



MINUTES
Prosper Town Council Meeting
Prosper Town Hall, Council Chambers
250 W. First Street, Prosper, Texas
Tuesday, March 12, 2024

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

Council Members Absent:

Councilmember Charles Cotten

Staff Members Present:

Bob Scott, Deputy Town Manager
Michelle Lewis Sirianni, Town Secretary
Terry Welch, Town Attorney
Chuck Ewings, Assistant Town Manager
Robyn Battle, Executive Director
Chris Landrum, Finance Director
Hulon Webb, Director of Engineering Services
Dan Baker, Director of Parks and Recreation
David Hoover, Development Services Director
Suzanne Porter, Planning Manager
Whitney Rehm, Budget Officer and Grants Administrator
Wilson Haynes, Senior Communications Specialist
Eric Men, Help Desk Technician II
Scott Brewer, Interim Human Resources Director
Doug Kowalski, Police Chief

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

Jim Lugar with Life Journey 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:

Register for the third annual P-Town Throwdown Pickleball Tournament taking place on Saturday, March 23 beginning at 8:00 a.m. at Reynolds Middle School. The tournament format is co-ed doubles teams, age 18+, with recreational and competitive divisions based on player rating. Trophies will be awarded for first and second places, per division. There are a few remaining spots open in the Recreational 18-35 and 55+ Divisions, and in the Competitive 35-55 Division. For more information, visit the Special Events page under the Parks and Recreation Department on the Town's website.

Join the Parks and Recreation Department for a Pickleball Social on Wednesday, March 13 from 5:30 to 7:30 p.m. at The Gin located at 204 W. Broadway. This come and go event is an opportunity to register for the tournament, as well as hear an update on all things Pickleball in Prosper along with other park projects. Complimentary appetizers and soft drinks will be served.

Registration is open for the spring season of the 2024 Mayor's Fitness Challenge, which runs through May 31. Tracking sheets and online registration are available by visiting prosper.tx.gov/mayorsfitnesschallenge.

The annual Prosper Spring Cleanup is scheduled for Saturday, April 6 from 8 a.m. to 12 p.m. at Town Hall. Residents will have an opportunity to dispose of various items. To enter the event, please be prepared to show your utility bill and valid driver's license. Visit the Town's website for more information including a list of acceptable items.

Presentations.

- 1. Presentation of a Proclamation declaring the week of March 17-24, 2024, as National Surveyor's Week. (MLS)**

Mayor Bristol read and presented a Proclamation to Kyle Reiner and members of Pape-Dawson Engineers.

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.

- 2. Consider and act upon the minutes from the February 27, 2024, Town Council Work Session meeting. (MLS)**
- 3. Consider and act upon the minutes from the February 27, 2024, Town Council Regular meeting. (MLS)**
- 4. Consider and act upon Resolution 2024-24 accepting the Independent Audit Report and Annual Comprehensive Financial Report for the Fiscal Year Ended September 30, 2023, as audited by Weaver and Tidwell LLP, Certified Public Accountants. (CL)**
- 5. Consider and act upon approving the purchase of a multi-factor authentication (MFA) software platform for staff user accounts. (LJ)**
- 6. Consider and act upon authorizing the Town Manager to execute a Contract for Services between the Town of Prosper and V&A Landscape and Lawn to provide median maintenance services on Custer Road from US Highway 380 to Frontier Parkway. (DB)**
- 7. Consider and authorize final payment to Coach Specialists of Texas, Inc., for the repair of a 2020 Ford Transit Cargo Van. (CE)**
- 8. Consider and act upon authorizing the Town Manager to execute a Professional Engineering Services Agreement between Teague Nall and Perkins, Inc., and the Town of Prosper, Texas, related to the design of the Prosper Downtown Parking Lot and Alley Improvements project. (CE)**
- 9. Consider and act upon authorizing the Town Manager to execute Contract Amendment No. 3 to the Professional Engineering Services Agreement,**

- between TranSystems Corporation dba TranSystems Corporation Consultants, and the Town of Prosper, Texas, related to the design of the US 380 Deceleration Lane Modifications project. (HW)
10. Consider and act upon authorizing the Town Manager to execute a Professional Services Agreement between O'Brien Realty Advisors, LLC, and the Town of Prosper, Texas, related to appraisal services for the Craig Road (Preston Road-Fifth Street) project. (HW)
 11. Consider and act upon authorizing the Town Manager to execute a Professional Services Agreement between Matrix Consulting Group, Ltd., and the Town of Prosper, Texas, related to the Updated Assessment of the Development Review Process project. (CE)
 12. Consider and act upon authorizing the Town Manager to execute a Contract for Personal Services between Universal Field Services, and the Town of Prosper, Texas, related to easement acquisition services for the FM 1461 12-inch Water Line Relocation project. (HW)
 13. Consider and act upon authorizing the Town Manager to execute the First Amendment to the Roadway Impact Fee Agreement between DNT Frontier, LP, and the Town of Prosper, Texas, related to the construction of the DNT Backer Road to serve the DNT Frontier Retail Center development. (HW)
 14. Consider and act upon authorizing the Town Manager to execute the First Amendment to the 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)
 15. Consider and act upon the appointment of members to the Capital Improvements Advisory Committee, relative to the update of the Town's impact fee ordinance, as required by Chapter 395 of the Texas Local Government Code. (HW)
 16. Conduct a public hearing and consider and act upon a request to amend the number of contiguous units that constitute a row of Townhomes in Planned Development-111 (PD-111), Ordinance No. 2021-52, located north of US 380 (University Drive) and west of Lakewood Drive. (ZONE-24-0003) (DH)
 17. Consider and act upon Ordinance 2024-25 granting a Specific Use Permit (SUP) for Retail Stores and Shops, Dry Cleaning, Minor, and Gymnastics/Dance Studio uses, with building size and placement as shown on the Site Plan, Exhibit "B," and a living screen as shown on the Landscape Plan, Exhibit "C," on 3.6± acres on Windsong Ranch Office Addition, Block A, Lot 2, located south of Parvin Road and east of North Teel Parkway. The property is zoned Planned Development-103 (PD-103) Windsong Ranch Office. (ZONE-23-0023) (DH)
 18. Consider and act upon authorizing the Town Manager to execute a Development Agreement between SKS Prosper Teelpkwy Retail Holdings, LLC, and the Town of Prosper relative to Windsong Ranch Office Addition, Block A, Lot 2. (DH)
 19. 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 Preliminary Site Plans and Site Plans. (DH)

Regarding item 4, Mayor Bristol complimented staff for their hard work and improvements. Deputy Mayor Pro-Tem added his thanks to staff and noted the positive comments from the firm.

Mayor Pro-Tem Andres made a motion to approve consent agenda items 2 through 19. Councilmember Hodges seconded that motion. Motion carried with a 6-0 vote.

CITIZEN COMMENTS

No comments were made.

Items for Individual Consideration:

- 20. Conduct a public hearing and consider and act upon a request for a Specific Use Permit (SUP) for a Child Care Center, Licensed use on 9.7± acres, on Collin County School Land Survey, Abstract 147, Tracts 145, 168, and 172, located 305± south of First Street and the east side of Church Street. (ZONE-23-0035) (DH)**

Mr. Hoover introduced the item noting the location, the surrounding zoning, and history of the granted SUP extensions on the subject property. The Planning and Zoning Commission unanimously recommended approval with three conditions: (1) the SUP will expire two (2) years after Town Council approval; (2) the temporary building will be removed once the SUP expires; and (3) upon expiration of the SUP, a one-year extension may be granted by the Planning and Zoning Commission if progress has been made. Staff recommends approval.

Councilmember Bartley asked when the portables/temporary building were initially replaced and expressed concerns of the life span of the temporary building(s).

Bryce Green, representing the applicant, spoke to how long the temporary buildings have been on the property, the collaboration with Blue Star and the Town for easements and acquiring a second point of emergency access. Mr. Green commented that they have yearly inspections from the Fire Marshal and the state for childcare use. He expressed once the second point of emergency access is addressed, they are ready to move forward with a Site Plan approval on a permanent building structure.

Mayor Bristol opened the public hearing.

No comments were made.

Mayor Bristol closed the public hearing.

The Town Council continued discussions on timeframe of SUP extension(s), process for inspections and how to address if one fails, and concerns of how long portables/temporary buildings remain on properties within the Town.

Councilmember Bartley made a motion to approve a request for a Specific Use Permit (SUP) for a Child Care Center, Licensed use on 9.7± acres, on Collin County School Land Survey, Abstract 147, Tracts 145, 168, and 172, located 305± south of First Street and the east side of Church Street with the condition that the occupancy of the temporary buildings shall expire in one (1) year. Councilmember Kern seconded that motion. Motion carried with a 6-0 vote.

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

Finance Subcommittee: Councilmember Kern noted the subcommittee met regarding the Audit.

Downtown Advisory Committee: Councilmember Bartley commented that new benches have been ordered, there are new trash cans and parking signs in the Downtown area. There are also two (2) new additional handicap spaces located on the back side of the Prosper Wine House, an agreement for design services for additional parking was approved, and the committee is looking at lighted arches. Councilmember Bartley noted that the high schools are also conducting a competition to design a logo for the downtown area.

CEC: Councilmember Hodges stated the CEC is working on updating the MyProsper App to include push notifications and are focusing on upcoming events including the New Resident Mixer, Pickleball Tournament, and the Spring Clean Up.

Broadband Subcommittee: Mayor Pro-Tem Andres noted the committee met to discuss the survey conducted by LIT Communications and ways to add fiber connectivity in Town.

Legislative Subcommittee: Mayor Pro-Tem Andres noted the subcommittee met to discuss the Primary Election results, new laws regarding releasing of ETJ, and working with the Comptroller's Office regarding sourcing of sales tax.

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

Councilmember Bartley requested an inventory of temporary/portable buildings located in the Town, and to ensure annual inspections are being conducted.

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 - To consult with the Town Attorney regarding legal issues associated with Article 1.09 and Article 8.03 of the Town's Code of Ordinances, and Chapter 214 of the Texas Local Government Code, and all matters incident and related thereto.

Section 551.074 - To discuss and consider personnel matters, including the annual evaluation of the Town Manager, Town Attorney and the Municipal Judge, and all matters incident and related thereto.

The Town Council recessed into Executive Session at 7:06 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 8:47 p.m.

No action was taken.

Adjourn.

The meeting was adjourned at 8:47 p.m.

These minutes were approved on the 26th day of March 2024.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

DRAFT