



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 13, 2022

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 Amy Bartley
Councilmember Chris Kern
Councilmember Charles Cotton

Council Members Absent:

Councilmember Marcus E. Ray

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
Hulon Webb, Interim Executive Director of Development and Infrastructure Services
Paul Rodriguez, Senior Planner
Dan Baker, Parks and Recreation Director
Chris Landrum, Finance Director
James Edwards, Human Resources Director
Leslie Scott, Director of Library Services
Leigh Johnson, IT Director
Jessika Hotchkin, Help Desk Technician I
Len McCaw, Technical Project Manager
Pamela Clark, Business Systems Specialist
Brady Cudd, Building Official
Doug Kowalski, Police Chief
Scott Brewer, Assistant Police Chief

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

Brad Wilkerson 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:

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 6,000 people. An extra special thanks to our Parks and Recreation Department for all their hard work, as well as to all the staff who helped and

volunteered, and the sponsors for allowing the Town to make the event bigger and better each year.

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 on social media on December 16.

Thank you to everyone who has and continues to donate to the Salvation Army Red Kettle Campaign. On December 2, Prosper Mayor, David Bristol, and members of the Town Council and staff collected over \$1,500 from generous shoppers at Kroger on Preston Road to support neighbors who battle poverty, addiction, and homelessness. You can still donate online to The Salvation Army of North Texas McKinney Corps Team. The Town has currently collected \$1,748 with the most donors and just shy of the \$2,000 goal behind The City of Frisco at \$2,050. Show your support today and help the Town of Prosper reach and beat their goal.

A reminder that Town Hall Offices will be closed on Friday, December 23 and Monday, December 26 for the Christmas Holiday as well as Monday, January 2 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 24 and Saturday, December 31.

The Prosper Community Library will be closed Friday, December 23 thru Monday, December 26 for the Christmas Holiday, as well as Monday, January 2 for the New Year's Holiday, and lastly

Reminder to citizens that the Tuesday, December 27 Town Council meeting has been canceled. We wish everyone a Happy Holiday Season!

Presentations.

1. Receive an update from the Engineering Services Department. (HW)

Mr. Webb provided an update within the Engineering Department including residential and non-residential projects, construction inspections, right-of-way permits, stormwater management, capital projects, regional infrastructure, and progress being made within the Town.

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 of the November 22, 2022, Town Council Work Session meeting. (MLS)**
- 3. Consider and act upon the minutes of the November 22, 2022, Town Council meeting. (MLS)**
- 4. Consider and act upon the minutes of the December 2, 2022, Town Council Work Session meeting. (MLS)**
- 5. Receive the Quarterly Investment Report for September 30, 2022. (CL)**
- 6. Consider and act upon approval of various annual maintenance, repair, and operational open purchase orders for the Information Technology Department during FY 2023. (LJ)**

7. 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)
8. Consider and act upon approving Change Order Number 01 for CSP 2022-48-B to Mario Sinacola & Sons Excavating, Inc., related to construction services for the First Street (Coit-Custer) 4 Lane project (CIP No. 2014-ST); and authorizing the Interim Town Manager to execute Change Order Number 01 for same. (HW)
9. Consider and act upon authorizing the Interim Town Manager to execute a Professional Engineering Services Agreement between Lockwood, Andrews & Newnam, Inc., and the Town of Prosper, Texas, related to the design of the Preston Road/Prosper Trail Dual Left Turns and Coit Road/US 380 Dual Left Turns projects. (HW)
10. Consider and act upon authorizing the Interim Town Manager to execute a Professional Services Agreement between Lee Engineering, LLC, and the Town of Prosper, Texas, related to providing on-call traffic engineering services. (HW)
11. Consider and act upon authorizing the Interim Town Manager to execute a Professional Services Agreement between Freese and Nichols, Inc., and the Town of Prosper, Texas, related to stormwater inspections services. (HW)
12. Consider and act upon awarding RFP No. 2023-04-B for stop loss insurance for the Town's self-insurance fund, effective January 1, 2023, and authorizing the Town Manager to execute all documents for the same. (JE)
13. Consider and act upon Ordinance 2022-74 adding the Restricted Prior Service Credit to the Town's TMRS plan design. (JE)
14. Consider and act upon the dissolution of the Benefits Subcommittee. (JE)
15. Consider and act upon Ordinance 2022-75 to rezone 0.36± acres from Single Family-15 (SF-15) to Downtown Office (DTO), located on the northeast corner of First Street and Parvin Street. (Z22-0016). (DS)
16. Consider and act upon Ordinance 2022-76 to rezone 7.9± acres from Office (O) to Planned Development-Office (PD-O), generally to modify the development standards to facilitate an office/retail development, including drive-through coffee shop as a permitted use, located on the northwest corner of Preston Road and Coleman Road. (Z21-0013). (DS)
17. Consider and act upon authorizing the Interim Town Manager to execute a Development Agreement between Victory at Frontier South LP, and the Town of Prosper, Texas, related to the Victory at Frontier South development, located on the northwest corner of Preston Road and Coleman Road. (DS)
18. Consider and act upon adopting Ordinance 2022-77 amending certain Water and Wastewater Fees contained in Subsection (d), "Water/wastewater connection/tap fee" of Section XIV, "Public Works Fee Schedule," contained in Appendix A "Fee Schedule", the to the Town's Code of Ordinances. (HW)
19. Consider and act upon Ordinance 2022-78 amending Subsection (d) of Section 6.06.005, "Specific conditions and cross-connection controls," of Article 6.06,

“Irrigation Systems,” of Chapter 6, “Health and Sanitation,” of the Town’s Code of Ordinances. (BC)

- 20. 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 Plans and Preliminary Site Plans, including Rock Creek Church and Victory at Frontier Lot 5. (DS)**

Councilmember Cotten requested to pull item 8.

Councilmember Kern requested to pull items 16 and 17.

Mayor Pro-Tem Hodges made a motion to approve consent agenda items 2 through 20 except for items 8, 16 and 17. Councilmember Cotten seconded that motion, and the motion was unanimously approved.

Councilmember Cotten asked regarding item 8 is intended to accelerate the project. Mr. Webb commented it would accelerate the project by six to nine months. Councilmember Cotten stated he would prefer to see the funds set aside for other projects.

The Town Council discussed the two proposed sections of roadway to be completed as part of the change order.

Councilmember Bartley made a motion to approve Section one (1) from First Street to Greenspoint. Deputy Mayor Pro-Tem Andres seconded that motion. Tie vote of 3-3. Councilmembers Cotten and Kern, and Mayor Bristol opposed. The motion failed.

Councilmember Cotten made a motion to deny Change Order Number 01 for CSP 2022-48-B to Mario Sinacola & Sons Excavating, Inc., related to construction services for the First Street (Coit-Custer) 4 Lane project (CIP No. 2014-ST). Councilmember Kern seconded that motion. Motion fails with a 2-4 vote. Councilmember Bartley, Mayor Pro-Tem Hodges, Deputy Mayor Pro-Tem Andres, and Mayor Bristol opposed.

Mayor Pro-Tem Hodges made a motion to approve Change Order Number 01 for CSP 2022-48-B to Mario Sinacola & Sons Excavating, Inc., related to construction services for the First Street (Coit-Custer) 4 Lane project (CIP No. 2014-ST) as presented; and authorizing the Interim Town Manager to execute Change Order Number 01 for same. Mayor Bristol seconded that motion. Motion fails with 2-4 vote. Councilmembers Cotten, Kern, Bartley, and Deputy Mayor Pro-Tem Andres opposed.

Mayor Bristol made a motion to approve Section one (1) from First Street to Greenspoint as part of Change Order Number 01 for CSP 2022-48-B to Mario Sinacola & Sons Excavating, Inc., related to construction services for the First Street (Coit-Custer) 4 Lane project (CIP No. 2014-ST); and authorizing the Interim Town Manager to execute Change Order Number 01 for same. Councilmember Bartley seconded that motion (please double check; I have Charles seconding the motion). Motion carried with 5-1 vote. Councilmember Kern opposed.

Councilmember Kern asked if the plans were meeting the masonry requirement regarding item 16. Mr. Welch, Town Attorney, indicated that within Exhibit B and the elevation plans, the applicant was meeting the 80% masonry requirement as requested by the Town Council, and the Development Agreement is pursuant to the proposed ordinance.

Mayor Pro Tem-Hodges commented that he is not in favor and would prefer to see the 100% masonry requirement as written within the Town's ordinance.

Councilmember Cotten made a motion to approve items 16 and 17 as presented. Mayor Pro-Tem Andres seconded that motion. Motion carried with 4-2 vote. Councilmember Kern and Mayor Pro-Tem Hodges opposed.

CITIZEN COMMENTS

Katya Kondragunta, 2908 Driftwood Creek Trail, stated she is a leader for ACE (Action for the Climate Emergency) team for Prosper High School. The team is raising awareness for support of having recycling services on campus at PHS.

Emily Lilienthal, 2624 Seabiscuit Road, member of ACE, described the conditions of trash versus recycling at the high school.

Isabelle Hughes, 4144 Agatha Lane, member of ACE, commented on microplastics and harming of the environment without recycling.

Karya Kondragunta, 2908 Driftwood Creek Trail, member of ACE, noted the amounts of trash ended up in recycling and the education tools needed to promote recycling.

Chloe Harbert, 641 Darian Drive, member of ACE, described the recycling program to help with paper waste. She requested that the Town Council add to the next general meeting to consider adding recycling services to the high school campus.

Items for Individual Consideration:

21. Consider and act upon the 2023 Prosper Town Council regular meeting schedule. (MLS)

Ms. Lewis Sirianni stated each year the Town Council has an opportunity to review and approve the upcoming regular meeting schedule. Staff is requesting approval as proposed with the cancellation of the second meeting in December.

Councilmember Cotten made a motion to approve as presented. Mayor Pro-Tem Hodges seconded that motion, and the motion was unanimously approved.

22. Consider and act upon Ordinance 2022-79 amending Ordinance No. 2021-55 (FY 2021-2022 Annual Budget). (CL)

Mr. Landrum presented the proposed amendments as part of fiscal year 2021-2022 Budget and indicated its support of approval by the Finance Subcommittee.

Councilmember Kern made a motion to approve Ordinance 2022-79 amending Ordinance No. 2021-55 (FY 2021-2022 Annual Budget) to provide funding increased expenditures in the General Fund, Crime Control and Prevention District Fund, Fire Control, Prevention, and Emergency Medical Services District Fund, TIRZ #1 Fund, TIRZ #2 Fund, Stormwater Drainage Utility Fund, Wastewater Impact Fee Fund, West Thoroughfare Impact Fee Fund, and Health Fund. Mayor Pro-Tem Andres seconded that motion, and the motion was unanimously approved.

23. Consider and act upon Ordinance 2022-80 amending Ordinance No. 2022-54 (FY 2022-2023 Annual Budget). (CL)

Mr. Landrum presented the proposed amendments as part of fiscal year 2022-2023 Budget and indicated its support of approval by the Finance Subcommittee. Mr. Landrum also spoke to the capital dedicated funds and projects as proposed by the Capital Improvements Subcommittee.

The Town Council discussed the proposed capital projects.

Deputy Mayor Pro-Tem Andres made a motion to approve Ordinance 2022-80 amending Ordinance No. 2022-54 (FY 2022-2023 Annual Budget to provide funding increased expenditures in the General Fun, Water-Sewer Utility Fund, Special Revenue Fund, and the Capital Dedicated Fund. Councilmember Cotten seconded that motion, and the motion was unanimously approved.

24. Consider and act upon awarding CSP 2022-53-A to Tyler Technologies, Inc. for an Enterprise Resource Planning (ERP) System Solution for the Town of Prosper; and authorize the Interim Town Manager to execute documents for same. (LJ)

Mr. Johnson introduced this item indicating it is a budgeted item and has been previously discussed by the Town Council. The Town was able to negotiate and get lower pricing and favorable terms. Staff is recommending approval.

Mayor Pro-Tem Hodges made a motion to approve awarding CSP 2022-53-A to Tyler Technologies, Inc. for an Enterprise Resource Planning (ERP) System Solution for the Town of Prosper; and authorize the Interim Town Manager to execute documents for same. Deputy Mayor Pro-Tem Andres seconded that motion, and the motion was unanimously approved.

25. Consider and act upon authorizing the Interim Town Manager to execute a Professional Services Agreement (PSA) between Sciens, LLC and the Town of Prosper, Texas, related to the implementation and deployment of the Enterprise Resource Planning (ERP) System Solution. (LJ)

Mr. Johnson stated this item is a sequential item to the ERP project. Sciens will provide direct consulting services to assist the Town and staff with deployment of the ERP solution. The cost for services is included in the total project cost. Staff recommends approval.

Deputy Mayor Pro-Tem Andres made a motion to authorize the Interim Town Manager to execute a Professional Services Agreement (PSA) between Sciens, LLC and the Town of Prosper, Texas, related to the implementation and deployment of the Enterprise Resource Planning (ERP) System Solution. Councilmember Bartley seconded that motion, and the motion was unanimously approved.

26. Consider an act upon approval of a contract with Motorola Solutions, Inc. for an in-car and body-worn camera and evidence management platform. (LJ, DK)

Mr. Johnson stated that Town received two bids in response for this item. After a review and completion of the evaluation process, staff recommends awarding the contract to Motorola Solutions, Inc.

Mayor Pro-Tem Hodges made a motion to approve a contract with Motorola Solutions, Inc. for an in-car and body-worn camera and evidence management platform. Councilmember Cotten seconded that motion, and the motion was unanimously approved.

27. Consider and act upon authorizing the Interim Town Manager to execute a Professional Services Agreement between and Halff Associates and the Town of Prosper, Texas, related to 3rd party landscape review services. (DB)

Mr. Baker stated that to support the workloads of existing staff and to maintain current levels of Town services, staff is requesting to use a third-party landscape review services on an as-needed basis. The cost for services was included as part of the budget amendment approved by the Town Council.

Deputy Mayor Pro-Tem Andres made a motion to authorize the Interim Town Manager to execute a Professional Services Agreement between and Halff Associates and the Town of Prosper, Texas, related to 3rd party landscape review services. 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.

Mayor Bristol requested staff to review the current RFP for trash and recycling services regarding including recycling to the school district.

Councilmember Kern requested to establish liaison contacts with AT&T wireless.

Councilmember Cotten requested to discuss the landscape ordinance.

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.

The Town Council recessed into Executive Session at 8:11 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 9:23 p.m.

Mayor Pro-Tem Hodges made a motion to authorize the Interim Town Manager to execute a Settlement Agreement between the Town of Prosper and Trejax, L.P. and an Acknowledgement and Disclaimer related to property that was the subject of a 2015 Right-of-Way Agreement between the Town and CADG Prosper Lakes North, LLC. Councilmember Cotten seconded that motion, and the motion was unanimously approved.

Adjourn.

The meeting was adjourned at 9:24 p.m.

These minutes approved on the 10th day of January 2023.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

DRAFT