



MINUTES

Prosper Town Council Meeting
Prosper Town Hall, Council Chambers
250 W. First Street, Prosper, Texas
Tuesday, February 28, 2023

Call to Order/ Roll Call.

The meeting was called to order at 6:15 p.m.

Council Members Present:

Mayor David F. Bristol
Deputy Mayor Pro-Tem Craig Andres
Councilmember Marcus E. Ray
Councilmember Amy Bartley
Councilmember Chris Kern
Councilmember Charles Cotten

Council Members Absent:

Mayor Pro-Tem Jeff Hodges

Staff Members Present:

Mario Canizares, Town Manager
Michelle Lewis Sirianni, Town Secretary
Terry Welch, Town Attorney
Bob Scott, Executive Director of Administrative Services
Robyn Battle, Executive Director of Community Services
Chuck Ewings, Executive Director of Development and Infrastructure Services
Hulon Webb, Engineering Director
David Soto, Planning Manager
Chris Landrum, Finance Director
Todd Rice, Communications Manager
Jessika Hotchkin, Help Desk Technician/Broadband Support
Doug Kowalski, Police Chief

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

Mike Martin with Hope Fellowship 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:

The Downtown Prosper Park Public Input Survey is underway. Town residents and Prosper business owners have one more day to watch a descriptive video and respond to the survey to share thoughts and visions for the park. Developing the Downtown Prosper Park will add an exciting, yet passive, dimension to the revitalization of the downtown area. Residents may access the video and survey through the Parks and Recreation page on the Town's website.

Get to know your local police officers and connect with your neighbors over coffee and a casual conversation. Bring the kids along and feel free to ask questions while you're here! This event will take place tomorrow, Wednesday, March 1 from 7:30-9:30 a.m. at 1418 Coffee in Downtown Prosper (102 East Broadway, Prosper, TX).

The Discover Downtown Series kicks off on Friday, March 31 with a Moonlight Movie. Bring the family to Downtown Prosper for fun, games, popcorn, and to watch Sonic the Hedgehog 2, an action-adventure comedy film. Fun begins at 7:00 p.m. Parking will be on the north side of Town Hall with the movie beginning at dusk.

Deputy Mayor Pro-Tem Andres announced the Nutrition Workshop series being held by the Parks and Recreation Department beginning on Wednesday, March 15 through April 5 from 6:00 p.m. to 7:00 p.m. at 407 E. First Street.

Presentations.

1. **Presentation of a Proclamation declaring February 28, 2023, as Prosper Community Library Day. (LS)**

Ms. Scott provided an overview of the Achievement of Excellence Award received by the Prosper Community Library.

Mayor Bristol read and presented a Proclamation to Ms. Scott and library staff.

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.

2. **Consider and act upon the minutes from the February 14, 2023, Town Council Work Session meeting. (MLS)**
3. **Consider and act upon the minutes from the February 14, 2023, Town Council Regular meeting. (MLS)**
4. **Consider and act upon the minutes from the February 18, 2023, Town Council Work Session meeting. (MLS)**
5. **Consider and act upon Ordinance 2023-21 canceling the May 6, 2023, General Election. (MLS)**
6. **Receive the Quarterly Investment Report. (CL)**
7. **Consider and act upon Resolution 2023-22 authorizing various individuals as signers of specific accounts and certain investment matters. (CL)**
8. **Consider and act upon approval of annual software maintenance and operational open purchase orders with MCCi, for the Information Technology Department during FY 2023. (LJ)**
9. **Consider and act upon awarding RFP No. 2023-09-A for Benefits and Risk Management Consultant services for the Town of Prosper, effective February 28, 2023, and authorizing the Town Manager to execute all documents for the same. (JE)**
10. **Consider and act upon approving an update to the Library Policies. (LS)**
11. **Receive the 2022 Annual Racial Profiling Report for the Prosper Police Department as required by state law. (DK)**

12. Consider and act upon Ordinance 2023-23 to rezone for a Specific Use Permit for a Restaurant with Drive-Through Service on 1.12± acres, located on the north side of US 380, west of Custer Road. (S22-0002) (DS)
13. Consider and act upon authorizing the Town Manager to execute a Development Agreement between Eric Walker, and the Town of Prosper, Texas, related to the Prosper Plaza development, located on the north side of US 380, west of Custer Road. (DS)
14. Consider and act upon Ordinance 2023-24 to amend a Specific Use Permit-19 (S-19) for a Child Care Center, licensed on 2.3± acres, located on the north side of Prairie Drive, west of Legacy Drive. (S22-0010) (DS)
15. Consider and act upon authorizing the Town Manager to execute a Development Agreement between Srkmer Real Estate Holding 2 LLC, and the Town of Prosper, Texas, related to the Prosper Center development, located on the north side of Prairie Drive, west of Legacy Drive. (DS)
16. Consider and act upon Ordinance 2023-25 for a Specific Use Permit for a new Wireless Communications and Support Structure, on .05± acre, located on the north side of Prosper Trail, west of Legacy Drive. (S22-0011) (DS)
17. Consider and act upon authorizing the Town Manager to execute a Development Agreement between Anthemnet Inc, and the Town of Prosper, Texas, related to the Legacy Tower, located on the north side of Prosper Trail, west of Legacy Drive. (DS)

Mayor Bristol stated staff would like to pull items 8 and 9 to a future meeting.

Councilmember Kern requested to pull item 12.

Councilmember Ray made a motion to approve consent agenda items 2 through 7, 10, 11, and 13 through 17. Councilmember Kern seconded that motion, and the motion was unanimously approved.

Councilmember Kern stated in regard to item #12, he wanted to note the drive-thru associated with the item.

Councilmember Ray made a motion to approve consent agenda item 12. Deputy Mayor Pro-Tem Andres seconded that motion. The motion passed with a 5-1 vote, with Councilmember Kern voting in opposition.

CITIZEN COMMENTS

No comments were made.

Items for Individual Consideration:

18. Conduct a public hearing and consider and act upon a request to amend Planned Development-94 (PD-94), for the Westside Development, on 63.7± acres., located northside of University Drive and east of FM 1385. (Z22-0020) (DS)

Mr. Soto presented this item indicating the amendment to the PD was for a big box retail use and to allow for the use of gas pumps. In addition, the revised plan changes locations of the restaurant uses to be located along US 380 and reduces the number

of multi-family units. The applicant is also including additional landscape and buffering along the residential border. Mr. Soto said the plan conforms to the Comprehensive Plan. Staff received seven letters: five in opposition due to the screening wall. The Planning and Zoning Commission approved the item subject to the applicant revising the screening wall to a masonry screening wall along the multi-family side. Staff recommends approval.

The Town Council discussed the retaining wall and if there would be a direct connection to the neighborhood or not, as well as who is responsible for maintaining.

David Bond with Spiars Engineering spoke on behalf of the applicant. He provided an overview of the proposed amendments to the PD. He indicated that they met with the HOA to discuss the proposed plan. As a result, the developer agreed to have a continuous wall alongside the back of the property for the residents, which would be built when the big box is being constructed.

Steve Cross authorized representative for Costco noted the modifications on the plan to improve the layout. The company is also working with TxDOT for the light at 1385, the additional landscape buffer along the north side of the property, and the higher dock wall to help shield from the neighborhood.

Risa Yuki, Principal with MG2, spoke to the architecture and elements of design selected for the building.

Mayor Bristol opened the public hearing.

Catherine Ashley, 960 Westmoreland Drive, expressed her support of the item, including the recommendation by the Planning and Zoning Commission to extend the wall the full distance of the Glenbrooke subdivision.

Blake Patton, 5590 Manitou Drive, current HOA President, provided insight from the meetings that have been held. The residents desired restricted access to the neighborhood and preferred to have a continuous wall the length of the property between the neighborhood and the development.

Chester Johnson, 5451 Exeter Drive, noted he was in favor of the development; however, expressed his frustration of not receiving adequate communications from the HOA regarding the changes, and being able to provide feedback. He requested reconsideration with the developer regarding the trail versus the wall.

Shannon and Donny Crawford, 951 English Ivy Drive, submitted their comment of support for the full wall between the community and the development. They also requested that the walking path and gate at Kent Street be retained along with a method for limited access such as key cards issued to the residents of Glenbrooke residents only.

Jay Reesler, 5561 Exeter Drive, commented that he is opposed to a continuous barrier separating the neighborhood from the new development. He indicated a walking trail on Kent Drive accessing the development with a partial wall will greatly benefit the resident of Glenbrooke.

Donald Crawford, 951 English Ivy Drive, is opposed. He commented that he understands there has been a change to the North wall to extend all the way to the east without the pedestrian walkway that used to be the Kent Drive dead end. He is against not having a walkway in the middle.

Mayor Bristol closed the public hearing.

The Town Council further discussed the wall, concerns regarding the use and percentages of materials being used, lighting including accent and parking, and design of the gas pump area.

Mr. Cross and Ms. Yuki commented that they can make modifications to the design elements to address the concerns by the Town Council. They also indicated the lighting is all LED's and any accent lighting is down facing and the poles closer to the subdivision are lower as well as down facing to avoid light pollution into the neighborhood.

Mayor Bristol reminded the Town Council that they are considering an amendment to the entire PD-94.

Deputy Mayor Pro-Tem Andres made a motion to approve a request to amend Planned Development-94 (PD-94), for the WestSide Development, on 63.7± acres., located on the north side of University Drive and east of FM 1385 (Z22- 0020), subject to the following:

1. The 8-foot screening wall on the north side of the property may have a pedestrian entryway adjacent to Kent Drive.
2. Property Owner Association (POA) documentation may be approved by the Executive Director of Development Services.
3. There shall be increased landscaping on the east façade of the Costco building.
4. There shall be revisions to the west and south elevations of the Costco building.

Councilmember Bartley seconded that motion, and the motion was unanimously approved.

19. Conduct a public hearing and consider and act upon a request to rezone 34.7± acres from Commercial District (C) to a new Planned Development for Mixed Use, located northside of Prosper Trail and west of Dallas Parkway. (Z22-0019) (DS)

Councilmember Ray made a motion to remand this item back to the Planning and Zoning Commission to be re-worked. Councilmember Cotten seconded that motion, and the motion was unanimously passed.

Mayor Bristol noted that one comment card was received by Barbara Nugent noting her opposition to the item and requested staff to reach out to the applicant regarding the action taken.

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

Deputy Mayor Pro-Tem Andres stated due to the parking along Broadway by 1418 Coffee due to the amount of people and citizens utilizing adjacent parking, would like to discuss the possibility of crosswalks and/or stop signs. Mr. Ewings commented that watch for pedestrian signs were being installed.

Councilmember Bartley requested to schedule a Capital Improvements Sub Committee meeting to discuss CIP projects.

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 551.071 - Raphael Sanseverino v. Town of Prosper, Case No. 429-00932-2020, pending in the 429th Judicial District Court of Collin County.

Section 551.074 - To discuss appointments to the Board of Adjustment/Construction Board of Appeals, Parks & Recreation Board, Library Board, Prosper Economic Development Corporation Board, Planning & Zoning Commission, and the Community Engagement Committee, and all matters incident and related thereto.

The Town Council recessed into Executive Session at 7:53 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 8:29 p.m.

Deputy Mayor Pro-Tem Andres made a motion to authorize the Town Manager to execute a Settlement Agreement with Raphael Sanseverino relative to a motor vehicle accident and to negotiate on behalf of the Town by its insurance carrier. Councilmember Ray seconded that motion, and the motion was unanimously approved.

Deputy Mayor Pro-Tem Andres made a motion to appoint Kim Shamsy to the Parks and Recreation Board. Councilmember Cotten seconded that motion, and the motion was unanimously approved.

Deputy Mayor Pro-Tem Andres made a motion to appoint John Hamilton to the Community Engagement Committee. Councilmember Bartley seconded that motion, and the motion was unanimously approved.

Adjourn.

The meeting was adjourned at 8:31 p.m.

These minutes approved on the 14th day of March 2023.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

DRAFT