



MINUTES

Prosper Town Council Meeting
Prosper Town Hall, Council Chambers
250 W. First Street, Prosper, Texas
Tuesday, November 14, 2023

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
Leigh Johnson, IT Director
Frank Jaromin, Director of Public Works
Todd Rice, Communications Manager
Jessika Hotckin, Help Desk Technician
Doug Kowalski, Police Chief
Stuart Blasingame, Fire Chief
Shaw Eft, Assistant Fire Chief

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

Greg Jones with Rock Creek 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 approximately the 234 participants that took part in this year's Veteran's Day 5K Fun Run, as well as special thank you to all those who helped make this a fun event for all.

Reminder that Town Hall Offices will be closed on Thursday, November 23 and Friday, November 24 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 25.

The Prosper Community Library will close at 5:00 p.m. on Wednesday, November 22 and be closed on Thursday, November 23 through Saturday, November 25 for the Thanksgiving Holiday.

Prosper residents and businesses are invited to dress up their locations for the annual Light the Night decorating contest sponsored by CoServ. Contest winners in several categories will receive a yard sign, gift card, and social media recognition. Those wishing to participate may sign up online through our Parks & Recreation Department. The deadline to enter is Sunday, December 10 with judging taking place on Wednesday, December 13. The winners will be announced on Friday, December 15.

The Prosper annual Christmas Festival will take place on Saturday, December 2 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 their annual Prosper Christmas Angel Program. A Christmas Angel Tree is located in the lobby of Town Hall. Beginning Wednesday, November 15, 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 4th through 6th.

Mayor Bristol recognized Liberty Okefe for writing a letter notifying the Town of a concern she had. Mayor Bristol thanked Liberty for her good citizenship.

Presentations.

1. Proclamation recognizing November 18, 2023, as National Injury Prevention Day. (MLS)

Mayor Bristol read and presented a Proclamation to members of Cook Children's Medical Center.

2. Proclamation recognizing December 9, 2023, as Salvation Army Red Kettle Campaign Day. (MLS)

Mayor Bristol read and presented a Proclamation to members of the North Texas Salvation Army.

3. Proclamation recognizing November 13-17, 2023, as National GIS Awareness Week. (MLS)

Mayor Bristol read and presented a Proclamation to the Town's GIS Department employees.

4. Recognize individuals and the Fire Department for Life Saving efforts and awards. (SB)

Chief Blasingame recognized members of the Prosper Fire Rescue, Dispatch, and a Building Inspection Department employee for their efforts during a lifesaving incident.

5. Recognition of Charles Ewings for his dedicated service in the Texas Air National Guard. (DFB)

Mayor Bristol recognized Mr. Ewings on his retirement of over 30 years of service in the Texas Air National Guard.

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.

6. **Consider and act upon the minutes from the October 24, 2023, Town Council Work Session meeting. (MLS)**
7. **Consider and act upon the minutes from the October 24, 2023, Town Council Regular meeting. (MLS)**
8. **Receive the Quarterly Investment Report for September 30, 2023. (CL)**
9. **Consider and act upon Resolution 2023-73 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)**
10. **Consider authorizing the Town Manager to execute a six-month renewal of the Professional Services Agreement between Valley View Consulting, L.L.C., and the Town of Prosper, Texas, related to Investment Advisory services. (RBS)**
11. **Consider approval of adding Chapter 21, Capital Projects Management Policy to the Town's Administrative Regulations. (RBS)**
12. **Consider and act upon Resolution 2023-74 casting its votes for the Collin County Central Appraisal District Board of Directors (CCAD). (MLS)**
13. **Consider and act upon Resolution 2023-75 casting its votes for the Denton County Central Appraisal District Board of Directors (DCAD). (MLS)**
14. **Consider and act upon approving the expenditure for annual software assurance of the Town's computer aided dispatch and record management systems for Public Safety, from Integrated Computer Systems, Inc., a sole source provider. (LJ)**
15. **Consider and act upon approval of various annual maintenance, repair, and operational purchases for the Information Technology Department during FY 2024. (LJ)**
16. **Consider and act upon approving the purchase of Brine Master BM 3000 and ICE Master T-Series truck mounted applicator, from C&H Outdoor, LLC, through the Sourcewell Purchasing Cooperative; and authorizing the Town Manager to execute documents for the same. (FJ)**
17. **Consider and act upon approval of a portion of the FY24 vehicle and VERF equipment purchases utilizing cooperative purchasing contracts and approving the Town Manager to execute documents for same. (CL)**
18. **Consider and act upon approving a Services Agreement with Strategies 360 Texas, LLC, for Strategic Advocacy Services, and authorize the Town Manager to execute the same. (RB)**

19. Consider and act upon approving an amendment to the agreement with Bureau Veritas for Annual Fire Safety Inspections; and authorize the Town Manager to execute the same. (SB)
20. Consider and act upon authorizing the Town Manager to execute a Professional Service Agreement between Front Line Mobile Health, PLLC, and the Town of Prosper Fire Rescue related to annual medical evaluations. (SB)
21. Consider and act upon approving an agreement with Medical Center of Plano for Medical Control and Continuing Education Services; and authorize the Town Manager to execute the same. (SB)
22. Consider and act upon authorizing the Town Manager to execute a Service Agreement between Cut with Craft and the Town of Prosper related to landscape maintenance for fire stations. (SB)
23. Consider and act upon authorizing the Town Manager to execute an Escrow Agreement between Prosper Independent School District (PISD), and the Town of Prosper, Texas, related to the design and construction of improvements on Teel Parkway and at the intersection of First Street and Artesia Boulevard adjacent to the Richland High School property. (HW)
24. Consider and act upon authorizing the Town Manager to execute a Water Impact Fee Agreement between DNT Frontier, LP, and the Town of Prosper, Texas, related to the construction of a water line to serve the DNT Frontier Retail Center development. (HW)
25. Consider and act upon authorizing the Town Manager to execute a Professional Engineering Services Agreement between Stantec Consulting Services, Inc., and the Town of Prosper, Texas, related to the design of traffic signals on First Street at Artesia Boulevard and on Teel Parkway at Prairie Drive. (HW)
26. Conduct a public hearing and consider and act upon a request for an extension of 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. The property is zoned Planned Development-19 (PD-19) Lattimore Batch Plan North and Specific Use Permit-6 (S-6) Nelson Bros Concrete Batch Plant. (S20-0002) (DH)
27. 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 any Site Plans. (DH)

Mayor Pro-Tem Andres requested to pull item 12.

Deputy Mayor Pro-Tem Ray made a motion to approve items 6 through 11 and 13 through 27. Councilmember Hodges seconded that motion. Motion carried unanimously.

Mayor Pro-Tem Andres asked staff for reasoning behind the individual being selected. Mr. Scott noted that the Town selected the same person two years ago and due to having minimal votes, he recommended placing all of them with one person.

Mayor Pro-Tem Andres made a motion to approve Resolution 2023-74 casting its votes for the Collin County Central Appraisal District Board of Directors (CCAD). Councilmember Hodges seconded that motion. Motion carried unanimously.

Item 22 was subsequently withdrawn by staff.

CITIZEN COMMENTS

No comments were made.

Items for Individual Consideration:

- 28. Conduct a public hearing and consider and act upon a request for a Planned Development for an Office/Retail Building on 0.4± acres, for Bryant's First Addition, Block 11, Lots 1, 11 and 12, located on the northeast corner of South Coleman Street and East Third Street. The property is zoned Single Family-15. (ZONE-23-0027) (DH)**

Mr. Hoover introduced the item indicating the applicant is requesting to build a two-story office building with two offices on the second floor and retail on the first floor. The base zoning being set as Downtown Retail allows for both office and retail uses that the applicant is seeking. Mr. Hoover indicated the list of permitted uses by right within this designation, proposed landscaping, and architectural standards. The Planning and Zoning Commission unanimously recommended approval. Staff recommends approval.

The Town Council discussed concerns regarding the number of parking spaces proposed, footprint and orientation of the building, permitted uses, and concerns about having higher density retail uses.

Michael Bryant, applicant, noted the plans and intent for the building. He noted the second floor would be office space for him and his business partner and the first floor would be for retail. The applicant was acceptable to having low density retail uses on the first floor.

Mayor Bristol opened the public hearing.

No comments were made.

Mayor Bristol closed the public hearing.

The Town Council further discussed the proposed parking, landscaping, excluding high density retail uses, and the widening of Coleman Street.

Councilmember Hodges made a motion to approve a request for a Planned Development for an Office/Retail Building on 0.4± acres, for Bryant's First Addition, Block 11, Lots 1, 11 and 12, located on the northeast corner of South Coleman Street and East Third Street subject to the following conditions: the first floor of the proposed structure may be used for retail or office uses and the second floor being limited to office use only; no beauty salons, nail salons, or barber shops shall be permitted on the property; and, the eastern most landscape island on the north side of the project adjacent to the three (3) parking spaces may be deleted and utilized as a parking space. Mayor Pro-Tem Andres seconded that motion. Motion carried with a 6-1 vote. Deputy Mayor Pro-Tem Ray voting in opposition.

Councilmember Bartley left the dais.

- 29. Conduct a public hearing and consider and act upon a request for a Planned Development for an Office Building on 0.5± acres, for Bryant's First Addition, Block 22, Lots 7-9, located on the northwest corner of South Parvin Street and East Second Street. The property is zoned Single Family-15. (ZONE-23-0028) (DH)**

Mr. Hoover introduced the item indicating the purpose of this request is to rezone the property from Single Family-15 to a Planned Development with a base zoning of Downtown Office. The intent of the request is to renovate an existing home into a professional office. The base zoning being set as Downtown Office allows the office uses that the applicant is seeking. Mr. Hoover indicated the list of permitted uses by right within this designation, proposed landscaping, and architectural standards. The Planning and Zoning Commission unanimously recommended approval. Staff recommends approval.

Councilmember Hodges asked how many parking spaces were proposed. Mr. Hoover replied there are five (5) spaces proposed.

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 Planned Development for an Office Building on 0.5± acres, for Bryant's First Addition, Block 22, Lots 7-9, located on the northwest corner of South Parvin Street and East Second Street. The property is zoned Single Family-15. Deputy Mayor Pro-Tem seconded that motion. Motion carried 6-0.

Councilmember Bartely returned to the dais.

- 30. 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)**

Mr. Hoover introduced this item listing the districts within the Comprehensive Plan where multifamily is identified within the Future Land Use Plan (FLUP) and the proposed amendments within each district. The Planning and Zoning Commission unanimously recommended approval. Staff recommends approval.

Mayor Bristol opened the public hearing.

No comments were made.

Mayor Bristol closed the public hearing.

The Town Council discussed minimum density requirements, height of buildings in each area and how these proposed amendments could change these areas. The Town Council was in consensus that more time was needed to evaluate the proposed amendments and any potential consequences of the changes.

Councilmember Bartely made a motion to table December 12, 2023, 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. Councilmember Cotten seconded that motion. Motion carried unanimously.

31. Conduct a public hearing to consider and act upon 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)

Mr. Hoover introduced the item stating that based on discussions and comments provided by the Town Council, staff reviewed the criteria and is recommending additional criteria to minimize the visual impact of the refuse, the containers, and the screening walls. Mr. Hoover provided a summary of the proposed modifications which included the height of the screening walls will be of sufficient height to entirely screen the container(s), gate closed at all times unless being serviced, additional landscaping around the enclosure, and the enclosure shall remain clear of debris and food residue at all times. The Planning and Zoning Commission unanimously recommended approval. Staff recommends approval.

The Town Council discussed the height of the enclosure and gate, color of the doors to match exterior of enclosure, and provisions to lock the enclosure.

Mayor Bristol opened the public hearing.

No comments were made.

Mayor Bristol closed the public hearing.

Councilmember Hodges made a motion to approve 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 as presented. Mayor Pro-Tem Andres seconded that motion. Motion carried unanimously.

32. Conduct a public hearing to consider and act upon 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)

Mr. Hoover introduced this item stating that this amendment adds the following criteria that will only allow a used car dealership to operate in conjunction with a new car dealership. Used vehicle sales are only permitted as an accessory use to new vehicle sales. The Planning and Zoning Commission unanimously recommended approval. Staff recommends approval.

Councilmember Hodges asked how this applies to individuals who work on and sell used cars out of their home. Mr. Hoover replied that he believes that someone would need to sell five (5) or more cars to be considered used car sales.

Mayor Bristol opened the public hearing.

No comments were made.

Mayor Bristol closed the public hearing.

Councilmember Bartley made a motion to approve 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. Councilmember Cotten seconded that motion. Motion carried unanimously.

- 33. Consider and act upon Resolution 2023-76 of the Town Council of the Town of Prosper, Texas, declaring the public necessity to acquire certain properties for right-of-way, and temporary construction easements for the construction of the First Street (DNT - Coleman) project; determining the public use and necessity for such acquisition; authorizing the acquisition of property rights necessary for said Project; appointing an appraiser and negotiator as necessary; authorizing the Town Manager to establish just compensation for the property rights to be acquired; authorizing the Town Manager to take all steps necessary to acquire the needed property rights in compliance with all applicable laws and resolutions; and authorizing the Town Attorney to institute condemnation proceedings to acquire the property if purchase negotiations are not successful. (HW)**

Mr. Webb stated this item addresses changes encountered during the acquisition process for two (2) of those parcels that have altered the area of real property that needs to be acquired. It is not anticipated that all parcels will require the use of eminent domain to complete the acquisition process, however, staff is requesting advance authorization to pursue acquisition by eminent domain if standard negotiations are unsuccessful.

Mayor Pro-Tem Andres made a motion to approve a Resolution 2023-76 of the Town Council of the Town of Prosper, Texas, declaring the public necessity to acquire certain properties for right-of-way, and temporary construction easements for the construction of the First Street (DNT - Coleman) project; determining the public use and necessity for such acquisition; authorizing the acquisition of property rights necessary for said Project; appointing an appraiser and negotiator as necessary; authorizing the Town Manager to establish just compensation for the property rights to be acquired; authorizing the Town Manager to take all steps necessary to acquire the needed property rights in compliance with all applicable laws and resolutions; and authorizing the Town Attorney to institute condemnation proceedings to acquire the property if purchase negotiations are not successful. Deputy Mayor Pro-Tem Ray seconded that motion.

Councilmember Cotten – In Favor
Councilmember Hodges – In Favor
Deputy Mayor Pro-Tem Ray – In Favor
Mayor Pro-Tem Andres – In Favor
Councilmember Kern – In Favor
Councilmember Bartley – In Favor
Mayor Bristol – In Favor

Motion carried with a vote 7-0.

- 34. Discuss development strategies for Economic Development. (MM)
*[Continuation from the Work Session if needed.]***

No additional discussion took place.

- 35. Discuss and consider Town Council Subcommittee reports. (DFB)**

Councilmember Bartley provided a CIP Subcommittee report.

Mayor Bristol and Ms. Battle provided a Legislative Subcommittee report.

Councilmember Kern noted the Downtown Advisory Committee met establishing a framework for meeting and potential items that they would like to bring forward for discussion.

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

Councilmember Hodges asked staff about changing those Board members currently serving who wish to run for Council. Staff indicated this would require an election by amending the Charter.

Deputy Mayor Pro-Tem Ray requested staff to review areas where drainage easements are abutting properties creating secondary affects.

Councilmember Bartley requested to review dry detention in commercial areas and the parking requirement in Downtown, specifically, how long can a car park in one spot without moving.

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 8:30 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 9:19 p.m.

Mayor Pro-Tem Andres made a motion to approve an Amortization and Settlement Agreement with Holcim-SOR, Inc., and Vulcan Materials Company relative to the cessation of operations on their respective properties and authorize the Town Manager to execute the same. Deputy Mayor Pro-Tem Ray seconded that motion. Motion carried unanimously.

Adjourn.

The meeting was adjourned at 9:20 p.m.

These minutes were approved on the 28th day of November 2023.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

DRAFT