



Prosper is a place where everyone matters.

MINUTES

Prosper Town Council Meeting
Council Chambers
Prosper Town Hall
250 W. First Street, Prosper, Texas
Tuesday, September 13, 2022

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

Staff Members Present:

Ron K. Patterson, Interim Town Manager
Terry Welch, Town Attorney
Michelle Lewis Sirianni, Town Secretary
Bob Scott, Executive Director of Administrative Services
Sandy Mattick, Interim Finance Director
Robyn Battle, Executive Director of Community Services
Hulon Webb, Interim Executive Director of Development and Infrastructure Services
Pete Anaya, Assistant Director of Engineering Services / CIP
David Soto, Planning Manager
Todd Rice, Communications Manager
James Edwards, Human Resources Director
Dan Baker, Parks and Recreation Director
Paul Naughton, Senior Park Planner
Trevor Helton, Recreation Supervisor
Frank Jaromin, Public Works Director
Leslie Scott, Director of Library Services
Leigh Johnson, IT Director
Mary Ann Moon, Executive Director of Economic Development
Doug Kowalski, Police Chief
Stuart Blasingame, Fire Chief

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

Jason McConnell with Prosper United Methodist 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 all those who attended including the staff and volunteers for making Paws on Broadway a great event this past Saturday. A fun time was had by all.

Thanks to everyone who attended the annual 9/11 remembrance ceremony held by the Prosper Fire Rescue and Prosper ISD this past Sunday. The joint event was a very special remembrance of the many lives lost, and those affected by this tragic day.

A new resident mixer is being held by the Town for those who have moved to Prosper in the last six months on Thursday, September 15 from 6:00 to 8:00 p.m. on the south lawn of Town Hall. Residents will get an opportunity to meet staff and their neighbors. There will be entertainment for the kids and refreshments for the family.

Join us for a Moonlight Movie featuring the family film “Encanto” as part of the Discover Downtown event series on Saturday, September 24. The event kicks off with strolling movie characters, lawn games, balloon artists, shaved ice, and popcorn. Games will open at 7:00 p.m. with movie beginning at 8:30 p.m. Visit the Town’s website for more information.

A Mayor’s Luncheon for Active Adults 55+ will take place on Wednesday, October 5 from 11:00 a.m. to 1:00 p.m. at the Church of Jesus Christ for Latter-day Saints. Reserve your spot today by contacting Brant Holland in the Parks and Recreation Department.

Join us for “Celebrate Prosper BBQ & Blues” on Saturday, October 8 at Frontier Park from 5:00 p.m. to 9:00 p.m. This fun community celebration will feature live music and BBQ. The event is presented by the Parks and Recreation Department with support of Sponsors and community partners. Visit the Town’s website for more information.

Presentations.

- 1. Presentation of a Proclamation to members of the Shawnee Trail Chapter of the National Society of the Daughters of the American Revolution (DAR) declaring September 17-23, 2022, as Constitution Week. (MLS)**

Mayor Bristol read and presented the Proclamation to Beverly Werner from the Shawnee Trail Chapter of DAR.

- 2. Receive an update regarding the Pickleball Tournament. (TH)**

Mr. Helton provided an update regarding the upcoming tournament to be held on November 5. Prosper Independent School District (PISD) has agreed to allow the Town to utilize Reynold Middle School for the tournament site. There will be several categories and prizes for first and second place finishers along with local food vendors for those in attendance.

- 3. Receive an update from the IT Department. (LJ)**

Mr. Johnson presented an update that included completed and upcoming projects along with connectivity with Town facilities, and the state mandated Cyber Security training.

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.

- 4. Consider and act upon the minutes of the August 23, 2022, Town Council meeting. (MLS)**

5. Consider and act upon the minutes of the August 29, 2022, Town Council special meeting. (MLS)
6. Consider and act upon the minutes of the August 30, 2022, Town Council special meeting. (MLS)
7. Receive the Quarterly Investment Report. (RBS)
8. Consider and act upon Resolution 2022-51 approving the Town of Prosper and Prosper Economic Development Corporation (PEDC) Investment Policy and Investment Strategy and approving the list of qualified brokers/dealers and financial institutions that are authorized to engage in investment transactions with the Town of Prosper and the PEDC. (RBS)
9. Consider and act upon Resolution 2022-52 authorizing various individuals as signers of specific accounts and certain investment matters. (RBS)
10. Consider authorizing the Town Manager to amend an existing contract by changing the scope of services with Pattillo, Brown Hill L.L.P. (PBH) from external audit services to professional services for an amount not to exceed \$45,000.00. (RBS)
11. Consider and act upon adopting the FY 2022-2023 Prosper Economic Development Corporation budget. (MM)
12. Consider and act upon approving Amendment Sixteen to the Interlocal Agreements between Collin County and the Town of Prosper, Texas, for Animal Sheltering Services and Animal Control Services; and authorizing the Interim Town Manager to execute the same. (MB)
13. Consider and act upon the appointment of a Municipal Judge, and authorize the Mayor to execute an agreement for same. (MLS)
14. Consider and act upon awarding CSP No. 2022-54-B to Ratliff Hardscape, Ltd. related to construction services for the Pecan Grove Park, Ph 2 (2145-PK), and authorizing the Interim Town Manager to execute a construction agreement for same. (DB)
15. Consider and act upon authorizing the Interim Town Manager to execute a Professional Engineering Services Agreement between Kimley - Horn and Associates, Inc., and the Town of Prosper, Texas, related to the development of the Town of Prosper ADA Transition Plan. (HW)
16. Consider and act upon awarding CSP No. 2022-48-B to Mario Sinacola & Sons Excavating, Inc., related to construction services for the First Street (Coit to Custer) - 4 lanes project; and authorizing the Interim Town Manager to execute a construction agreement for same. (HW)
17. Consider and act upon authorizing the Interim Town Manager to execute a Professional Services Agreement between Freese and Nichols, Inc., and the Town of Prosper, Texas, related to the update of the Comprehensive Plan. (DS)
18. Consider and act upon Resolution 2022-53 authorizing the Interim Town Manager, and/or his/her designee, to apply for the Office of the Governor, Criminal Justice Division, Bullet-Resistant Shield Grant Program, FY2023. (DK)

19. **Consider an act upon approval of the Prosper Youth Sports Commission (PYSC) Bylaw amendments. (DB)**
20. **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 Lighthouse Church, First Baptist Church, and PISD Bryant Elementary School. (DS)**

Deputy Mayor Pro-Tem Andres requested to pull item #14.

Councilmember Cotten requested to pull item #16.

Mayor Pro-Tem Hodges made a motion to approve consent agenda items 4 thru 13, 15, and 17 thru 20. Councilmember Cotten seconded the motion, and the motion was unanimously approved.

In regard to item #14, Deputy Mayor Pro-Tem Andres asked if the staff had concerns regarding flooding or drainage problems related to the park. Mr. Naughton replied that the Park Department is working with Engineering to resolve any previous issues and/or concern regarding the lot drainage.

Deputy Mayor Pro-Tem Andres made a motion to approve awarding CSP No. 2022-54-B to Ratliff Hardscape, Ltd. related to construction services for the Pecan Grove Park, Ph 2 (2145-PK), and authorizing the Interim Town Manager to execute a construction agreement for same. Councilmember Ray seconded that motion, and the motion was unanimously approved.

In regard to item #16, Councilmember Cotten stated in the previous meeting that the Town Council had requested staff to find additional cost savings regarding the project and indicated Prosper Independent School District (PISD) has agreed to participate and provide funding for the construction of First Street adjacent to the new high school.

Councilmember Cotten made a motion to approve awarding CSP No. 2022-48-B to Mario Sinacola & Sons Excavating, Inc., related to construction services for the First Street (Coit to Custer) - 4 lanes project; and authorizing the Interim Town Manager to execute a construction agreement for same. Deputy Mayor Pro-Tem Andres seconded that motion, and the motion was unanimously approved.

CITIZEN COMMENTS

Eric Ericson, 2700 Gentle Creek Trail, asked if the Town was considering placing soccer fields at the park located at First and Coit.

Items for Individual Consideration:

21. **Conduct a public hearing and consider and act upon a request to rezone 7.9± acres from Office (O) to Planned Development-Office (PD-O), generally to modify the development standards to facilitate an office/retail development, including drive-through coffee shop as a permitted use, located on the northwest corner of Preston Road and Coleman Road. (Z21-0013). (DS)**

Mr. Soto presented the item and indicated staff has concerns allowing additional drive-throughs to be constructed consecutively on the adjacent lot. The proposed request

conforms to the Future Land Use Plan with the Comprehensive Plan. Staff received no public comments and was approved by the Planning and Zoning Commission with a 4-0 vote. Staff recommends approval.

The Town Council discussed the permitted uses allowable by right, building height, and the drive-through use as part of the request.

Matt Donnell with Victory Real Estate Group stated the hotel use is no longer being considered and will be a multi-tenant building of at least 9,000 square feet.

The Town Council further discussed the uses, building materials proposed, and the likeness of the proposed project to the surrounding properties.

Mayor Bristol opened the public hearing.

No comments were made.

Mayor Bristol closed the public hearing.

The Town Council discussed the following development standards and/or conditions to be addressed in the ordinance or listed within the Development Agreement: removal of the hotel, Lots 1 and 2 to be at least 5,000 square foot or greater, Lots 3 and 4 for office use only, the building height of two stories or less should consist of 60% masonry and more than two stories with minimum 40% masonry and include family friendly businesses.

Councilmember Cotten made a motion to approve a request to rezone 7.9± acres from Office (O) to Planned Development-Office (PD-O), generally to modify the development standards to facilitate an office/retail development, including drive-through restaurant as a permitted use, located on the northwest corner of Preston Road and Coleman Road with the conditions as outlined. Councilmember Ray seconded that motion. Motion failed by a vote of 2-6. All other members were opposed.

The Town Council discussed the percentages of masonry versus other materials.

Mayor Pro-Tem Hodges made a motion to table to September 27, 2022, a request to rezone 7.9± acres from Office (O) to Planned Development-Office (PD-O), generally to modify the development standards to facilitate an office/retail development, including drive-through restaurant as a permitted use, located on the northwest corner of Preston Road and Coleman Road. Deputy Mayor Pro-Tem seconded that motion. Motion carried by a vote of 6-1. Councilmember Ray voting in opposition.

22. Conduct a public hearing and consider and act upon a request to rezone 5.6± acres from PD-21 and Single Family-15 (SF-15) to a new Planned Development-Office/Retail (PD-O/R) for office and retail uses, located on the west side of Preston Road north of Broadway Street. (Z22-0014). (DS)

Mr. Soto stated the applicant is proposing to rezone the entire tract to develop the property with four buildings to include office/medical use and retail on the easternmost tract of land. The site provides for adequate parking and stacking. The landscaping meets the minimum standards, and the proposed request conforms to the Future Land Use Plan within the Comprehensive Plan. Staff received one letter of opposition. The Planning and Zoning Commission recommended approval of the request by a vote of 4-0 at their August 16, 2022, meeting. Staff recommends approval.

The Town Council discussed the meaning of Wet Under Ground Detention Area as listed on the plan. Mr. Bond explained the area could be done underground or wet. He added the retail building could end up being office use.

Mayor Bristol opened the public hearing.

No comments were made.

Mayor Bristol closed the public hearing.

Councilmember Cotten made a motion to approve a request to rezone 5.6± acres from PD-21 and Single Family-15 (SF-15) to a new Planned Development-Office/Retail (PD-O/R) for office and retail uses, located on the west side of Preston Road north of Broadway Street and limiting the retail component of the development to family-friendly businesses. Deputy Mayor Pro-Tem Andres seconded that motion, and the motion was unanimously approved.

23. Conduct a public hearing and consider and act upon a request to rezone 11.3+- acres of Commercial (C) to Planned Development-Commercial (PD-C) to allow uses such as luxury office/warehouse, automobile storage, and recreational vehicle parking, located on the west side of Coleman Street, south of Prosper Trail. (Z22-0008). (DS)

Mr. Soto stated the applicant is proposing to update to the uses, design standards, and architectural standards for the proposed uses. All uses shall be enclosed within a building and no open storage will be permitted. The site provides for adequate parking and stacking. The office/warehouse will be primarily made of brick with the other buildings being metal with masonry veneer. The landscaping meets the minimum standards, and the proposed request conforms to the Future Land Use Plan within the Comprehensive Plan. The Planning and Zoning Commission recommended approval by a 4-0 vote at their August 16, 2022, meeting. Staff recommends approval.

The Town Council discussed the parking ratio and fencing on the south side of the property.

Mayor Bristol opened the public hearing.

No comments were made.

Mayor Bristol closed the public hearing.

Deputy Mayor Pro-Tem Andres stepped away from the dais.

Mayor Pro-Tem Hodges made a motion to approve a request to rezone 11.3+- acres of Commercial (C) to Planned Development-Commercial (PD-C) to allow uses such as luxury office/warehouse, automobile storage, and recreational vehicle parking, located on the west side of Coleman Street, south of Prosper Trail and limiting the retail component of the development to family-friendly businesses. Councilmember Bartely seconded that motion, and the motion passed by a 6-0 vote.

24. Conduct a public hearing and consider and act upon a request for a Specific Use Permit (SUP) for a Private Street Development, on 16.4± acres, located on the south side of First Street, east of Coit Road (S22-0008). (DS)

Mr. Soto stated the Zoning Ordinance allows for a Private Street Development subject to approval of a Specific Use Permit (SUP), in accordance with the Conditional

Development Standards. The applicant has satisfied all requirements with no negative impacts to the surrounding properties. The request conforms to the Future Land Use Plan within the Comprehensive Plan. Staff did not receive any forms in response to the request. The Planning and Zoning Commission recommended approval by a 4-0 vote at their August 16, 2022, meeting. Staff recommends approval.

Mat Moore with ClayMoore Engineering indicated this will be a gated community consisting of 26 to 27 lots.

Mayor Bristol opened the public hearing.

No comments were made.

Mayor Bristol closed the public hearing.

Councilmember Bartley made a motion to approve a request for a Specific Use Permit (SUP) for a Private Street Development, on 16.4± acres, located on the south side of First Street, east of Coit Road. Mayor Pro-Tem Hodges seconded that motion, and the motion was unanimously approved.

25. Consider and act upon Ordinance 2022-54 adopting the fiscal year (FY) 2022-2023 Annual Budget and Capital Improvement Program for the fiscal year beginning October 1, 2022 and ending September 30, 2023. (RBS)

Mr. Scott provided an overview of the proposed budget including the assessed valuation and tax rate, revenue funds, dedicated capital levy, property tax distributions, and the fiscal year 2023 initiatives.

Councilmember Ray made a motion to approve Ordinance 2022-54 adopting the fiscal year (FY) 2022-2023 Annual Budget and Capital Improvement Program for the fiscal year beginning October 1, 2022, and ending September 30, 2023. Councilmember Cotten seconded that motion and was unanimously approved by a roll call vote of 7-0.

26. Conduct a public hearing to consider and act upon Ordinance 2022-55 adopting a tax rate of \$0.51 per \$100 valuation for fiscal year 2022-2023. (RBS)

Mr. Scott stated the proposed tax rate requires a record vote, and at least 60% of the members of the governing body voting in favor.

Mayor Bristol stated this is only a public hearing to discuss the FY 2022-2023 proposed tax rate.

Mayor Bristol opened the public hearing and encouraged the public to express their views.

No comments were made.

Mayor Bristol closed the public hearing.

Councilmember Cotten made a motion to move that the property tax rate be increased by the adoption of a tax rate of \$0.51, which is effectively a 16.38% increase in the tax rate. Councilmember Ray seconded that motion and was unanimously approved by a roll call vote of 7-0.

27. Make a motion to ratify the property tax increase in the budget for fiscal year (FY) 2022-2023. (RBS)

Mr. Scott stated it is required by state law that adoption of a budget that will raise more revenue from property taxes than in the previous years requires a separate vote of the governing body to ratify the property tax increase reflected in the budget.

Mayor Pro-Tem Hodges made a motion to ratify the property tax increase in the budget for fiscal year (FY) 2022-2023. Deputy Mayor Pro-Tem Andres seconded that motion, and the motion was unanimously approved.

28. Consider and act upon Ordinance 2022-56 amending Article 1.04, "Boards, Commissions and Committee," of Chapter 1, "General Provisions," of the Code of Ordinances establishing the Community Engagement Committee as a standing advisory committee to the Town Council. (RB)

Ms. Battle reviewed the current structure of the Community Engagement Committee (CEC) and the proposed structure if the Town Council should approve the ordinance. The proposed structure would include eleven (11) members, a Chair and Vice-Chair selected annually by the Committee, two-year staggered terms beginning October 1, 2022, and would follow the eligibility, application and appointment process of the Town's Board and Commission Appointment Policy, as well as subject to the Open Meetings Act.

Councilmember Bartley made a motion to approve Ordinance 2022-56 amending Article 1.04, "Boards, Commissions and Committee," of Chapter 1, "General Provisions," of the Code of Ordinances establishing the Community Engagement Committee as a standing advisory committee to the Town Council. Mayor Pro-Tem Hodges seconded that motion, and the motion was unanimously approved.

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

29. Discuss update to the Thoroughfare Plan. (HW)

Mr. Webb outlined administrative updates to the plan highlighting Teel Parkway, the intersection at Coleman and First Street, and the Dallas North Tollway (DNT) collector with and/or without Frontier Park Access Alternative. Mr. Webb stated any updates would follow a formalized process beginning with a public hearing at Planning and Zoning (P&Z). If the Town Council wishes to move forward, it would start October 18 with P&Z and to the Town Council on November 8. Staff is seeking direction as well as their preference on whether to include the Frontier Park Access Alternative.

Councilmember Ray commented that he would like to see the Lakes of Prosper subdivision notified regarding the road location.

The consensus of the Town Council was to move forward with the update and to include the Frontier Park Access Alternative.

30. Discussion regarding a potential Capital Improvements Sub-Committee. (RKP)

Mr. Patterson recommended the Town Council consider formalizing a sub-committee for Capital Improvement projects that would become part of the budget process.

Councilmember Cotten asked if they can add citizens. Mr. Patterson indicated that the sub-committee would have the ability to call meetings with the community. Therefore, recommended it be selected Councilmembers.

The consensus of the Town Council was to move forward with this item.

Councilmember Cotten as part of a future agenda item, would like to add the re-evaluating of the process to select contractors as part of the CSP process.

Councilmember Kern requested to review the process of short-term rentals.

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, Planning & Zoning Commission, and the Community Engagement Committee

The Town Council recessed into Executive Session at 8:59 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 10:34 p.m.

Mayor Pro-Tem Hodges made a motion to approve a First Amendment to the Interim Town Manager Agreement. Deputy Mayor Pro-Tem Andres seconded that motion, and the motion was unanimously approved.

Adjourn.

The meeting was adjourned at 10:34 p.m.

These minutes approved on the 27th day of September 2022.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary