



Prosper is a place where everyone matters.

MINUTES

Prosper Town Council Meeting
Council Chambers
Prosper Town Hall
250 W. First Street, Prosper, Texas
Tuesday, September 27, 2022

Call to Order/ Roll Call.

The meeting was called to order at 5:45 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

Council Members Absent:

Councilmember Charles Cotten

Staff Members Present:

Ron K. Patterson, Interim Town Manager
Terry Welch, Town Attorney
Michelle Lewis Sirianni, Town Secretary
Bob Scott, Executive Director of Administrative Services
Robyn Battle, Executive Director of Community Services
Hulon Webb, Interim Executive Director of Development and Infrastructure Services
Pete Anaya, Assistant Director of Engineering Services / CIP
David Soto, Planning Manager
Todd Rice, Communications Manager
Dan Baker, Parks and Recreation Director
Doug Kowalski, Police Chief
Stuart Blasingame, Fire Chief

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

Isaac Varela 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 who attended the Moonlight Movie this past weekend. A special thanks to all the staff who helped put the event together.

The Prosper Police Officers Association and the Prosper Firefighters Association will hold the second annual Battle of the Badges softball game on Saturday, October 1, at the Prosper High School Baseball Field. Carter Bloodcare will be on site for a blood drive from 10am-3pm and the game starts at 1pm.

National Night Out is on Tuesday, October 4. The Prosper Police Department, Prosper Fire Rescue, Prosper ISD Police and First Responder Volunteers will be participating "First Responder

Parades” with sirens and lights. If you are interested in first responders driving through your neighborhood for National Night Out, please register your street through the Police Department page on the Town’s website.

A Mayor’s Luncheon for Active Adults 55+ will take place on Wednesday, October 5 from 11:00 a.m. to 1:00 p.m. at the Church of Jesus Christ for Latter-day Saints. Reserve your spot today by contacting Brant Holland in the Parks and Recreation Department.

Join us for “Celebrate Prosper BBQ & Blues” on Saturday, October 8 at Frontier Park from 5:00 p.m. to 9:00 p.m. This fun community celebration will feature live music and BBQ. The event is presented by the Parks and Recreation Department with support of Sponsors and community partners. Visit the Town’s website for more information.

The Town will host its first annual pickleball tournament on Saturday, November 5. Games will be played at the Reynolds Middle School tennis courts in Prosper. More details coming soon, or you may contact the Parks and Recreation Department.

Join the Town for its annual Arbor Day Celebration on Saturday, November 5 at Hackberry Park (corner of Goldenrod Land and Freeman Way within Windsong Ranch) for a fun morning of planting and learning about trees.

Councilmember Bartley thanked all those for the new resident mixer held and announced several of the community organizations and the events taking place within the community.

Presentations.

1. Presentation of a Proclamation declaring the month of October 2022 as National Breast Cancer Awareness month. (MLS)

Mayor Bristol read and presented a Proclamation to Natile Tuman and members of the Tuman Breast Cancer Foundation.

2. Presentation of a Proclamation to members of the Prosper Police and Fire Departments declaring October 4, 2022, as National Night Out. (MLS)

Mayor Bristol read and presented a Proclamation to the Prosper Police and Fire Chiefs and staff.

3. Presentation of a Proclamation to members of the Prosper Fire Rescue declaring the month of October 2022 as Fire Prevention month. (MLS)

Mayor Bristol read and presented a Proclamation to the Prosper Fire and Rescue Department.

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.

4. Consider and act upon the minutes of the September 13, 2022, Town Council work session meeting. (MLS)

5. Consider and act upon the minutes of the September 13, 2022, Town Council meeting. (MLS)

6. Consider and act upon approving a renewal to a Microsoft Enterprise Agreement, from SHI Government Solutions, Inc., through a Texas Department of Information Resources (DIR) Purchasing Contract; and authorizing the Town Manager to execute all related documents for the same. (LJ)
7. Consider and act upon approving the purchase of network switches, from CDWG, Inc., through a Sourcwell Purchasing Contract. (LJ)
8. Consider and act upon authorizing the Interim Town Manager to execute a Park Dedication and Park Maintenance Agreement between PR LADERA, LLC, and the Town of Prosper, Texas, related to the dedication of public park property within the Ladera development. (DB)
9. Consider and act upon Ordinance 2022-57 for a Specific Use Permit (SUP) for a Private Street Development, on 16.4± acres, located on the south side of First Street, east of Coit Road. (S22-0008). (DS)
10. Consider and act upon Ordinance 2022-58 request to rezone 5.6± acres from PD-21 and Single Family-15 (SF-15) to a new Planned Development-Office/Retail (PD-O/R) for office and retail uses, located on the west side of Preston Road north of Broadway Street. (Z22-0014). (DS)
11. Consider and act upon authorizing the Interim Town Manager to execute a Development Agreement between Prosper Texas Capital LLC, and the Town of Prosper, Texas, related to the Winikates North development, located on the west side of Preston Road north of Broadway Street. (DS)
12. Consider and act upon Ordinance 2022-59 to rezone 11.3+- acres of Commercial (C) to Planned Development-Commercial (PD-C) to allow uses such as luxury office/warehouse, automobile storage, and recreational vehicle parking, located on the west side of Coleman Street, south of Prosper Trail. (Z22-0008). (DS)
13. Consider and act upon authorizing the Interim Town Manager to execute a Development Agreement between AMR Prosper Premium Storage LLC, and the Town of Prosper, Texas, related to the Premium Garages development, located on the west side of Coleman Street south of Prosper Trail. (DS)
14. Consider and act upon Ordinance 2022-60 amending the no parking zone on Prince William Lane from Coleman Street to south of Highbridge Lane. (HW)
15. Consider and act upon approving a Services Agreement with Strategies 360, Inc., for Strategic Communications Planning and Crisis Communications Services, and authorizing the Interim Town Manager to execute the same. (RB)
16. Consider and act upon Ordinance 2022-61 amending Section 1.04.039 of Division 3, "Community Engagement Committee" (CEC) of Article 1.04 of the Town's Code of Ordinances by providing for the appointment of an alternate to the Community Engagement Committee (CEC). (MLS)
17. Consider and act upon Ordinance 2022-62 amending Division 1 of Article 1.04, "Board, Commissions, and Committees", of Chapter 1 of the Town's Code of Ordinances by providing for term limits for members of Town Boards, Commissions, and Committees. (MLS)
18. Consider and act upon Resolution 2022-64 designating The Prosper Press as the official newspaper of the Town of Prosper, and The Dallas Morning News

and The Frisco Enterprise as alternative advertising sources, for Fiscal Year 2022-2023. (MLS)

19. **Consider and act upon approving a Development Agreement by and between the Town of Prosper ("Town"), Texas, 310 Prosper, L.P. and 55 Prosper, L.P. (collectively "Owners") regarding the dedication of park land and a hike & bike trail easement; and authorizing the Interim Town Manager to approve final exhibits and execute all related documents for the same. (RKP)**
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 Plan, including Star Trail West Amenity Center. (DS)**

Deputy Mayor Pro-Tem Andres stepped away from the dais.

Councilmember Ray made a motion to approve consent agenda items 4 through 20. Mayor Pro-Tem Hodges seconded that motion, and the motion was approved with a 6-0 vote.

Deputy Mayor Pro-Tem Andres returned to the dais.

CITIZEN COMMENTS

Barbara Nugent, 961 Grassy Shore Lane, expressed her concern for the traffic at the intersection of Stargazer and Prosper Trail. She requested for the Town Council to consider crosswalks for the pedestrian traffic. She also thanked the Parks and Recreation Department for planning the senior trip to Downtown Dallas.

Items for Individual Consideration:

21. **Conduct a public hearing and act upon a request 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)**

Mr. Soto stated this item was tables from the September 13 Town Council meeting. Since that time, the applicant has made modifications to the development standards and elevations. The applicant is proposing updates to uses, design standards, and architectural standards. The applicant has agreed to enter into a Development Agreement as well as excluding non-family friendly uses. Staff recommends approval.

The Town Council discussed the landscaping within the parking islands and that which abuts to Preston Road. The Town Council also requested additional screening from the patio for the dumpsters.

Mayor Bristol opened the public hearing.

No comments were made.

Mayor Bristol closed the public hearing.

The Town Council additionally discussed the percentage of masonry on the front building, the maximum percentage of stucco used on each building, and the rear and side yard setbacks.

Councilmember Ray made a motion to approve a request 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 in accordance with the Development Agreement located on the northwest corner of Preston Road and Coleman Road.

Councilmember Bartley asked for clarification on the percentage of masonry. Councilmember Ray stated the motion is for the 60%.

Motion dies due to lack of second.

Mayor Pro-Tem Hodges made a motion to deny a request 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. Councilmember Kern seconded that motion. Motion fails with a 2-4 vote. Councilmembers Ray, Bartley, Andres, and Mayor Bristol voting in opposition.

Councilmember Bartley made a motion to approve a request 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 a drive-through restaurant as noted in the development standards located on the northwest corner of Preston Road and Coleman Road with the front two buildings, Lots 1 and 2 to be 80% masonry, with the minimum side and rear yard setbacks be adopted as the office district standards being 25 feet adjacent from a residential district and ten (10) feet from a non-residential district, and 10% maximum amount of stucco to be used on any building.

Motion dies due to lack of second.

Councilmember Ray made a motion to approve a request 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 a drive-through restaurant as noted in the development standards located on the northwest corner of Preston Road and Coleman Road with the front two buildings, Lots 1 and 2 to be 80% stone/masonry and a maximum amount of 10% stucco to be used on any building. Councilmember Bartley seconded that motion. Motion carries with a 4-2 vote. Mayor Pro-Tem Hodges and Councilmember Kern voting in opposition.

22. Consider all matters incident and related to the issuance and sale of “Town of Prosper, Texas, Combination Tax and Surplus Revenue Certificates of Obligation, Series 2022”, including the adoption of Ordinance 2022-63 authorizing the issuance of such obligations and establishing procedures and delegating authority for the sale and delivery of such obligations. (RBS)

Mr. Scott stated that this item will allow to proceed with the sale on September 29. The estimated interest rate is 4.25% on twenty-year date, which will be used for major infrastructure improvements.

Councilmember Ray made a motion to approve Ordinance 2022-63 authorizing the issuance and sale of “Town of Prosper, Texas, Combination Tax and Surplus Revenue

Certificates of Obligation, Series 2022” and approving all other matters related thereto. Deputy Mayor Pro-Tem Andres seconded that motion, and the motion was unanimously approved.

23. Consider and act upon Resolution 2022-65 to deny the application of Oncor Electric Delivery Company LLC, for approval to increase system-wide transmission and distribution rates within the Town. (RBS)

Mr. Scott stated the purpose of this item is to deny the rate change application proposed by Oncor. Once adopted, Oncor will have thirty (30) days to appeal the decision to the Public Utility Commission.

Deputy Mayor Pro-Tem Andres made a motion to approve Resolution 2022-65 to deny the application of Oncor Electric Delivery Company LLC, for approval to increase system-wide transmission and distribution rates within the Town. 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.

24. Discuss the Collin County Bond Program Call for Projects. (PA)

Mr. Anaya presented an overview of the County’s Bond Program including the amount of available funding, submission deadline, along with criteria and eligibility requirements. Mr. Anaya outlined the two proposed approaches for intersection improvements at Coit Road that the Town would plan to submit for the program.

The Town Council discussed the proposed options and submittal considerations.

25. Discussion regarding establishing a Downtown Committee. (RB)

Ms. Battle presented a proposed membership composition, and powers and authority associated with the establishment of a Downtown Committee.

The Town Council discussed the need for defining the boundaries of the Downtown District, the make-up of the committee, and whether to start as an Ad-Hoc Committee or stand-alone committee.

26. Discuss the Town Logo. (RB)

Ms. Battle presented three versions of the logo based on previous feedback received along with the costs associated for the rebranding. Staff is requesting direction and feedback on how to proceed.

The Town Council discussed the options presented with the consensus to clean up our current logo by developing a graphic identity, branding standards, and limited color palette and fonts.

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 independent contractors, and all matters incident and related thereto.

Section 551.071 - To consult with the Town Attorney regarding legal issues associated with Chapter 551 and 552 of the Texas Government Code, and all matters incident and related thereto.

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 7:20 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 9:12 p.m.

Councilmember Bartley made a motion to appoint the following to the Town's Boards and Commissions.

Board of Adjustment/Construction Board of Appeals	Term Expires
Place 2: Grant Mendeljian	09/30/2024
Place 4: Cliff Freeman	09/30/2024
Place 6: CJ Alexander	9/30/2024
Economic Development Corporation	Term Expires
Place 1: Roger Thedford	09/30/2025
Place 3: David Blom	09/30/2025
Library Board	Term Expires
Place 2: Jennifer Lawler	09/30/2024
Place 4: Mary Beth Randecker	09/30/2024
Place 6: Jennifer Wattenbarger	09/30/2024
Parks and Recreation Board	Term Expires
Place 2: Daniel Knox	09/30/2024

Place 4: Bob Benson	09/30/2024
Place 6: Megan Brandon	09/30/2024
Planning and Zoning Commission	Term Expires
Place 2: Mike Pettis	09/30/2024
Place 4: Doug Charles	09/30/2024
Place 6: Damon Jackson	09/30/2024
Community Engagement Committee	Term Expires
Place 4: Kari Willis	09/30/2024
Place 9: Gretchen Darby	09/30/2023
Alternate: Britt Beene	09/30/2024

Mayor Pro-Tem Hodges seconded that motion, and the motion was unanimously approved.

Mayor Pro-Tem Hodges requested as part of the future agenda items for staff to review the intersection mentioned during Citizen Comments, and see if the area warrants crosswalks, as well as study the intersection of First Street and Knoll Trail for the same.

Adjourn.

The meeting was adjourned at 9:15 p.m.

These minutes approved on the 11th day of October 2022.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary