



MINUTES
Prosper Town Council Meeting
Prosper Town Hall, Council Chambers
250 W. First Street, Prosper, Texas
Tuesday, January 9, 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
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.

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:

Residents are still able to drop off their live Christmas tree through January 14 at the drop-off site located at Tucker Pak, 454 E. First Street. Service is open to all Prosper residents and businesses free of charge.

A reminder that Town offices will be closed Monday, January 15 for the Martin Luther King Jr. Holiday. There will be no trash service delays due to the holiday.

Join Mayor Bristol and Prosper ISD Superintendent Dr. Holly Ferguson for the State of the Community hosted by the Prosper Chamber of Commerce and presented by Children's Health

on Thursday, January 18 from 11:00 a.m. to 1:00 p.m. for a year-end recap and what exciting things are ahead in 2024. Citizens may register for the event at prosperchamber.com.

Residents may check out all the exciting Winter programs being offered at the library. Programs are available for all ages. View the Winter Programs by visiting the Library Department page on the Town's website.

Deputy Mayor Pro-Tem Ray announced that it was National Law Enforcement Day and thanked those serving within our Police Department.

Presentations.

1. Presentation to the Town of Prosper for receiving the Commission for Accreditation of Parks and Recreation Agencies (CAPRA) award. (DB)

Mr. Baker introduced the item with an overview of the criteria and standards for the CAPRA award.

Mayor Bristol thanked the members of the Parks and Recreation and invited them and the members of the Town Council forward for a picture.

2. Presentation regarding the 2023 Mayor's Fitness Challenge. (DB)

Mr. Baker introduced the item with an overview of the 2023 Mayor's Fitness Challenge including the number of participants, hours completed, etc. Mr. Baker stated the 2023 overall winner is Mike Gregory.

Mayor Bristol presented Mr. Gregory with a THRIVES and Mayors coin.

Mayor Bristol recognized Deputy Mayor Pro-Tem Rays milestone birthday.

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 December 12, 2023, Town Council Work Session meeting. (MLS)

4. Consider and act upon the minutes from the December 12, 2023, Town Council Regular meeting. (MLS)

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

6. Consider and act upon Ordinance 2024-01 amending Ordinance No. 2022-54 (FY 2022-2023 Annual Budget). (CL)

7. Consider and act upon Ordinance 2024-02 amending Ordinance No. 2023-60 (FY 2023-2024 Annual Budget). (CL)

8. Consider and act upon approving an agreement between Aclara Technologies LLC and the Town of Prosper for maintenance and support from Aclara, a sole source provider, and consider and act upon approving an amendment to the existing Aclara Maintenance Agreement between Aclara Technologies LLC and

- the Town of Prosper to add Aclara Network Freedom to the existing Maintenance Agreement; and authorizing the Town Manager to execute the same. (CL)
9. Consider and act upon approval of the purchase and installation of a shade structure for the Cynthia A. Cockrell Elementary School Playground. (DB)
 10. Consider and act upon approving a new Lease Agreement for Dylan Drive property housing Park Operations and authorizing the Town Manager to execute documents for same. (DB)
 11. Consider and act upon approving the annual purchase of ammunition and range supplies from GT Distributors, Inc. and authorizing the Town Manager to execute documents for the same. (DK)
 12. Consider and act upon Resolution 2024-03 approving a Service Agreement with Flock Group, Inc. for the lease of flock safety automatic license plate recognition (ALPR) cameras and authorizing the Town Manager to execute documents for the same. (DK)
 13. Consider and act upon a Multiple Use Agreement (MUA) between the Town of Prosper, Texas and the Texas Department of Transportation (TxDOT) for the construction, maintenance, and operation of a public Fixed License Plate Reader System; and to authorize the Town Manager to execute documents for the same. (DK)
 14. Consider and act upon approving a Service Agreement between Honeywell International, Inc., dba US Digital Designs by Honeywell, and the Town of Prosper regarding fire station alerting equipment and authorizing the Town Manager to execute documents for the same. (SB)
 15. Consider and act upon authorizing the Town Manager to execute the First Amendment to the Interlocal Agreement between the City of Celina, Texas, and the Town of Prosper, Texas, related to cost participation in construction of interim asphalt improvements on Legacy Drive from Frontier Parkway to Parvin Road. (HW)
 16. Consider and act upon Ordinance 2024-04 repealing the Town's Juvenile Curfew Ordinance, found in Article 8.04 of Chapter 8 of the Code of Ordinances. (TW)
 17. Consider and act upon Ordinance 2024-05 amending Section 1.09.017 of the Code of Ordinances relative to the carrying of firearms in Town parks, and Sections 8.03.001 and 8.01.002 of the Code of Ordinances relative to the carrying and discharge of firearms in Town buildings or in the Town limits. (TW)
 18. Consider and act upon Ordinance 2024-06 amending the Code of Ordinances by adding a new Article 8.09 to Chapter 8 Prohibiting the Dumping of Trash on Public or Private Property. (TW)
 19. Consider and act upon Ordinance 2024-07 amending Chapter 4, Section 5.2 – Location of Required Screening, of the Town of Prosper Zoning Ordinance to modify the screening requirements for trash and recycling collection areas. (ZONE-23-0025) (DH)
 20. Consider and act upon Ordinance 2024-08 amending the Town of Prosper Zoning Ordinance by amending conditional development standards for restaurants contained in Subsection 1.4 of Section 1 of Chapter 3; amending

non-residential landscaped area requirements contained in Subsection 2.6(C) of Section 2 of Chapter 4; repealing existing Subsection 4.9 of Section 4 of Chapter 4 related to loading space requirements and replacing it with a new Subsection 4.9; adding a new Subsection 4.10 of Section 4 of Chapter 4 related to stacking requirements; amending the location of required screening contained in Subsection 5.2 of Section 5 of Chapter 4; and amending provisions related to adjacency of certain uses to residential zoning contained in Subsection 9.11 of Section 9 of Chapter 4. (ZONE-23-0033) (DH)

21. Consider and act upon Ordinance 2024-09 amending Chapter 3, Section 1.4, Subpart 38 – Automobile Sales/Leasing, Used, of the Town of Prosper Zoning Ordinance to provide additional criteria for this use. (ZONE-23-0026) (DH)
22. Consider and act upon a request for a Façade Plan for Gates of Prosper, Phase 3, Block B, Lot 2, on 15.8± acres, located north of US 380 and west of Preston Road. The property is zoned Planned Development-67 (PD-67) Gates of Prosper. (DEVAPP-23-0165) (DH)
23. Consider and act upon Ordinance 2023-77 to rezone for a Specific Use Permit (SUP) for a Concrete Batching Plant, on 5.0± acres, located south of West First Street and west of South Dallas Parkway. (S20-0002) (DH)
24. Consider and act upon Ordinance 2024-10 to rezone 0.4± acres from Single Family-15 (SF-15) to Planned Development-124 (PD-124), for Bryant's Addition, Block 11, Lots 1, 11, and 12, located on the northeast corner of South Coleman Street and East Third Street. (ZONE-23-0027) (DH)
25. Consider and act upon authorizing the Town Manager to execute a Development Agreement between Michael Bryant & Curtis Klieger and the Town of Prosper relative to 105 South Coleman Street. (DH)
26. Consider and act upon Ordinance 2024-11 to rezone 0.5± acres from Single Family-15 (SF-15) to Planned Development-125 (PD-125), for Bryant's Addition, Block 22, Lots 7, 8, and 9, located on the northwest corner of South Parvin Street and East Second Street. (ZONE-23-0028) (DH)
27. Consider and act upon authorizing the Town Manager to execute a Development Agreement between Kevin & Jennifer Pittman and the Town of Prosper relative to 202 South Parvin Street. (DH)
28. 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)

Mayor Bristol stated staff requested to pull item 10.

Councilmember Bartley requested to pull item 26 and 27.

Deputy Mayor Pro-Tem Ray requested to pull item 17.

Councilmember Cotten made a motion to approve items 3 through 9, 11 through 16, 18 through 25, and item 28. Mayor Pro-Tem Andres seconded that motion. Motion carried unanimously.

Regarding item 10, Mr. Baker made a brief presentation noting an update of the payment calculation and language within the lease agreement.

Councilmember Cotten asked if due to the excess paid, would the Town receive a refund. Mr. Baker replied that he would ask.

Councilmember Cotten made a motion to approve a new Lease Agreement for Dylan Drive property housing Park Operations and authorizing the Town Manager to execute documents for same. Mayor Pro-Tem Andres seconded that motion. Motion carried unanimously.

Regarding item 17, Deputy Mayor Pro-Tem Ray asked if the proposed aligns with the state legislature and expressed concerns of the language within Section 8.03.002 (a) regarding the discharge of any kind within Town limits.

Deputy Mayor Pro-Tem Ray made a motion to table item 17. Councilmember Kern seconded that motion. Motion carried unanimously.

Councilmember Bartley left the dais.

Councilmember Cotten made a motion to approve items 26 and 27 as presented. Mayor Pro-Tem Andres seconded that motion. Motion carried with a 6-0 vote.

Councilmember Bartley returned to the dais.

CITIZEN COMMENTS

No comments were made.

Items for Individual Consideration:

- 29. Conduct a public hearing and consider and act upon a request for a Planned Development for a House of Worship on 26.1± acres, on Prosper School Church Addition, Block A, Lot 2, located north of West First Street and west of South Legacy Drive. The property is zoned Agricultural. (ZONE-23-0030) (DH)**

Mr. Hoover introduced this item noting current location and surrounding zonings along with listed permitted uses, depictions of the building elevations, and maximum percentages. The Planning and Zoning Commission unanimously recommended approval. Staff is recommending approval.

Councilmember Bartley asked if the three trailers currently on the property would be removed. Mr. Hoover replied that they would be removed once construction is finished.

The Town Council also discussed the east elevation of the building in relation to the street it faces and view from the street.

Mayor Bristol opened the public hearing.

No comments were made.

Mayor Bristol closed the public hearing.

Councilmember Hodges made a motion to approve a request for a Planned Development for a House of Worship on 26.1± acres, on Prosper School Church

Addition, Block A, Lot 2, located north of West First Street and west of South Legacy Drive. Deputy Mayor Pro-Tem Ray seconded that motion. Motion carried unanimously.

- 30. Conduct a public hearing to consider and act upon a request for a Specific Use Permit (SUP) to allow Retail Stores and Shops, a Convenience Store (without Gas Pumps), Dry Cleaning, Minor, and Gymnastics/Dance Studio uses on 3.6± acres on Windsong Ranch Office Addition, Block A, Lot 2, located south of Parvin Road and east of North Teel Parkway. The property is zoned Planned Development-103 (PD-103) Windsong Ranch Office. (ZONE-23-0023) (DH)**

Mr. Hoover introduced this item, noting the current location and descriptions of the two buildings being proposed which are over 10,000 square feet in size. Mr. Hoover indicated that there would be significant exterior screening and provided depictions of the elevations. The Planning and Zoning Commission recommended approval. Staff recommends approval.

The Town Council discussed the proposed uses within the SUP; allowing by right versus using a Development Agreement and requested limiting the stucco to a smaller percentage along with a provision for landscape maintenance and excluding non-family friendly uses.

Abbi Luebbert, Project Manager,

Mayor opened the public hearing.

Rajat Kher, 4340 Cotton Belt Lane. Mayor Bristol read comments noting support of the request.

Srikant Kamatala, 16320 Benbrook Blvd. Mayor Bristol read comments noting support of the request.

Mayor closed the public hearing.

Councilmember Cotten made a motion to approve a Specific Use Permit (SUP) for Retail Stores and Shops, Dry Cleaning, Minor, and Gymnastics/Dance Studio uses on 3.6± acres on Windsong Ranch Office Addition, Block A, Lot 2, located south of Parvin Road and east of North Teel Parkway, subject to a Development Agreement, and with the building size and placement as shown on the Site Plan Exhibit, and a living screen as shown on the Landscape Plan Exhibit. Councilmember Bartley seconded that motion. Motion carried unanimously.

- 31. Conduct a public hearing to consider and act upon an amendment to Chapter 3, Section 1.4 – Conditional Development Standards of the Town of Prosper Zoning Ordinance to modify requirements related to gas pumps. (ZONE-23-0039) (DH)**

Mr. Hoover introduced this item outlining the proposed changes to the amendment.

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 an amendment to Chapter 3, Section 1.4 – Conditional Development Standards of the Town of Prosper Zoning

Ordinance to modify requirements related to gas pumps. Councilmember Cotten seconded that motion. Motion carried unanimously.

- 32. Conduct a public hearing to consider and act upon amending Chapter 2, Section 13 – Multifamily District; Chapter 4, Section 4.3 – Non-residential and multifamily parking provisions; and Chapter 4, Section 8 – Non-Residential & Multifamily Design and Development of the Town of Prosper Zoning Ordinance to modify Multifamily development standards. (ZONE-23-0024) (DH)**

Mayor Bristol stated this item is being proposed to table indefinitely.

Councilmember Bartley made a motion to table indefinitely item 32. Councilmember Hodges seconded that motion. Motion carried unanimously.

- 33. Consider and act upon approving a Professional Services Agreement between Dunaway Associates, L.P. and the Town of Prosper, Texas, for the preparation of a Parks, Recreation & Open Space Master Plan, and authorizing the Town Manager to execute documents for the same. (DB)**

Mr. Baker introduced this item stating that the Town's current plan was adopted in 2015, and it is customary to update a plan every five (5) years. Staff is proposing an update to the plan that would include a needs assessment, population and recreation program analysis, a benchmarking study, an action plan with priority rankings, and a final updated master plan. Staff would also conduct an online survey community wide and use focus groups to gather information.

The Town Council discussed involvement from the Parks and Recreation Board, receiving public input, identifying projects in timing with the budget, and accelerating the timeline.

Ms. Battle added this would be a vital tool in preparing for the CIP as well as provide guidance for the next fiscal year budget.

Councilmember Bartley made a motion to approve a Professional Services Agreement between Dunaway Associates, L.P. and the Town of Prosper, Texas, for the preparation of a Parks, Recreation & Open Space Master Plan, and authorizing the Town Manager to execute documents for the same. Mayor Pro-Tem Andres seconded that motion. Motion carried unanimously.

- 34. Consider and act upon awarding CSP No. 2024-09-B to McMahon Contracting LP, related to construction services for the Teel Parkway (US 380 – First Street) project; and authorizing the Town Manager to execute a construction agreement for same. (HW)**

Mr. Webb stated the Town received eight (8) bids for the project, and McMahon Contracting was the second lowest bid received, and ranked the highest after consideration of cost, time, and qualifications, and a project timeline of 120 days. Mr. Webb commented that PISD agreed to participate in the funding.

The Town Council clarified the start time of the project and if any impact on traffic flow would occur. Mr. Webb noted the project would begin at the end of the month and should see no additional traffic impact.

Councilmember Hodges made a motion to award CSP No. 2024-09-B to McMahon Contracting LP, related to construction services for the Teel Parkway (US 380 – First Street) project; and authorizing the Town Manager to execute a construction

agreement for same. Councilmember Cotten seconded that motion. Motion carried unanimously.

35. Consider and act upon Ordinance 2024-12 repealing existing Article 13.08, “Right-of-Way Management,” of Chapter 13 “Utilities,” of the Town’s Code of Ordinances and replacing it with a new Article 13.08, “Right-of-Way Management”. (HW)

Mr. Webb presented the item providing an overview of the current ordinance, why it needs to be updated, the research done in preparation for updating, and the intended results of the update.

The Town Council discussed the proposed ordinance language regarding working without a permit during an emergency and the appeal process.

Councilmember Kern made a motion to approve Ordinance 2024-12 repealing existing Article 13.08, “Right-of-Way Management,” of Chapter 13 “Utilities,” of the Town’s Code of Ordinances and replacing it with a new Article 13.08, “Right-of-Way Management” by further amending Section 13.08.062 to provide that a permit shall be submitted within two (2) days of commencement of start of work and Section 13.08.023 shall be amended to require a contractor to restore property to its prior condition. Councilmember Cotten seconded that motion. Motion carried unanimously.

36. Discussion regarding nonprofit support options. (RB)

Ms. Battle presented an overview of the Town’s current nonprofit organizations and those who receive financial and in-kind support from the Town. Staff is requesting feedback and direction on whether to continue or modify the Town’s current levels of support for nonprofit organizations.

The Town Council discussed current organizations and levels of support. The consensus of the Town Council was to retain current service levels with no changes being made but noting that the Chamber of Commerce and Rotary were considered non-charitable organizations.

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

Mayor Bristol provided a Legislative Subcommittee update.

Councilmember Bartley provided a Downtown Advisory Committee report noting they are continuing the prioritization of projects.

Councilmember Cotten provided a Finance Subcommittee report regarding plans for the upcoming budget and five-year planning schedule.

Deputy Mayor Pro-Tem Ray provided a Community Engagement Committee update.

Mayor Bristol announced upcoming meetings for the new Partners in Faith on January 26 and the Mayor’s Youth Advisory on January 24.

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

Deputy Mayor Pro-Tem requested for communications to be sent to business owners and HOA’s for the updates to the ROW Ordinance.

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 8:25 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 9:39 p.m.

Mayor Pro-Tem Andres made a motion to reappoint Cameron Reeves to the Planning and Zoning Commission. Councilmember Cotten seconded that motion. Motion carried unanimously.

Adjourn.

The meeting was adjourned at 9:40 p.m.

These minutes were approved on the 23rd day of January 2024.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary