



Prosper is a place where everyone matters.

MINUTES

Prosper Town Council Meeting
Council Chambers
Prosper Town Hall
250 W. First Street, Prosper, Texas
Tuesday, December 14, 2021
5:45 PM

Call to Order/ Roll Call.

The meeting was called to order at 5:45 p.m.

Council Members Present:

Mayor Ray Smith
Mayor Pro-Tem Meigs Miller
Deputy Mayor Pro-Tem Craig Andres
Councilmember Marcus E. Ray
Councilmember Jeff Hodges
Councilmember Charles Cotten
Councilmember Amy Bartley

Staff Members Present:

Harlan Jefferson, Town Manager
Terry Welch, Town Attorney
Michelle Lewis Sirianni, Town Secretary
Todd Rice, Communications Manager
Rebecca Zook, Executive Director of Development and Infrastructure Services
Hulon Webb, Engineering Services Director
Khara Dodds, Development Services Director
Leigh Johnson, IT Director
Betty Pamplin, Finance Director
James Edwards, Human Resources Director
Doug Kowalski, Police Chief
Alex Glushko, Planning Manager
Mary Branch, Health and Code Compliance Supervisor
Frank Jaromin, Public Works Director
Tristan Cisco, Water Education Coordinator

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

Matt Lankenau with Gateway Church led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were recited.

Announcements of recent and upcoming events.

Mayor Smith read a statement regarding an automobile accident that occurred in McKinney in which he was involved.

Councilmember Cotten made the following announcements:

We would like to thank all those who attended the annual Christmas Festival this year. We had great weather and a fantastic turnout of over 3,000 people. An extra special thanks to our Parks and Recreation Department for all their hard to work for making the event such a success, and to all the staff who helped and volunteered.

Be on the lookout this week through the Prosper Parks and Recreation Facebook page for this year's Light the Night holiday lighting contest winners or visit prosperchristmas.org. Winners to be announced by December 15.

Reminder that Town Hall Offices will be closed on Thursday, December 23 and Friday, December 24 for the Christmas Holiday as well as Friday, December 31 for the New Year's Holiday. There will be no trash service delays since the holidays fall over the weekend. However, the special bulk drop off location at Public Works will be closed on Saturday, December 25 and Saturday, January 1.

The Prosper Community Library will be closed Thursday, December 24 thru Saturday, December 25 for the Christmas Holiday, as well as Saturday, January 1 for the New Year's Holiday.

Reminder that the Tuesday, December 28 Town Council meeting has been canceled: and,

New signage identifying public parking for the Downtown area has now been installed at Town Hall. The spaces are located along the north and northeast sections of the parking lot.

Councilmember Ray thanked Councilmember Bartley for the fantastic job with Cornerstone Christmas and sending prayers to the victims of the recent tornado in Kentucky.

Councilmember Bartley thanked the citizens of Prosper for their time and generosity for all they have done over the last sixty days with Cornerstone Christmas, PLA, Angel Tree, Nursing Neighbors and the Makayla's Fight Organization Fundraiser.

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.

- 1. Consider and act upon the minutes from the November 23, 2021, Town Council meeting. (MLS)**
- 2. Receive the October Financial Report. (BP)**
- 3. Consider and act upon authorizing the Town Manager to execute a Professional Services Agreement between Kimley-Horn and Associates, Inc., and the Town of Prosper, Texas, related to the design of the Craig Road (Preston Road – Fifth Street) project. (HW)**
- 4. Consider and act upon authorizing the Town Manager to execute a Professional Services Agreement between Freese and Nichols, Inc., and the Town of Prosper, Texas, related to the design of the Dallas Parkway 12" Water Main (Prosper Trail to Frontier Parkway) project. (HW)**
- 5. Consider and act upon a request for Ordinance 2021-72 for a Specific Use Permit (SUP) for Incidental Outside Merchandise Display at an existing Convenience Store with Gas Pumps (7-Eleven), on 1.4± acres, in the Victory at Frontier development, located on the southwest corner of Preston Road and Frontier Parkway. (S21-0003). (AG)**

6. **Conduct a public hearing and consider and act upon a request to rezone 163.2± acres, from Planned Development-90 (PD-90) to Planned Development (PD), to facilitate the development of a single-family residential subdivision with private social club, located on the north side of First Street, east of Coit Road. (Z20-0021). (AG)**
7. **Consider and act upon Ordinance 2021-73 rezoning 9.1± acres from Office (O) to Planned Development-Office (PD-O), to allow for a Veterinarian Clinic and/or Kennel, Indoor as a permitted use, located on the north side of Fishtrap Road, west of Legacy Drive. (Z21-0011). (AG)**
8. **Consider and act upon authorizing the Town Manager to execute the First Amendment to the Interlocal Agreement between Collin County, the Town of Prosper, and the City of Celina concerning the design and construction of Frontier Parkway from the Dallas North Tollway to Preston Road (SH 289). (HW)**
9. **Consider and act upon authorizing the Town Manager to execute the First Amendment to the Development Agreement between PR Ladera LLC, and the Town of Prosper, Texas, related to the Brookhollow Ladera development. (RZ)**
10. **Consider and act upon awarding RFP No. 2022-12-B for Stop Loss Insurance to QBE for the Town's Self-Insurance Fund, effective January 1, 2022, and authorizing the Town Manager to execute all documents for the same. (JE)**
11. **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 Plan or Preliminary Site Plan, including Brookhollow Ladera, Prosper United Methodist Church, 7-Eleven Parking Expansion (Victory at Frontier), and Windsong Ranch Marketplace. (AG)**

Councilmember Hodges made a motion to approve consent agenda items 1 thru 11. Deputy Mayor Pro-Tem Andres seconded that motion, and the motion was unanimously approved.

CITIZEN COMMENTS:

No comments were made.

Items for Individual Consideration:

12. **Conduct a public hearing and consider and act upon a request for a Sign Waiver at 511 E. Broadway Street, regarding downtown signs for Lifelong Insurance, located on the north side of Broadway Street, at the terminus of Field Street. (MD21-0012) (AG)**

Mr. Glushko stated the applicant is proposing to allow for the downtown sign to have a minimum one-foot (1') setback from the property line. The sign would not hinder site visibility and meets all other requirements. Staff recommends approval as presented.

Mayor opened the public hearing.

No comments were made.

Mayor closed the public hearing.

Councilmember Ray made a motion to approve a request for a Sign Waiver at 511 E. Broadway Street, regarding downtown signs for Lifelong Insurance, located on the north side of Broadway Street, at the terminus of Field Street. Deputy Mayor Pro-Tem Andres seconded that motion and the motion was unanimously approved.

13. **Conduct a public hearing to consider and act upon a Town request for a Sign Waiver on behalf of 102 E. Broadway Street (Famous in Oregon), regarding a banner sign to be located at 105 N. Coleman St. (KD)**

Ms. Dodds stated the Town is initiating this request on behalf of the property owner to install a sign on the fence at the adjacent property located at 105 N. Coleman. The sign ordinance requires that banner signs must be installed on the surface of the building. Based on the ordinance requirement of sign placement and the size of the building, the property owner would like to place the sign on the fence of the adjacent property located directly behind Famous in Oregon. This would also provide visibility of the sign from Coleman Street. Staff recommends approval.

Mayor Smith opened the public hearing.

No comments were made.

Mayor Smith closed the public hearing.

Deputy Mayor Pro-Tem Andres made a motion to approve a Town request for a Sign Waiver on behalf of 102 E. Broadway Street (Famous in Oregon), regarding a banner sign to be located at 105 N. Coleman St. Councilmember Hodges seconded that motion and the motion was unanimously approved.

14. **Consider and act upon Ordinance 2021-74 amending Chapter 6, “Health and Sanitation”, of the Code of Ordinances by repealing existing Article 6.04., “Food, Food Establishments, Mobile Food Units, and Temporary Food Establishments” and replacing it with a new Article 6.04, Food, Food Establishments, Mobile Food Units, And Temporary Food Establishments.” (MB)**

Ms. Branch stated the proposed amendments align and be consistent with state and federal agencies, such as the FDA, and surrounding city health departments. Strengthening the ordinance will aid in the Town’s efforts to protect the public health through the retail food protection program by focusing on education, training, and oversight. Other amendments in the ordinance include updated definitions to provide clarity, specific codes for retail food establishments, and guidance regarding dogs on a patio provision. Staff recommends approval.

The Town Council discussed how the new amendments would affect a temporary event and an emphasis on education especially to new applicants.

Mayor Pro-Tem Miller made a motion to approve Ordinance 2021-74 amending Chapter 6, “Health and Sanitation”, of the Code of Ordinances by repealing existing Article 6.04., “Food, Food Establishments, Mobile Food Units, and Temporary Food Establishments” and replacing it with a new Article 6.04, Food, Food Establishments, Mobile Food Units, And Temporary Food Establishments.”. Councilmember Ray seconded that motion, and the motion was unanimously approved.

15. Conduct a public hearing to discuss and consider the Dallas North Tollway (DNT) Design Guidelines Project. (KD)

Ms. Dodds provided an overview of the purpose, intent, and components of the guidelines; a summary of the outreach efforts and feedback received; and, reviewed proposed amendments to the guidelines. The Planning and Zoning Commission recommended approval of the design guidelines with a 4-2 vote. Ms. Dodds also reviewed the actions that were completed upon request of the Commission. Those actions included: 1) Conducting a second round of outreach to other municipalities that developed overlay zones and to property owners within the DNT project area, and 2) Conducting a gap analysis of a sample of the Planned Developments on the DNT. Staff is seeking feedback on the nine proposed amendments to the design guidelines that were the result of input from the public and property owners. Staff will come back to the Council in January with the two amendments to the Comprehensive Plan that will incorporate the design guidelines into the document.

Mayor Smith opened the public hearing.

Cindy Juengling, 1401 Rambury Lane, is opposed to this item.

Gabriela Fatone, 1140 Pianzola Way, is opposed to this item and requested to table until further study and review can be completed.

Heather Rattin, 4451 Liberty Drive, is opposed to this item and asked that it be tabled for further review.

Paul Rattin, 4451 Liberty Drive, is opposed to this item and asked that it be tabled for further review.

Samantha Kim, 1440 Havenbrook Lane, requested the Town Council delay adoption of the guidelines for further review with the stakeholders, residents, and property owners.

Doug Charles, 4360 Mill Branch Drive, stated that he not opposed to the guidelines, but to the consideration of approval in order to provided additional time to understand all the proposed amendments as well as the current Planned Developments (PD) in place. He encouraged the Town Council to table for further review.

John Ruland, 4430 Cotton Belt Lane, is opposed to this item and asked that it be tabled for further review.

Andrew Bogdan, 4440 Mill Branch Drive, is in opposition and asked that it be tabled for further review.

Don Godwin, 1201 Elm Street, Suite 1700, Dallas, Texas, stated that he has been investing in the Town of Prosper since 1979 and owns several tracts of land. He expressed his opposition to having an overlay district.

Matthew Kiran, 980 Broadmoor, encouraged the Town Council to have an incentive package or guidelines with an overlay district. He stated that not having incentives inhibits the marketing availability as a real estate broker.

No action was taken on this item.

16. Consider and act upon Ordinance 2021-75 amending Ordinance No. 2021-55 (FY 2021-2022 Annual Budget). (BP)

Ms. Pamplin stated this amendment is for the funding of the Redemption Bonds, 2012 Debt Series and for outstanding encumbrances on purchase orders.

Councilmember Ray made a motion to approve Ordinance 2021-75 amending Ordinance No. 2021-55 (FY 2021-2022 Annual Budget) to provide funding increased expenditures in the General Fund, Water-Sewer Utility Fund, Debt Service Fund, Stormwater Drainage Utility Fund, Court Technology fund, Economic Development Corporation; Vehicle Equipment Replacement Fund (VERF); Park Improvement Fund, East Thoroughfare Impact Fee Fund, and West Thoroughfare Impact Fee Fund. Councilmember Cotten seconded that motion and the motion was unanimously approved.

17. Consider and act upon Ordinance 2021-76 amending Ordinance No. 2020-71 (FY 2020-2021 Budget). (BP)

Ms. Pamplin stated this amendment is the final year clean up the fund balances for the FY 2020-2021 Budget.

Mayor Pro-Tem Miller made a motion to approve Ordinance 2021-76 amending Ordinance 2020-71 (FY 2020-2021 Budget) to fund increased revenues, transfers in, transfer out, and expenditures in the Crime Control and Prevention District Fund; Fire Control, Prevention, and Emergency Medical Services District Fund; TIRZ #2 Fund; Escrow Fund: special Revenue – CARES Act Fund; and Economic Development Corporation Fund. Deputy Mayor Pro-Tem Andres seconded that motion and the motion was unanimously approved.

18. Discussion regarding the Adopt-A-Street Program. (TC)

Ms. Cisco stated the existing signage has a detailed design and utilizes various colors and does not hold up well to the outdoor elements. As a result, the signage is replaced every three (3) to five (5) years depending on the direction and exposure to sunlight. Staff is proposing a new design that aligns more closely to neighboring cities and life of each sign would be approximately eight (8) to ten (10) years. Staff is also requiring participants of the program to have one additional cleanup each year in April. Staff is seeking feedback on the new sign design.

The Town Council discussed the design simplicity and if some design feature could be added along with consideration of breaking up of the streets to allow for more participation. The Town Council mutually agreed on the proposed new sign.

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.

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 and consider the Town Manager's performance review.

The Town Council recessed into Executive Session at 7:18 p.m.

Reconvene in Regular Session and take any action necessary as a result of the Closed Session.

The Town Council reconvened the Regular Session at 8:35 p.m.

No action was taken.

Adjourn.

The meeting was adjourned at 8:35 p.m.

These minutes approved on the 11th day of January 2022.

APPROVED:

Ray Smith, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary