



MINUTES
Prosper Town Council Meeting
Prosper Town Hall, Council Chambers
250 W. First Street, Prosper, Texas
Tuesday, April 11, 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 Cotten

Staff Members Present:

Mario Canizares, Town Manager
Michelle Lewis Sirianni, Town Secretary
Terry Welch, Town Attorney
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
Dan Baker, Parks and Recreation Director
Todd Rice, Communications Manager
David Soto, Planning Manager
Kellen Land, Help Desk Technician
Mary Ann Moon, Economic Development Executive Director
Doug Kowalski, Police Chief

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

Matt Boswell with The Trails 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 Mayor's Fitness Challenge is underway. The challenge is running the full year to encourage wellness as a Prosper lifestyle. Challengers who submit a completed tracking sheet by June 9 will earn a T-shirt and entry into the drawing for the top seasonal prize. Don't forget to register today by visiting www.prospertx.gov/mayorsfitnesschallenge.

Join Mayor Bristol tomorrow at 9:00 a.m. for Mayor's Coffee located at Prosper Fire Station #2, 1140 S. Teel Pkwy to hear an update on what's happening in and around Prosper. If you haven't registered to attend, please contact the Parks and Recreation Department prior to the event.

Youth Summer Camp Registration is now open. Prosper summer camps will keep your child moving, thinking, and meeting friends. Camps begin May 30 and will run through August 4 at

various locations in town. Visit prosperparksandrec.org to register and for additional information such as camp descriptions, dates, times, locations, and rates.

On Saturday, April 22, residents may dispose of prescription drugs through the National Prescription Drug Take-Back Day at the Central Fire Station located at 1500 W. First Street from 10:00 a.m. until 2:00 p.m. This is a safe way to get rid of any prescription pills and controlled substance medications.

Early Voting for the May 6, 2023, Special Election begins on Monday, April 24 and runs through Tuesday, May 2. Residents residing in Collin County may vote at Prosper Town Hall and residents residing in Denton County may vote at Fire Station No. 2. Visit the Elections page through the Town's website for times, additional locations, and information.

Councilmember Bartley recognized the Prosper Ladies Association and Cornerstone for the success of their most recent events.

Councilmember Ray noted that April 9 to 15 is recognized as National Public Safety Telecommunications week and thanked the Town's employees who work in this area.

Mayor Bristol proudly announced the birth of his two new grandchildren.

Councilmember Ray added he also has recently celebrated the birth of his two new grandchildren.

Presentations.

1. Presentation of a Proclamation declaring April 2023, as Sexual Assault Awareness Month. (MLS)

Mayor Bristol read and presented a Proclamation to Brittany Jackson and Morgan Melson from Denton County Friends of the Family organization.

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 March 27, 2023, Town Council Joint Work Session Meeting. (MLS)**
- 3. Consider and act upon the minutes from the March 28, 2023, Town Council Work Session meeting. (MLS)**
- 4. Consider and act upon the minutes from the March 28, 2023, Town Council Regular meeting. (MLS)**
- 5. Consider and act upon Ordinance 2023-34 amending Section 12.09.003, "Speed Limits on Specific Streets," of Chapter 12 "Traffic and Vehicles," of the Town's Code of Ordinances by modifying the prima facie speed limit on FM 1461 (Frontier Parkway). (HW)**
- 6. Consider and act upon approving the purchase of Public Safety, Police Department supplies and equipment through the Texas Department of**

Information Services (DIR) Contract #DIR-TSO-4101 with Motorola Solutions, Inc. (DK)

7. Consider and act upon the appointment of Frank Jaromin, Public Works Director, to the Upper Trinity Regional Water District Board of Directors effective June 1, 2023. (CE)
8. Consider and act upon authorizing the Town Manager to execute an Interlocal Agreement between the City of Celina, Texas, and the Town of Prosper, Texas, related to cost participation in the construction of interim asphalt improvements on Parvin Road from east of FM 1385 to west of Legacy Drive, and funding participation for the design of Frontier Parkway from Legacy Drive to the Dallas Parkway. (HW)
9. Consider and act upon Ordinance 2023-26 amending Planned Development-94 (PD-94), for Westside Development, on 64.5± acres, northeast corner of US 380 and FM 1385, regarding a big box use and development standards. (Z22-0020). (DS)
10. Consider and act upon authorizing the Town Manager to execute a Development Agreement between 1385 Prosper LLC, Alphas 3 Prosper RI LLC, SSSS Holdings LLC, and Westside Prosper LLC and the Town of Prosper, related to the Westside Development, northeast corner of US 380 and FM 1385. (DS)
11. (Item will be Postponed to April 25, 2023) Conduct a public hearing and act upon a request to amend the Future Land Use Plan from Residential Low Density to Retail and Neighborhood Services, generally located, located on the east side of Preston Road, north of St. Peter Lane. This is a companion case to Z21-0003. (CA21-0001). (DS)
12. (Item will be Postponed to April 25, 2023) 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). (DS)
13. 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 Plan, including Legacy Wireless Communication Tower. (DS)

Mayor Bristol requested to pull items 9 & 10.

Councilmember Cotten requested to pull items 5 & 8.

Mayor Pro-Tem Hodges made a motion to approve items 1 through 4, 6, 7, and 11 through 13. Councilmember Ray seconded that motion, and the motion was unanimously approved.

Councilmember Cotten requested a presentation for items 5 & 8.

Regarding item #5, Mr. Webb stated the City of Celina requested a study of the speed of vehicles on FM 1461 from Preston Road to Custer Road. The study found that speeds varied between 52 mph and 57 mph compared to the existing speed limit of 55 mph. Due to the high number of driveways along this stretch of roadway, TxDOT recommended that the speed limit be reduced to 50 mph. Mr. Webb noted that TxDOT will install the new signs.

Councilmember Cotten asked if there was any consideration of stop lights to be installed. Mr. Webb commented that they do not currently meet the requirements to be deemed necessary.

Councilmember Cotten made a motion to approve Ordinance 2023-34 amending Section 12.09.003, "Speed Limits on Specific Streets," of Chapter 12 "Traffic and Vehicles," of the Town's Code of Ordinances by modifying the prima facie speed limit on FM 1461 (Frontier Parkway). Mayor Pro-Tem Hodges seconded that motion, and the motion was unanimously approved.

Regarding item #8, Mr. Webb stated the City of Celina coordinated with Denton County and developments in the area to secure funding for interim asphalt improvements. The Town had allocated \$800,000 for the design of Parvin Road project. Since the City of Celina is moving forward into the next phase of design and environmental evaluation and has entered into an Interlocal Agreement with Denton County to utilize funding from the Denton County Transportation Bond, the Town of Prosper is requesting to reallocate these funds. As outlined in the Interlocal Agreement, \$500,000, is proposed to be reallocated towards the cost participation in the construction of interim asphalt improvements from east of FM 1385 to west of Legacy Drive, and \$300,000, towards the funding participation for the design of Frontier Parkway between Legacy Drive and the Dallas Parkway.

The Town Council discussed the general life span of asphalt, the concern of maintenance, and construction costs.

Councilmember Cotten made a motion to approve authorizing the Town Manager to execute an Interlocal Agreement between the City of Celina, Texas, and the Town of Prosper, Texas, related to cost participation in the construction of interim asphalt improvements on Parvin Road from east of FM 1385 to west of Legacy Drive, and funding participation for the design of Frontier Parkway from Legacy Drive to the Dallas Parkway. Deputy Mayor Pro-Tem Andres seconded that motion, and the motion was unanimously approved.

Regarding item #9, the Town Attorney noted that the wording of the motion within the staff report is incorrect, and the Town Council does not need to add the wording 'not subject to the License Agreement' to the motion.

Councilmember Ray made a motion to approve Ordinance 2023-26 amending Planned Development-94 (PD-94), for Westside Development, on 64.5± acres, northeast corner of US 380 and FM 1385, regarding a big box use and development standards. Deputy Mayor Pro-Tem Andres seconded that motion, and the motion was unanimously approved.

Regarding item #10, the Town Attorney noted the same comments as for item #9.

Deputy Mayor Pro-Tem Andres made a motion to authorizing the Town Manager to execute a Development Agreement between 1385 Prosper LLC, Alphas 3 Prosper RI

LLC, SSSS Holdings LLC, and Westside Prosper LLC and the Town of Prosper, related to the Westside Development, northeast corner of US 380 and FM 1385. Mayor Pro-Tem Hodges seconded that motion, and the motion was unanimously approved.

CITIZEN COMMENTS

Barbara Nugent, 961 Grassy Shore Lane, expressed her frustration of new developments along the Dallas North Tollway to Legacy Drive and how aesthetically displeasing they are visually with no flow of buildings.

Items for Individual Consideration:

- 14. Consider and act upon Resolution 2023-35 of the Town Council of the Town of Prosper, Texas, declaring the public necessity to acquire certain water line easements and temporary construction easements for the construction of the Dallas North Tollway (Prosper Trail - Frontier) 12" Water Line project; determining the public use and necessity for such acquisition; authorizing the acquisition of property rights necessary for said Project; appointing an appraiser and negotiator as necessary; authorizing the Town Manager to establish just compensation for the property rights to be acquired; authorizing the Town Manager to take all steps necessary to acquire the needed property rights in compliance with all applicable laws and resolutions; and authorizing the Town Attorney to institute condemnation proceedings to acquire the property rights if purchase negotiations are not successful. (HW)**

Mr. Webb identified the parcels affected with this project. This item gives staff the ability and authority to move forward with condemnation if necessary. Mr. Webb noted that no permanent easements will be needed; however, a few temporary easements will be to be acquired for the project. This item requires a roll call vote.

Councilmember Cotten made a motion to approve Resolution 2023-35 of the Town Council of the Town of Prosper, Texas, declaring the public necessity to acquire certain water line easements and temporary construction easements for the construction of the Dallas North Tollway (Prosper Trail - Frontier) 12" Water Line project; determining the public use and necessity for such acquisition; authorizing the acquisition of property rights necessary for said Project; appointing an appraiser and negotiator as necessary; authorizing the Town Manager to establish just compensation for the property rights to be acquired; authorizing the Town Manager to take all steps necessary to acquire the needed property rights in compliance with all applicable laws and resolutions; and authorizing the Town Attorney to institute condemnation proceedings to acquire the property rights if purchase negotiations are not successful. Deputy Mayor Pro-Tem Andres seconded that motion.

Councilmember Cotten – For
Councilmember Kern – For
Deputy Mayor Pro-Tem Andres – For
Mayor Bristol – For
Mayor Pro-Tem Hodges – For
Councilmember Bartley – For
Councilmember Ray – For

The motion passes with a 7-0 roll call vote.

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

No comments were made.

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 551.074 - 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 7:00 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 7:53 p.m.

Mayor Pro-Tem Hodges made a motion to authorize the Town Manager to execute a Chapter 380 Economic Development Agreement between the Town of Prosper, Texas and Costco Wholesale Corporation. Councilmember Ray seconded that motion, and the motion was unanimously approved.

Mayor Pro-Tem Hodges made a motion to authorize the Town Manager to execute a First Amendment to an Economic Development Incentive Agreement between the Town of Prosper, Texas and Rise Commercial Investment Group LLC relative to the Westside project. Councilmember Kern seconded that motion, and the motion was unanimously approved.

Mayor Pro-Tem Hodges made a motion to approve Britt Beene to a permanent spot on the CEC and to move Josh Carson from CEC to P&Z. Councilmember Ray seconded that motion, and the motion was unanimously approved.

Adjourn.

The meeting was adjourned at 7:56 p.m.

These minutes were approved on the 25th day of April 2023.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

DRAFT