property; however, the intent is to construct a new single-family home. The setback regulations for the Downtown Single-Family District are more desirable to the applicant than the Single Family-15 District. The existing lot does not conform to the lot area requirement for the Single Family-15 District; however, it conforms to all the Downtown Single-Family District lot dimension regulations. The Planning & Zoning Commission recommended approval of this item (5-0) at their meeting on October 3, 2023. Staff recommends approval.

Mayor Bristol opened the public hearing.

No comments were made.

Mayor Bristol closed the public hearing.

Mayor Pro-Tem Andres made a motion to approve a request to rezone 0.3± acres from Single Family-15 (SF-15) to Downtown Single-Family (DTSF), for Hillside Addition, Block 2, Lot 4, located north of East Fifth Street and west of North Church Street. Deputy Mayor Pro-Tem seconded that motion. Motion carried unanimously.

24. Receive an update on the status of the Raymond Community Park project. (DB)

Mr. Baker provided a project update. He outlined the timeline for the bidding process being done within two bid packages, design and construction budget of the project, and the construction schedule with an estimated completion date of spring 2025.

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

Deputy Mayor Pro-Tem Ray provided a Finance Subcommittee report.

Councilmember Bartley commented that the Downtown Ad Hoc Committee will look to meet in November.

Councilmember Bartley noted the CIP Subcommittee also meets in November.

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

Deputy Mayor Pro-Tem Ray requested a meeting of the Broadband Subcommittee.

Mayor Bristol requested staff to bring back a presentation regarding the Visual Arts proposal.

Councilmember Cotten asked when updates to the landscape and sign ordinances would be coming forward. Mr. Hoover noted that half of the amendments most recently discussed would be coming to the Town Council in November, and the other half in December. He added the overlays would come back to them the first part of next year.

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 7:26 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 9:01 p.m.

No action was taken.

Adjourn.

The meeting was adjourned at 9:01 p.m.

These minutes were approved on the 14th day of November 2023.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary