



Prosper is a place where everyone matters.

MINUTES

Prosper Town Council Meeting
Council Chambers
Prosper Town Hall
250 W. First Street, Prosper, Texas
Tuesday, January 10, 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 Jeff Hodges
Deputy Mayor Pro-Tem Craig Andres
Councilmember Marcus E. Ray
Councilmember Amy Bartley
Councilmember Chris Kern
Councilmember Charles Cotton

Staff Members Present:

Ron K. Patterson, Interim Town Manager
Terry Welch, Town Attorney
Michelle Lewis Sirianni, Town Secretary
Robyn Battle, Executive Director of Community Services
Bob Scott, Executive Director of Administrative Services
Chuck Ewings, Executive Director of Development and Infrastructure Services
Hulon Webb, Engineering Director
Leigh Johnson, IT Director
Mary Ann Moon, Economic Development Director
David Soto, Planning Manager
Todd Rice, Communications Manager
Stuart Blasingame, Fire Chief
Bryan Ausenbaugh, Fire Marshal
Doug Kowalski, Police Chief

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

Mike Martin with Hope Fellowship 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:

Residents are still able to drop off their live Christmas tree through January 13 at the drop-off site located at Tucker Pak, 1454 E. First Street. Service is open to all Prosper residents and businesses free of charge.

A reminder that Town offices will be closed Monday, January 16 for the Martin Luther King Jr. Holiday. There will be no trash service delays due to the holiday.

Join Mayor Bristol and Prosper ISD Superintendent Dr. Holly Ferguson for the State of the Community hosted by the Prosper Chamber of Commerce and presented by Children's Health

on Tuesday, January 24 from 11:30 a.m. to 1:00 p.m. for a year-end recap and what exciting things are ahead in 2023. Citizens may register for the event at prosperchamber.com.

Residents may check out all the exciting Winter programs being offered at the Library that are beginning Saturday, January 21. Programs are available for all ages. View the Winter Program on the Library page of the Town's website by clicking on the link at the top of the page.

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 of the December 13, 2022, Town Council Work Session meeting. (MLS)**
- 2. Consider and act upon the minutes of the December 13, 2022, Town Council meeting. (MLS)**
- 3. Consider and act upon approving Change Order Number 01 for CSP No. 2022-05-B, EDA Award No. 08-79-05522 to Archer Western Construction, related to construction services for the Lower Pressure Plane (LPP) Pump Station and LPP Water Line Phase 2 project; and authorizing the Interim Town Manager to execute Change Order Number 01 for same. (HW)**
- 4. Consider and act upon authorizing the Interim Town Manager to execute a one-year renewal of two Consultant Services Agreements between Avenu Analytics/MuniServices, LLC, and the Town of Prosper, Texas, related to sales tax consulting for the Town's two Special Purpose Districts Investment Advisory services. (RBS)**
- 5. Consider and act upon a Façade Plan for a Residence/Extended Stay Hotel on Lot 16, 2.8± acres, located on the north side of U.S Highway 380, east of FM 1385. This property is zoned Planned Development-94 (PD-94). (D22-0086) (DS)**
- 6. Consider and act upon appointing Bob Scott as the Interim Town Manager until such time as a new Town Manager begins employment with the Town; terminate the service provider agreement with Purefoy & Patterson, LLC, effective January 10, 2023; and to ratify any actions taken by Mr. Scott as Interim Town Manager prior to the date of appointment. (TW)**
- 7. Conduct a public hearing and consider and act upon a request to rezone 13.3± acres from Single Family-15 (SF-15) to Planned Development-Retail (PD-R), generally to allow for an office/retail development, located on the east side of Preston Road, north of St. Peter Lane. (Z21-0003). This is a companion case to CA21-0001. (Request to be tabled) (DS)**
- 8. Conduct a public hearing and consider and act upon a request to amend the Future Land Use Plan from Residential Low Density to Retail and Neighborhood Services, generally located on the east side of Preston Road, north of St. Peter Lane. (CA21-0001) This is a companion case to Z21-0003. (Request to be tabled) (DS)**
- 9. 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 and Preliminary Site Plans, including Broadway Retail Phase 2, Westside Lots 15 & 16, Victory at Frontier Lot 7, Legacy Intuitive Health, Rock Creek Church, and Prosper Fire Station #4. (DS)

Mayor Pro-Tem Hodges made a motion to approve consent agenda items 1 through 9. Deputy Mayor Pro-Tem Andres seconded that motion, and the motion was unanimously approved.

Mayor Bristol presented a plaque of appreciation to Interim Town Manager, Ron Patterson for his services as Interim Town Manager to the Town.

CITIZEN COMMENTS

No comments were made.

Items for Individual Consideration:

10. Receive an update regarding the Guaranteed Maximum Price (GMP) for the Fire Station No. 4 project. (SB)

Chief Blasingame provided an update of the construction costs for the Fire Station No. 4 project. Due to the increase in costs, staff is seeking direction on whether to move forward with the project by finding alternate funding sources, delay the project timeframe or bring back for consideration in January 2024.

The Town Council discussed the possible options and timeline of each, how the costs were associated with the current and next year fiscal year budget(s), projected costs if delayed, and Capital Dedicated Fund projects.

The consensus of the Town Council was to delay the project in order to factor the project in with the fiscal year 2023-2024 budget process; the GMP process to occur in late July or August in order to begin construction in October 2023 with the station opening in January of 2025. The Town Council also expressed their desire to separate out the gas line relocation as a CIP project versus as part of the overall construction project for the Fire Station.

11. Consider and act upon Resolution 2023-01 adopting the Town of Prosper 2023 Legislative Agenda. (RB)

Ms. Battle stated the agenda is comprised into two sections. The Legislative Philosophy explains the overall purpose and guiding principles of the document. The Legislative Priorities section establishes the Town's position on key legislative issues. A draft Legislative Agenda was presented to the Legislative Subcommittee comprised of the Mayor and the Deputy Mayor Pro-Tem for discussion on October 26, 2022, and again during a meeting with the Town's Legislative Consultant on December 21, 2022. The Legislative Subcommittee recommends adoption of the proposed 2023 Legislative Agenda.

The Legislative Agenda is to be used as a communication tool with the Town's legislative delegation and others to clearly explain the Town's position on critical issues. It is intended to provide guidance to the Town's legislators on how they can best represent Town of Prosper residents and stakeholders in the upcoming legislative session. Staff recommends approval as presented.

Deputy Mayor Pro-Tem Andres made a motion to approve Resolution 2023-01 adopting the Town of Prosper 2023 Legislative Agenda. 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.

Councilmember Cotten requested for staff to bring back the RFP evaluation matrix for discussion.

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, including Town Manager search and selection process, and all matters incident and related thereto.

Section 551.071– To discuss possible litigation regarding U.S. 380 siting decisions, including alternate routes and environmental studies matters, and all matters incident and related thereto.

The Town Council recessed into Executive Session at 7:28 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 8:20 p.m.

Mayor Pro-Tem Hodges made a motion to authorize the Mayor on behalf of the Town to execute an employment agreement between the Town of Prosper and a new Town Manager. Councilmember Bartley seconded that motion, and the motion was unanimously approved.

Mayor Pro-Tem Hodges made a motion to authorize the Interim Town Manager to execute a Tower Site Lease Agreement with Anthemnet Inc. for property located in Lakewood Preserve Park subject to the terms discussed in Closed Session. Councilmember Cotten seconded that motion, and the motion was unanimously approved.

Adjourn.

The meeting was adjourned at 8:22 p.m.

These minutes approved on the 24th day of January 2023.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

DRAFT