



## MINUTES

**Prosper Town Council Meeting**  
Prosper Town Hall, Council Chambers  
250 W. First Street, Prosper, Texas  
Tuesday, September 26, 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 Craig Andres  
Deputy Mayor Pro-Tem Marcus E. Ray  
Councilmember Amy Bartley  
Councilmember Chris Kern  
Councilmember Jeff Hodges  
Councilmember Charles Cotten

### **Staff Members Present:**

Mario Canizares, Town Manager  
Michelle Lewis Sirianni, Town Secretary  
Terry Welch, Town Attorney  
Bob Scott, Deputy Town Manager  
Chuck Ewings, Assistant Town Manager  
Robyn Battle, Executive Director  
Mary Ann Moon, Economic Development Director  
David Hoover, Development Services Director  
Hulon Webb, Director of Engineering  
Dan Heischman, Assistant Director of Engineering Services  
Pete Anaya, Assistant Director of Engineering Services  
Chris Landrum, Finance Director  
Whitney Rehm, Grants Administrator  
Frank Jaromin, Director of Public Works  
Leigh Johnson, IT Director  
James Edwards, Human Resources Director  
Todd Rice, Communications Manager  
Kellen Land, Help Desk Technician  
Doug Kowalski, Police Chief  
Scott Brewer, Assistant Police Chief  
Stuart Blasingame, Fire Chief

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

Cole Travis with Prestonwood Baptist 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:

A new resident mixer is being held by the Town for those who have moved to Prosper in the last six months this Thursday, September 28 from 4:00 to 7:00 p.m. on the south lawn of Town Hall. Residents will get an opportunity to meet staff and their neighbors. There will be entertainment for the kids and refreshments for the family.

National Night Out will be held on Tuesday, October 3 from 6 pm-9 pm. This is a fun opportunity to meet your neighbors by hosting a block party. Members of the Prosper PD, Prosper ISD PD, Prosper Fire Rescue, and First Responder Volunteers will be driving around to neighborhoods that want to participate. Sign up today by visiting [www.prosper.tx.gov/nationalnightout](http://www.prosper.tx.gov/nationalnightout).

Join us for “Celebrate Prosper” on Saturday, October 7 from 5 to 9 p.m. at Frontier Park. Come relax outdoors and enjoy entertainment, food, and fun with your neighbors and friends. This is a free event presented by the Parks and Recreation Department with the support of sponsors and community partners. For more information, visit the Special Events page under the Parks and Recreation Department.

Join fellow active adults 55+ to meet and greet Mayor Bristol at the annual Mayor’s luncheon on Wednesday, October 18 from 11 a.m. to 1 p.m. at the Church of Jesus Christ of Latter-Day Saints located at 970 N. Coit Road. Reserve your seat by contacting the Parks and Recreation Department at 972-569-1064.

Registration is now open for the annual Prosper Veterans Day 5K & Fun Run. This event held on Saturday, November 11 is a salute to the men and women who have served in our nation’s military. All proceeds benefit the Prosper Veterans Memorial at Frontier Park. Register today by visiting [prosper.tx.gov/veteransday5k](http://prosper.tx.gov/veteransday5k).

Deputy Mayor Pro-Tem Ray announced the PB Drive fundraiser being held through September 30.

### **Presentations.**

1. **Presentation of a Proclamation to members of the Prosper Police and Fire Departments declaring October 3, 2023, as National Night Out. (MLS)**

Mayor Bristol read and presented a Proclamation to members of the Prosper Police and Fire Department recognizing National Night Out.

2. **Presentation of a Proclamation to members of the Prosper Fire Rescue declaring the month of October 2023 as Fire Prevention month. (MLS)**

Mayor Bristol read and presented a Proclamation to members of the Prosper Fire Rescue recognizing October as Fire Prevention month.

3. **Presentation of a Proclamation declaring the month of October 2023 as National Breast Cancer Awareness month. (MLS)**

Mayor Bristol read and presented a Proclamation to members of the Truman Breast Cancer Foundation recognizing the month of October as Breast Cancer Awareness month.

### **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.

4. **Consider and act upon the minutes from the September 12, 2023, Town Council Work Session meeting. (MLS)**
5. **Consider and act upon the minutes from the September 12, 2023, Town Council Regular meeting. (MLS)**

6. Consider acceptance of the July 2023 monthly financial report. (CL)
7. Consider and act upon purchasing a sanitary sewer easement at 302 N Parvin Street from property owner, David Maya; and authorize the Town Manager to execute documents for same. (FJ)
8. Consider and act upon an amendment to the Town's Interlocal Agreements with Collin County for facility construction, use of an animal shelter, and animal control services for the 2024 fiscal year. (DH)
9. Consider and act upon approving a Services Agreement with Gray Reed Advisory Services, LLC, d/b/a GRPR, for Strategic Communications Planning and Crisis Communications Services, and authorize the Town Manager to execute the same. (RB)
10. Consider and act upon Ordinance 2023-62 to rezone 73.4± acres from Agriculture (A), a portion of Planned Development-40 (PD-40), and a portion of Single Family-12.5 (SF-12.5) to Planned Development-Single Family (PD-SF), generally to allow for a residential development, located on the southeast corner of Prosper Trail and Teel Parkway. (Z21-0010) (DH)
11. Consider and act upon authorizing the Town Manager to execute a Development Agreement between Prosper 100 LP, Prosper Hills LLC, and the Town of Prosper relative to Prosper Hills, as described in Planned Development-123 (PD-123). (DEVAGREE-23-0012) (DH)
12. Consider and act upon authorizing the Town Manager to execute a Water Impact Fees Reimbursement Agreement between PPP 100 DEV LLC, PROSPER HILLS LP, PROSPER MEADOWS LP, and the Town of Prosper, Texas, related to the extension of water lines to serve the Park Place, Prosper Hills, and Prosper Meadows developments. (HW)
13. Consider and act upon authorizing the Town Manager to execute a Thoroughfare Impact Fees Reimbursement Agreement between PPP 100 DEV LLC, PROSPER HILLS LP, PROSPER MEADOWS LP, and the Town of Prosper, Texas, related to the construction of Teel Parkway, Prosper Trail, and Legacy Drive to serve the Park Place, Prosper Hills, and Prosper Meadows developments. (HW)
14. Consider and act upon authorizing the Town Manager to execute a Wastewater Impact Fees Reimbursement Agreement between PPP 100 DEV LLC, PROSPER HILLS LP, and the Town of Prosper, Texas, related to the extension of a wastewater line to serve the Park Place and Prosper Hills developments. (HW)
15. Consider and act upon authorizing the Mayor to execute an Amendment to Ultimate Boundary Line Agreement between the City of McKinney, Texas, and the Town of Prosper, Texas, related to the maintenance of improvements along Christie Farms Boulevard in the City of McKinney to serve the Christie Farms development. (HW)
16. Consider and act upon Ordinance 2023-63 amending the Town's Subdivision Ordinance by amending Subpart (1) of Section (D), "Plat Required," of Section 10.03.004, "Applicability," to Comply with Revised Language contained in House Bill No. 3699; amending Subsection (B) of Section 10.03.034, "Director of Development Services," relative to Authorizing the Director of Development Services to Approve or Deny Plats; amending Section 10.03.063, "30-day Time Frame for Plat Approvals," to Reflect that the Right to 30-day Action for Plat

Applications Begins on the Filing Date and One or More 30-day Extensions shall be authorized; adding a Definition of “Filing Date,” amending the Definitions of “Approval” and “Plat,” and repealing the definitions of “Administratively Complete” and “Official Submission Date,” contained in Section 10.03.192, “Words and Terms Defined”; providing that the phrase “Official Submission Date” shall be replaced with the phrase “Filing Date” in Sections 10.03.084(f)(2) and 10.03.085(h)(2). (TW)

17. Conduct a public hearing to consider and act upon Ordinance 2023-64 amending Chapter 1, “General Provisions, Administration and Procedures,” of the Town’s Zoning Ordinance, by Amending Subpart (E) of Subsection 7.11, “Amortization of Nonconforming Uses or Structures,” of Section 7, “Nonconforming Uses and Structures,” by Providing for Amortization Procedures consistent with Senate Bill 929, and Subpart (A), “Zoning Changes,” of Subsection 8.2, “Public Hearing and Notice,” of Section 8, “Changes and Amendments to all Zoning Ordinances and Districts and Administrative Procedures,” by Providing for Notices relative to a Change in a Zoning Regulation that Could Result in a Nonconforming Use, Consistent with Senate Bill 929. (TW)
18. 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 Plans including Prosper Business Park. (DH)

Deputy Mayor Pro-Tem Ray requested to pull item 15.

Councilmember Cotten made a motion to approve items 4 through 14, and items 16 through 18. Mayor Pro-Tem Andres seconded that motion. Motion carried unanimously.

Deputy Mayor Pro-Tem Ray stated he would like to ensure the greenspace remains unaffected near the boundary line. Mr. Webb noted that Christie Farms maintains the track mentioned and would not be encroached upon.

Deputy Mayor Pro-Tem Ray made a motion to approve item 15. Mayor Pro-Tem Andres seconded that motion. Motion carried unanimously.

### **CITIZEN COMMENTS**

Ivanka Herrera, 1131 Belknap Way, yielded their time to Ms. Rauba.

Ashley MacGorman, 4061 Marigold Lane. Mayor Bristol read written comments into the record supporting a stoplight to be installed at Gee and Acacia Road.

James Russell, 1091 Cassiano Lane, yielded their time to Ms. Rauba.

Joao Coelho, 4950 Dolorosa Lane, yielded their time to Ms. Rauba.

Brandon Bogue, 951 Yellowcress Drive, stated his concerns regarding the intersection of Gee and Acacia Road, and the need to address how dangerous it has become. He requested the Town Council to take a further look at it.

Gabriela Fatone, 1140 Pianzola Way, yielded their time to Ms. Rauba.

Laura Rauba, 4890 Milby Drive, presented and expressed concerns on behalf of the residents of their community regarding the intersection at Gee and Acacia Road. She stated that due to several accidents and the difficulty of crossing the road that continues to worsen that a longer-term solution is needed, including a reduced speed limit, and four-way traffic signal.

Mr. Canizares indicated that the Police Department have installed speed trailers, are collecting data regarding this intersection, and the crosswalks have been restriped. Staff will continue to work with the HOA and its residents to find solutions.

**Items for Individual Consideration:**

- 19. Conduct a public hearing and consider and act upon a request to rezone 0.2± acres from Single Family-15 (SF-15) to Downtown Retail (DTR), for Mitchell Addition, Block 3, Lot 3D, located on the southwest corner of West Seventh Street and North Coleman Road. (ZONE-23-0016) (DH)**

Mr. Hoover stated this request to rezone will allow for the existing home to be demolished and replaced with a commercial building with office and retail uses. The Downtown Retail District allows for both office and retail uses while the Downtown Office District only allows for office uses. Mr. Hoover noted that prior to development, the developer will be required to submit a Site Plan for review and approval by the Planning and Zoning Commission. The applicant has also agreed to a Development Agreement, which will limit the permitted uses. The Planning and Zoning Commission has recommended approval of this request. Staff is recommending approval.

Mayor Pro-Tem Andres noted his concerns regarding parking.

Mayor Bristol opened the public hearing.

No comments were made.

Mayor Bristol closed the public hearing.

The Town Council discussed their concerns with straight zoning on this request due to the list of permitted uses currently allowed.

Deputy Mayor Pro-Tem Ray made a motion to deny with prejudice a request to rezone 0.2± acres from Single Family-15 (SF-15) to Downtown Retail (DTR), for Mitchell Addition, Block 3, Lot 3D, located on the southwest corner of West Seventh Street and North Coleman Road. Councilmember Bartley seconded that motion. Motion carried unanimously.

- 20. Consider and act upon Resolution 2023-65 establishing loan terms between the Utility Fund and the Solid Waste Fund for financing the purchase of solid waste and recycling carts. (RBS)**

Mr. Scott stated that with the Town planning to buy new carts in order to replace the current contractor's cart inventory, this resolution outlines the terms for the purchase and financing.

The Town Council discussed how the fees would be passed to the residents and if the Town would be purchasing enough carts to replace the current ones. Mr. Scott noted that a small fee of \$2.80 has been built into the new solid waste rates to cover the cart repayment, and the Town is planning on buying approximately 34,000 carts which will replace inventory and provide for one and a half to two years population growth.

Deputy Mayor Pro-Tem Ray made a motion to approve Resolution 2023-65 establishing loan terms between the Utility Fund and the Solid Waste Fund for financing the purchase of solid waste and recycling carts. Councilmember Hodges seconded that motion. Motion carried unanimously.

**21. Receive an update on the Lakewood Preserve Park project. (DB)**

Mr. Baker presented an update of the listed project noting the project cost, the development of the park, how it will be managed, amenities included, layout, and estimated time frame of completion.

The Town Council discussed how the Town would address the sharing of the soccer fields, parking, the funding of the project, and if there were any implications if the park was not completed in a timely manner.

**22. Consider and act upon Contract Amendment #1 to a Professional Services Agreement with Dunaway Associates, LLC, for additional design services related to the development of Raymond Community Park. (DB)**

Mr. Baker outlined the additional services related to the amendment of the contract, the costs associated with each, and the overall funding of the project.

The Town Council discussed the additional services, the importance of staying within budget, and completing the project on time.

Councilmember Cotten made a motion to approve Contract Amendment #1 to a Professional Services Agreement with Dunaway Associates, LLC, for additional design services related to the development of Raymond Community Park. Mayor Pro-Tem Andres seconded that motion. Motion carried unanimously.

**23. Consider and act upon an agreement with Nancy Lieberman Charities (NLC) for the installation of a Dream Court at Tanner's Mill Park and authorize the Town Manager to execute the same. (DB)**

Mr. Baker stated the Town was approached by NLC to install a Dream Court at Tanner's Mill Park. It is comprised of two hoop systems and a court overlay on an existing basketball court. The Town will contribute 50% towards the total cost. Once completed, a dedication and grand opening ceremony will be held. The anticipated timeframe of completion is 90 days.

Mayor Pro-Tem Andres made a motion to approve an agreement with Nancy Lieberman Charities (NLC) for the installation of a Dream Court at Tanner's Mill Park and authorize the Town Manager to execute the same. Councilmember Cotten seconded that motion. Motion carried unanimously.

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

Councilmember Bartley noted that the next CIP Subcommittee meeting will be held on November 9. No further comments were made.

**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, the Community Engagement Committee, and Mayor's appointees to the Town Council Subcommittees, and all matters incident and related thereto.*

The Town Council recessed into Executive Session at 7:46 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 10:31 p.m.

Mayor Pro-Tem Andres made a motion to appoint the following to the Town's Board and Commissions.

<b>Board of Adjustments/Construction Board of Appeals</b>	<b>Term Expires</b>
Place 1: Kenneth Dugger	09/30/2025
Place 3: George Dupont	09/30/2025
Place 5: Joe Tremblay	09/30/2025
Place 7: Brad Black	09/30/2025
<b>Economic Development Corporation</b>	
Place 2: Ray Smith	09/30/2026
Place 4: David Bristol	09/30/2026
<b>Community Engagement Committee</b>	
Place 1: Stacy Cate	09/30/2025

Place 3: Brent Kirby	09/30/2025
Place 5: Kirstin Meier	09/30/2025
Place 7: Aresenio Aaron	09/30/2025
Place 2: Jai Muthu	09/30/2024
Place 6: Andy Franco	09/30/2024
Place 8: Kimberly Smith	09/30/2024
<b>Library Board</b>	
Place 1: Danielle Philipson	09/30/2025
Place 3: Lenorah Johnson	09/30/2025
Place 5: Katie Williams	09/30/2025
Place 7: Andrew Cartwright	09/30/2025
<b>Parks and Recreation Board</b>	
Place 1: Kari Castro	09/30/2025
Place 3: Valerie Little	09/30/2025
Place 5: Kimberly Shamsy	09/30/2025
Place 7: John Metcalf	09/30/2025
<b>Planning and Zoning Commission</b>	
Place 1: Sekou Harris	09/30/2025
Place 3: Cameron Reeves	09/30/2025
Place 5: Glen Blanscet	09/30/2025
Place 7: Brandon Daniel	09/30/2025
Place 2: John Hamilton	09/30/2024

The Town Council appointed the following individuals to a new Downtown Ad Hoc Advisory Committee with the mission of implementing the Downtown Master Plan. Those individuals included: Mike Pettis, Grant Mendeljian, Chris Wardlaw, Melissa Randle, Mike Lopez, Trovette Trotters, Roger Thedford, and Gavin Hernandez as a youth advisor. Councilmember Bartley, Councilmember Kern and Deputy Mayor Pro-Tem Ray will serve as the Council liaisons.

Mayor Bristol noted the following change to the Town Council Finance Subcommittee to include Councilmember Kern, Councilmember Cotten, and Deputy Mayor Pro-Tem Ray. All other Subcommittee's remained unchanged.

Councilmember Bartley seconded that motion. Motion carried with a 6-1 vote. Councilmember Hodges voting in opposition.

**Adjourn.**

The meeting was adjourned at 10:33 p.m.

These minutes were approved on the 10<sup>th</sup> day of October 2023.

**APPROVED:**

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**David F. Bristol, Mayor**

**ATTEST:**

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**Michelle Lewis Sirianni, Town Secretary**