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MINUTES

Prosper Town Council Meeting
Council Chambers
Prosper Town Hall
250 W. First Street, Prosper, Texas
Tuesday, June 28, 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:

Harlan Jefferson, Town Manager
Terry Welch, Town Attorney
Michelle Lewis Sirianni, Town Secretary
Robyn Battle, Executive Director of Community Services
Hulon Webb, Engineering Services Director
David Soto, Planning Manager
Betty Pamplin, Finance Director
Leigh Johnson, IT Director
Todd Rice, Communications Manager
Frank Jaromin, Public Works Director
Dan Baker, Parks and Recreation Director
Mary Ann Moon, Economic Development Executive Director
Stuart Blasingame, Fire Chief
Doug Kowalski, Police Chief

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

Mayor Ray Smith 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:

A special thanks to the Prosper Chamber of Commerce for having the Mayor and Council at their Meet the Council event this morning hosted at The Gin.

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 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!

Reminder that Town Hall Offices will be closed on Monday, July 4 for the Independence Day Holiday. Due to the holiday, residents whose trash service falls on Monday will be delayed by one day. The special bulk drop off location at Public Works will also be closed on Saturday, July 2.

Presentations.

1. **Presentation of a Proclamation declaring June 28, 2022, as Hayden Hensley Day. (RB)**

Former Mayor Ray Smith and Mayor Bristol collectively read and presented a Proclamation to Hayden Hensley.

2. **Receive an update from the Fire & Rescue Department. (SB)**

Chief Blasingame provided an annual update of the Fire and Rescue Department which included accreditations and awards received, Central Fire Station and Fire Station No. 4 projected openings, calls for service, response times, overview of the Fire Marshal's office, and future challenges.

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.

3. **Consider and act upon the minutes of the June 14, 2022, Town Council meeting. (MLS)**
4. **Consider and act upon the minutes of the June 22, 2022, Town Council special meeting. (MLS)**
5. **Consider and act upon Resolution 2022-27 to deny the application of Oncor Electric Delivery Company LLC for approval to increase system-wide transmission and distribution rates within the Town. (BP)**
6. **Consider and act upon authorizing the Town Manager to accept the Economic Development Administration Subregional Broadband Assessment and Strategy project grant award from the U.S. Department of Commerce through the State of Texas Economic Development Administration (EDA). (BP)**
7. **Consider and act upon approving the purchase of manhole rehabilitation services from Fuquay, Inc., through the Texas Local Government Purchasing Cooperative; and authorizing the Town Manager to execute documents for the same. (FJ)**
8. **Consider and act upon authorizing the Town Manager to execute a Credit Sales Agreement between Mill Branch LLC, and the Town of Prosper, Texas, related to the construction of Fishtrap Road from Stuber Elementary to the Dallas North Tollway. (HW)**
9. **Consider and act upon authorizing the Town Manager to execute a Mitigation Credit Sales Agreement between Wetlands Management, L.P., and the Town of Prosper, Texas, related to the construction of Fishtrap Road from Stuber Elementary to the Dallas North Tollway. (HW)**

10. Consider and act upon Resolution 2022-33 adopting the Collin County Hazard Mitigation Action Plan (HazMAP) dated June 6, 2022. (SB)
11. Consider and act upon Ordinance 2022-29 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)
12. Consider and act upon Ordinance 2022-30 amending 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)
13. Consider and act upon Ordinance 2022-20 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)
14. 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)
15. 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 Westfork Crossing & Westfork Crossing Lot 7. (DS)

Councilmember Ray requested to pull item #3.

Deputy Mayor Pro-Tem Andres requested to pull item #6.

Deputy Mayor Pro-Tem Andres expressed his thanks to staff and the EDC for getting the EDA grant and moving forward with broadband.

Deputy Mayor Pro-Tem Andres made a motion to approve consent agenda items 4 thru 15. Councilmember Cotten seconded that motion, and the motion was unanimously approved.

Councilmember Ray stated in regard to item #3, as a point of clarification for item #22 within the minutes that the unit counts referenced be reflected as 23 8F Type lots, 101 9F Type lots, 147 10F Type lots, and the maximum dwelling size of 2,300 square feet.

Councilmember Ray made a motion to approve consent agenda item #3. Councilmember Cotten seconded that motion, and the motion was unanimously approved.

CITIZEN COMMENTS

Katyasri Kondragunta, 2908 Driftwood Creek Trail, requested the Town Council to locally declare a climate emergency in support of climate change.

Items for Individual Consideration:

16. Conduct a public hearing and consider and act upon a request for a Specific Use Permit (SUP) for a Day Care Center (Grace Chapel), on 5.4± acres, located

on the southeast corner of FM 1385 and Denton Way. The property is zoned Agricultural (A). (S22-0005). (DS)

Mr. Soto stated this request is to allow for a day care for Grace Chapel. The proposed one-story building, landscape plan, and design all meet the minimum standards of the Zoning Ordinance. At the June 7, 2022, Planning and Zoning Commission meeting, the Commission recommended approval with a 7-0 vote. Town staff recommends approval of the request subject to approval of a Development Agreement, including, but not limited to, architectural building materials.

Councilmember Bartley asked about fencing material requirements. Mr. Soto indicated that the materials for the fencing will be more specific and reviewed with the Site Plan submittal. The only requirement is to ensure there is a gate and two points of access for Public Safety access.

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 for a Specific Use Permit (SUP) for a Day Care Center (Grace Chapel), on 5.4± acres, located on the southeast corner of FM 1385 and Denton Way subject to the approval of a Development Agreement, including, but not limited to, architectural building materials. Councilmember Ray seconded that motion, and the motion was unanimously approved.

17. Conduct a public hearing and consider and act upon a request to amend the Zoning Ordinance, Chapter 3, Section 1.3 Schedule of Uses, Chapter 3, Section 1.4 Conditional Development Standards, and Chapter 3, Section 2.2 Definitions, to include “Food Pantry”, in the Agricultural, “A,” zoning district. (MD22-0005). (DS)

Mr. Soto stated the request to amend the Zoning Ordinance is to include a new use and definition for “Food Pantry”. Any food pantry use will be allowed in the Agricultural District subject to the conditional development standards. The purpose of those standards is to allow flexibility, but to have standards that mitigate the use. At the June 21, 2022, Planning and Zoning Commission meeting, the Commission recommended approval with a 7-0 vote subject to revising condition (e) to state “no food shall be stored on the exterior of the facility” and to remove conditions (f) and (g). Town staff is recommending approval of the request subject to same revision of condition (e) and removal of condition (g).

The Town Council asked and discussed reasonings for limiting of distribution times and hours and any traffic concerns related to those limitations. Mr. Soto replied that the Town initially surveyed cities with restrictions, but their concerns was the traffic that could be generated. Therefore, the Town was following hours they were using as a way to create the conditional standards.

Maria Millen, Executive Director of Neighbors Nourishing Neighbors, 300 N. Broadway, Bldg. 9, requested to have more flexibility with the hours and days open to accommodate their patrons and would adjust accordingly to mitigate any concerns of traffic that may arise.

Mayor Bristol opened the public hearing.

No comments were made.

Mayor Bristol closed the public hearing.

The Town Council further discussed hours of operation.

Councilmember Kern made a motion to approve a request to amend the Zoning Ordinance, Chapter 3, Section 1.3 Schedule of Uses, Chapter 3, Section 1.4 Conditional Development Standards, and Chapter 3, Section 2.2 Definitions, to include "Food Pantry", in the Agricultural, "A," zoning district with revising of condition (e) to reflect "No food shall be stored on the exterior of the facility.", and the removal of conditions (f) and (g). Deputy Mayor Pro-Tem Andres seconded that motion, and the motion was unanimously approved.

18. Receive an update of the Downtown Master Plan. (MM)

Ms. Moon gave a brief introduction and introduced Mark Maldonado and Jared Beck with Stantec.

The representatives of Stantec gave a presentation of the Downtown Master Plan that included where the Town is in the planning process, community input received, recommendations regarding three (3) Downtown areas, and four (4) catalyst sites, and how to implement the plan along with next steps.

The Town Council extended their appreciation to the committee members and consultant for all the hard work done on the plan.

19. Consider and act upon approving Resolution 2022-32 supporting the proposed revised alignment of FM 1461 from SH 289 (Preston Road) to FM 2478 (Custer Road). (HW)

Mr. Webb stated in April 2021, the Town Council approved a resolution strongly opposing the proposed alignment of FM 1461 from SH 289 (Preston Road) to FM 2478 (Custer Road) since TxDOT had commenced with completing the design of the project without addressing the Town's comments and was engaged in the right-of-way acquisition phase of the project. Since that time, the Town, City of Celina, and TxDOT have met several times to resolve the Town's concerns. The Town is requesting TxDOT to reduce the sidewalk width from ten feet to six feet adjacent to Highland Meadows and Amberwood Farms Subdivision to allow for additional green space. Staff recommends approval of the proposed resolution.

Mayor Pro-Tem Hodges made a motion to approve Resolution 2022-32 supporting the proposed revised alignment of FM 1461 from SH 289 (Preston Road) to FM 2478 (Custer Road). Councilmember Cotten seconded that motion, and the motion was unanimously approved.

20. Consider and act upon Ordinance 2022-31 establishing a Homestead Tax Exemption. (HJ)

Mr. Jefferson indicated in 2015, the Town Council increased the Homestead Tax Exemption to 7.5% and then to 10% in 2017. The Finance Committee recommended increasing to 12.5%, which would provide an approximate \$778,000 in property tax savings to homeowners.

The Town Council discussed the minimum and maximum percentages. It was also noted that this would be effective for the 2022 tax year.

Councilmember Ray made a motion to approve Ordinance 2022-31 establishing a Homestead Tax Exemption of twelve and a half percent (12.5%). Mayor Pro-Tem Hodges seconded that motion, and the motion was unanimously approved.

21. Discussion on Raymond Community Park. (DB)

Mr. Baker gave a brief introduction and introduced Philip Naly and Gaylen Laing with Dunaway and Associates.

The representatives with Dunaway gave a presentation on the proposed conceptual design of Raymond Park that included a site overview, themes and key features from the 2015 Master Plan as well as design feature updates, projected Phase I budget, and next steps.

The Town Council discussed parking, location of the amphitheater, playground locations, and naming of structures within the park as it related to the proposed design.

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

22. Discuss format of Council Work Sessions. (HJ)

Mr. Jefferson requested feedback regarding time and format of the work sessions.

The Town Council agreed to starting work sessions at 5:00 p.m. prior to start of the regular Council meeting.

23. Receive an update on FM 1385 and US 380. (HW)

Mr. Webb provided an update of project listed including a timeline and how to access updates.

24. Discuss Frontier Park alternate access. (HW)

Mr. Webb presented an overview of items to be considered regarding the alternate access at Frontier Park including the alternate parking, addressing the crossing demand, emergency access, and fencing.

25. Discuss Town Hall Meeting in West Prosper. (HJ)

Mr. Jefferson stated that Rock Creek Church has been secured as a meeting location on Thursday, August 18 to discuss various road projects and land acquisition at Windsong Ranch if the Town Council agreed to move forward.

The Town Council consensus was for staff to move forward in scheduling.

Mayor Bristol requested for staff to bring back an item regarding future bike lanes and routes along with the acceptance of the Downtown Master Plan.

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 551.076 – To deliberate the deployment of specific occasions for implementation of security personnel or devices at Town Hall.

The Town Council recessed into Executive Session at 8:54 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 9:45 p.m.

Mayor Pro-Tem Hodges made a motion to authorize the Mayor to execute on behalf of the Town a Memorandum of Understanding (MOU) relative to Safety Way. Councilmember Cotten seconded that motion, and the motion was unanimously approved.

Adjourn.

The meeting was adjourned at 9:46 p.m.

These minutes approved on the 26th day of July 2022.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary