



MINUTES

Prosper Town Council Meeting
Prosper Town Hall, Council Chambers
250 W. First Street, Prosper, Texas
Tuesday, November 26, 2024

Call to Order/ Roll Call.

The meeting was called to order at 6:16 p.m.

Council Members Present:

Mayor David F. Bristol
Mayor Pro-Tem Marcus E. Ray
Deputy Mayor Pro-Tem Amy Bartley
Councilmember Craig Andres
Councilmember Chris Kern
Councilmember Jeff Hodges
Councilmember Cameron Reeves

Staff Members Present:

Mario Canizares, Town Manager
Terry Welch, Town Attorney
Michelle Lewis Sirianni, Town Secretary
Bob Scott, Deputy Town Manager
Chuck Ewings, Assistant Town Manager
Robyn Battle, Executive Director
David Hoover, Development Services Director
Suzanne Porter, Planning Manager
Dakari Hill, Senior Planner
Pete Anaya, Assistant Director of Engineering – Capital Projects
Leigh Johnson, IT Director
Dan Baker, Parks & Recreation Director
Carrie Jones, Public Works Director
Tony Luton, Human Resources Director
Todd Rice, Communications Director
Doug Kowalski, Police Chief
Scott Brewer, Assistant Police Chief
Aidan Daily, Police Crime Analyst
Stuart Blasingame, Fire Chief

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

Joshua Reeve with The Cause Church led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were led by Prosper Cub Scout Troop 1902.

Announcements of recent and upcoming events.

Councilmember Reeves made the following announcements:

A reminder that Town Hall Offices will be closed on Thursday, November 28, and Friday, November 29 for the Thanksgiving Holiday. Due to the holiday, residents whose trash service falls on Thursday or Friday will be delayed by one day. The special bulk drop-off location at Public Works will also be closed on Saturday, November 30.

The Prosper Community Library will close at 4:00 p.m. on Wednesday, November 27, and be closed on Thursday, November 28 through Saturday, November 30 for the Thanksgiving Holiday.

The Prosper annual Christmas Festival will take place on Saturday, December 7 at Prosper Town Hall. Come experience the magic of Santa Claus in his Workshop, the Kids Christmas Shoppe, dazzling exhibits, Kids Fun Zone, Community Stage performances, carriage rides, live demonstrations, and food truck vendors. Also, don't miss out on the Prosper Rotary Club Christmas Parade at 2:30 p.m., and the Tree Lighting with Mayor Bristol at 7:00 p.m. For more information visit the Special Events page through the Parks & Recreation Department.

The Prosper Ladies Association is sponsoring its annual Prosper Christmas Angel Program. A Christmas Angel Tree is located in the lobby of Town Hall. Residents may select a Wish Tag from the tree and scan the QR code to help a Prosper ISD child or a senior citizen have a Merry Christmas. Gift drop-off dates are December 9th through 11th.

Join Mayor Bristol, members of the Prosper Town Council, and staff on Saturday, December 14, from 10:00 a.m. to 6:00 p.m. for the ringing of the bell for the Salvation Army Red Kettle Challenge at Kroger, 1250 N. Preston Road. All money raised will support a range of services that combat poverty, addiction, and homelessness in Collin County.

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.

1. **Consider and act upon the minutes from the November 12, 2024, Town Council Work Session meeting. (MLS)**
2. **Consider and act upon the minutes from the November 12, 2024, Town Council Regular meeting. (MLS)**
3. **Consider and act upon Resolution 2024-75 casting the Town of Prosper's votes for the Denton County Central Appraisal District Board of Directors (DCAD). (MLS)**
4. **Consider and act upon approving the purchase of virtual server hardware upgrades for the currently deployed redundant virtual server clusters from SHI Inc. utilizing the Texas Department of Information Resources (DIR) Purchasing Contract for \$183,995. (LJ)**
5. **Consider and act upon authorizing the Town Manager to execute an agreement between Vonage, Inc., and the Town of Prosper, Texas for cloud-hosted telephony services, utilizing the Omnia Partners contract for \$279,270. (LJ)**
6. **Consider and act upon authoring the Town Manager to execute an agreement for additional equipment and services from Flock Inc. to include a Drone as First Responder (DFR) for \$150,000. (DK)**
7. **Consider and act upon authorizing the Town Manager to execute a Service Agreement between Mobile Communications of America, Inc. (MCA), and the Town of Prosper regarding fire station alerting service and equipment support for \$11,900. (SB)**

8. Consider and act upon approving the purchase of two (2) 2025 Ford trucks from Silsbee Ford, utilizing the Interlocal Purchasing Systems (TIPS) Contract No. 210907 for \$103,178. (HW)
9. Consider and act upon authorizing the Town Manager to execute an agreement with Child's Play Inc., for the purchase and installation of a shade structure for the Prairie Park playground for \$71,987. (DB)
10. Consider and act upon authorizing the Town Manager to execute a Construction Agreement awarding Competitive Sealed Bid No. 2024-33-B to Apex Landscape & Irrigation for Green Ribbon grant-funded landscape improvements to medians on US 380 between Lovers Lane and Mahard Pkwy in the amount of \$1,776,432.60. (DB)
11. Consider and act upon approving the purchase of traffic signal-related items for the traffic signals on First Street at Artesia Boulevard and on Teel Parkway at Prairie Drive, from Consolidated Traffic Controls, Inc., utilizing the Houston-Galveston Area Council (HGAC) Cooperative Purchasing Program for \$249,376. (PA)
12. Consider and act upon authorizing the Town Manager to execute an Interlocal Agreement between the Prosper Independent School District, and the Town of Prosper, Texas, related to the construction of the Legacy Drive Improvements for Prosper Middle School #7. (HW)
13. Consider and act upon Ordinance 2024-74 to amend Planned Development-59 on Twin Creeks Ranch, Phases 1-2, on 40.9± acres, to accommodate the reconfiguration of the wall and the landscaping between the subdivision and Frontier Parkway. (ZONE-24-0011) (DH)
14. Consider and act upon a request for a Façade Plan for a Restaurant on Gates of Prosper, Phase 3, Block B, Lot 7, on 2.1± acres, located on the west side of Preston Road and 450± feet north of US Highway 380. (DEVAPP-24-0112) (DH)
15. 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)

Councilmember Hodges motioned to approve consent agenda items 1 through 15. Deputy Mayor Pro-Tem Bartley seconded the motion. Motion carried unanimously.

CITIZEN COMMENTS

James Williams, 970 Willowmist Drive, thanked the Town Council for resolving the bulk trash collection pickup.

Items for Individual Consideration:

16. Consider a resolution setting a public hearing under Section 311.003 of the Texas Tax Code for the creation of a Tax Increment Reinvestment Zone containing approximately 684.88 acres of land generally located East of North Dallas Parkway, North of U.S. Highway 380, West of Preston Road, and South of West Prosper Trail. (CE)

Mayor Bristol requested staff to table this item to June 2025.

Mayor Pro-Tem Ray made a motion to table this item to June 2025. Councilmember Hodges seconded the motion. Motion carried unanimously.

17. Conduct a public hearing and consider and act upon a request to rezone 120.5± acres on Collin County School Land Survey 12, Abstract 147, Tract 45 from Planned Development-44 (Single Family & Retail) to a Planned Development with Single Family and Retail uses, located on the southeast corner of Legacy Drive and Frontier Parkway. (ZONE-24-0013) (DH)

Mr. Hoover introduced the item, stating the purpose of the request was to rezone the property with the intent to construct a maximum of 225 homes and to construct commercial buildings with retail uses on the southeast corner of the property. The zoning change would not be out of character with the existing area due to compatibility with the surrounding properties. Mr. Hoover outlined the Town's regulations for the residential and commercial sections based on the Future Land Use Plan (FLUP), permitted uses, architectural standards, and the pedestrian connectivity and amenities being proposed as part of the rezoning. The Planning and Zoning Commission recommended approval by a vote of 4-3 at their November 5 meeting. Those voting in opposition were due to concerns pertaining to the lots within the proposed residential subdivision not falling in the desired lot size range for Medium Density and preferring larger lot sizes instead of larger home sizes. Since the Planning and Zoning Commission meeting, Town staff has reviewed further and recommends approval subject to the list presented.

Clint Richardson, representing the applicant, spoke to the proposed project including the lot sizes, home builders, park dedication, hike and bike trails, and their commitment to a Development Agreement for architectural standards.

The Town Attorney stated that the applicant would not be able to have alcoholic beverage establishments as presented in the proposed development. The Town's previous Local Option Elections do not allow alcoholic beverage sales or establishments that sell alcoholic beverages for on-premise consumption unless a certain amount of food is sold and the appropriate TABC permit is obtained. Additionally, the Town Charter prohibits alcohol package sales in residential areas.

Mayor Bristol opened the public hearing.

No comments were made.

Mayor Bristol closed the public hearing.

David Bond, Engineer, spoke to the commercial component of the project.

The Town Council discussed the proposed project including the proposed recommendations made by staff, setbacks, floodplain impact, and timeline of the park completion.

Deputy Mayor Pro-Tem Bartley made a motion to approve a request to rezone 120.5± acres on Collin County School Land Survey 12, Abstract 147, Tract 45 from Planned Development-44 (Single Family & Retail) to a Planned Development with Single Family and Retail uses, located on the southeast corner of Legacy Drive and Frontier Parkway subject to staff recommendations and an agreed upon Development Agreement. Mayor Pro-Tem Ray seconded the motion. Motion carried unanimously.

18. **Conduct a public hearing and consider and act upon a request to rezone 5.7± acres on George Horn Survey, Abstract 412, Tract 2 from Agricultural to Planned Development–Retail, located on the west side of Custer Road and 470± feet south of Frontier Drive. (ZONE-24-0017) (DH)**

Mr. Hoover stated the purpose of this request is to rezone the property with the intent to construct a retail building on the northern tract and a private school on the southern tract. The zoning change would not be seen as out of character with the existing area due to compatibility with the surrounding properties. Mr. Hoover also provided an overview of the district regulations, permitted uses, landscaping and screening standards, architectural standards, and the results of the traffic management plan by the Engineering Department. The Planning and Zoning Commission recommended approval by a vote of 6-1 at the November 5 meeting. The opposition to this item was due to the living screen requirement on the western property line. Due to the opposition from surrounding properties within 200 feet, exceeding 20% of the land area, this item requires a super-majority vote. Staff recommends approval.

The Town Council discussed fencing, parking, and the septic system regulations.

William Oelfke, representing the applicants, spoke to the project indicating that the school will be for four to five-year-olds with four classrooms and ten staff members. The school will be a learning experience for the children. Mr. Oelfke stated that they have reached out to the church to be good neighbors, and do not feel that there will be any conflict with the drop-off or pick-up times.

Mayor Bristol opened the public hearing.

Mr. Oelfke added comments regarding the living screen requirement.

Mayor Bristol closed the public hearing.

The Town Council further discussed the screening wall and parking.

Deputy Mayor Pro-Tem Bartley made a motion to approve a request to rezone 5.7± acres on George Horn Survey, Abstract 412, Tract 2 from Agricultural to Planned Development–Retail, located on the west side of Custer Road and 470± feet south of Frontier Drive without the masonry wall requirement. Councilmember Kern seconded the motion. Motion carried unanimously.

19. **Consider and act upon authorizing the Town Manager to execute a Construction Agreement awarding CSP No. 2024-35-B to ANA Site Construction, LLC, related to the Upper Doe Branch Wastewater Line (Teel Parkway – PISD Stadium) project, for \$5,492,167 and authorize \$300,000 for construction phase contingencies. The total purchase order amount is \$5,792,167. (PA)**

Mr. Anaya presented the item stating the Town received five proposals that ranged in totals and completion times. After the consideration of costs, time, and qualifications, the Town staff is recommending ANA Site Construction, LLC. References were checked, and the Town received all positive feedback. Therefore, is recommending approval as presented.

The Town Council discussed the contingency amount and liquidated damages based on any delays.

Councilmember Andres made a motion to approve authorizing the Town Manager to execute a Construction Agreement awarding CSP No. 2024-35-B to ANA Site Construction, LLC, related to the Upper Doe Branch Wastewater Line (Teel Parkway – PISD Stadium) project, for \$5,492,167 and authorize \$300,000 for construction phase contingencies. The total purchase order amount is \$5,792,167. Councilmember Hodges seconded the motion. Motion carried unanimously.

20. Consider and act upon awarding RFP No. 2024-28-B for Stop Loss Insurance to QBE for the Town's self-insurance fund, effective January 1, 2025, and authorizing the Town Manager to execute all documents for the same. (TL)

Mr. Luton presented the item, stating the Town received four bids during the RFP process. Holmes Murphy, Inc. has undertaken the marketing of this year's coverage on behalf of the Town. Town staff is recommending QBE at the \$125,000 level.

The Town Council discussed the deductible rates, options proposed, and the percentage associated with administrative costs.

Councilmember Kern made a motion to approve awarding RFP No. 2024-28-B for Stop Loss Insurance to QBE for the Town's self-insurance fund, effective January 1, 2025, and authorizing the Town Manager to execute all documents for the same. Councilmember Reeves seconded the motion. Motion carried unanimously.

21. Consider and act upon the 2025 Prosper Town Council Regular meeting schedule. (MLS)

Ms. Lewis Sirianni presented the proposed meeting dates for 2025 noting the second meeting in December would be canceled.

Councilmember Hodges made a motion to approve the 2025 Town Council Regular meeting schedule as presented. Councilmember Reeves seconded the motion. Motion carried unanimously.

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

Finance Committee: Mayor Bristol noted items were on the listed agenda and that there would also be budget amendments on a future meeting agenda.

Bond Committee: Councilmember Kern stated the committee had a kickoff meeting to discuss goals and objectives for the future bond election in 2025.

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

No comments were made.

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 the 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 551.071 - To consult with the Town Attorney regarding legal issues associated with Article 3.19 of the Code of Ordinances, and all matters incident and related thereto.

Section 551.071 - To consult with the Town Attorney regarding legal issues associated with code enforcement activities and substandard structures, law enforcement activities, and all matters incident and related thereto.

Section 551.071: To consult with the Town Attorney regarding legal issues associated with irrigation and water supply contracts, and all matters incident and related thereto.

The Town Council recessed into Executive Session at 8:40 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 10:10 p.m.

Mayor Pro-Tem Ray made a motion to deny the appeal, pursuant to Article 3.19 of the Town's Code of Ordinances, for the property located at 980 English Ivy, and further direct the Town Manager to communicate such decision to the property owner at said address. Deputy Mayor Pro-Tem Bartley seconded the motion. Motion carried unanimously.

Adjourn.

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

These minutes were approved on the 10th day of December 2024.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary