



Prosper is a place where everyone matters.

MINUTES

Prosper Town Council Meeting
Council Chambers
Prosper Town Hall
250 W. First Street, Prosper, Texas
Tuesday, July 26, 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 Marcus E. Ray
Councilmember Amy Bartley
Councilmember Chris Kern

Council Members Absent:

Councilmember Charles Cotten

Staff Members Present:

Harlan Jefferson, Town Manager
Terry Welch, Town Attorney
Michelle Lewis Sirianni, Town Secretary
Robyn Battle, Executive Director of Community Services
Hulon Webb, Engineering Services Director
David Soto, Planning Manager
Betty Pamplin, Finance Director
Leigh Johnson, IT Director
Todd Rice, Communications Manager
Frank Jaromin, Public Works Director
Dan Baker, Parks and Recreation Director
Doug Kowalski, Police Chief
Scott Brewer, Assistant 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:

Join us for the next Discover Downtown event series on Saturday, September 24 for a Moonlight Movie featuring the family film "Encanto", which was previously rescheduled from August 13 due to the extreme heat conditions. The event kicks off with strolling movie characters, lawn games, balloon artists, shaved ice, and popcorn. Games will open at 7:00 p.m. with movie beginning at 8:30 p.m. For more information, visit the events page from the homepage of the Town's website.

Join us for “Celebrate Prosper” on Saturday, October 8 at Frontier Park. 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. For more information, visit the events page from the homepage of the Town’s website.

Applications are now being accepted through Tuesday, August 2 to serve on a Town’s Board and/or Commission. More information about the Board and Commission application process, including an online application form, is available on the Town website.

The Town of Prosper will host an informational Town Hall Meeting on Thursday, August 18, from 6:00-8:00 p.m. at Rock Creek Church, located at 2860 Fishtrap Road in Prosper. Residents will hear presentations from Town staff and representatives from NTTA and TxDOT on road projects that impact the west side of Prosper. Also on the agenda is an update from Parks & Recreation on the Town’s recent purchase of 163 acres of parkland along Doe Branch Creek. More details are available on the Town website and Facebook page.

Councilmember Ray thanked Linebarger for supporting the Lovepacs fundraiser benefiting children in Prosper.

Mayor Bristol thanked all those who came out for the Discover Downtown Fun in the Sun event.

Presentations.

1. Recognize the Town Secretary’s Office with the Texas Municipal Clerks Achievement of Excellence Award. (MLS)

Tina Stewart, City Secretary of the City of The Colony and Irma Parker, City Secretary of the Town of Addison presented the award to Ms. Lewis Sirianni.

2. Receive an update from the Town Secretary’s Office. (MLS)

Ms. Lewis Sirianni presented an update which included the organizational structure of the department, achievements and accomplishments over the past year, current challenges, and trends the office is seeing, and upcoming projects and tasks for the 2022-2023 fiscal year.

3. Receive an update from the Police Department on the recent Active Shooter Training. (DK)

Chief Kowalski provided an overview of the recent training that was done at Prosper High School including the exercises that were and were not done, the operational elements of the training, and an overview of all those involved that made the training possible.

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 June 28, 2022, Town Council meeting. (MLS)

5. Consider and act upon the minutes of the June 28, 2022, Town Council Work Session meeting. (MLS)

6. Consider and act upon the minutes of the July 11, 2022, Town Council Work Session meeting. (MLS)
7. Consider and act upon the minutes of the July 12, 2022, Town Council Budget Work Session meeting. (MLS)
8. Receive the May financial report. (BP)
9. Consider and act upon approving amendments to the Town's Financial Policies. (RBS)
10. Consider and act upon authorizing the Town Manager to execute a Professional Engineering Services Agreement between Freese and Nichols, Inc., and the Town of Prosper, Texas, related to the design of the FM 1461 12-inch Water Line Relocation project. (HW)
11. Consider and act upon authorizing the Town Manager to execute Contract Amendment No. 2 to the Professional Engineering Services Agreement between Garver, LLC., and the Town of Prosper, Texas, related to the design of the First Street (DNT – Coleman) project. (HW)
12. Consider and act upon authorizing the Town Manager to execute a Professional Services Agreement between Lowry Property Advisors, LLC (LPA), and the Town of Prosper, Texas, related to appraisal services for the First Street (DNT – Coleman) project. (HW)
13. Consider and act upon authorizing the Town Manager to execute a Personal Services Contract between McCarthy Right of Way Partners, LLC., and the Town of Prosper, Texas, related to property acquisition services for the First Street (DNT – Coleman) project. (HW)
14. Consider and act upon approving the purchase of pavement and asset data collection services from Infrastructure Management Services (IMS), through the Texas Local Government Purchasing Cooperative; and authorize the Town Manager to execute documents for the same. (FJ)
15. Consider and act upon awarding CSP No. 2022-01-A to CivicPlus, LLC, for website design and development services, and authorizing the Town Manager to execute same. (RB)
16. Consider and act upon Resolution No. 2022-34 authorizing the Town Manager to execute an Advance Funding Agreement for the TXDOT Green Ribbon Program Project Landscape Improvements On-System between the Texas Department of Transportation and the Town of Prosper, Texas, related to the Green Ribbon Project along US 380 from Lovers Lane to Mahard Parkway. (PN)
17. Consider and act upon approving the purchase of one (1) Winsted Custom Conference and Emergency Operations Center Table from Ford AV, through the Texas Local Government Purchasing Cooperative. (SB)
18. Consider and act upon the purchase of Fire Hose Nozzles and Fittings for two new fire apparatus (Pumper Engine & Quint) from Metro Fire Apparatus Specialist, Inc. through the Texas Local Government Purchasing Cooperative. (SB)

19. Consider and act upon Ordinance No. 2022-35 establishing a no parking zone on Prince William Lane from Coleman Street to Highbridge Lane. (HW)
20. Consider and act upon Ordinance No. 2022-36 establishing a no parking zone on Meadowbrook Boulevard from Coit Road to Foxfield Court. (HW)
21. Consider and act upon Ordinance No. 2022-37 amending Section 12.09.004 "School Traffic Zones" of Chapter 12 "Traffic and Vehicles" of the Town's Code of Ordinances by modifying the limits and hours of operation of such zones. (HW)
22. Consider and act upon Ordinance No. 2022-38 amending the Zoning Ordinance, Chapter 3, Section 1.3 Schedule of Uses, Chapter 3, Section 1.4 Conditional Development Standards, and Chapter 3, Section 2.2 Definitions, to include "Food Pantry", in the Agricultural, "A," zoning district. (MD22-0005). (DS)
23. Consider and act upon a Site Plan and Façade Plan for a Limited Service Hotel, on 1.8± acres, located on the west side of Mahard Parkway, south of Prairie Drive. The property is zoned Planned Development-101 (PD-101). (D22-0031). (DS)
24. Consider and act upon Ordinance No. 2022-39 to rezone a portion of Planned Development-36, and a portion of Planned Development-63, to Planned Development (PD) for Legacy Gardens, on 121.4± acres, in order to modify the residential development standards, including but not limited to reducing permitted lot sizes, located on the south side of Frontier Parkway, west of Dallas Parkway. (Z20-0019). (DS)
25. Consider and act upon authorizing the Town Manager to execute a Development Agreement between Risland Prosper 221 LLC and the Town of Prosper, Texas, related to the Legacy Gardens development, located on the south side of Frontier Parkway, west of Dallas Parkway. (DS)
26. 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 Ladera Amenity Center, DISD Middle School, Windsong Vet Clinic, 102 E. Broadway, Gates of Prosper Phase 3, Prosper Counseling, and Star Trail Amenity Center. (DS)

Councilmember Bartley requested to pull item #15.

Councilmember Ray made a motion to approve consent agenda items 4 thru 14 and items 16-26. Deputy Mayor Pro-Tem Andres seconded that motion, and the motion was unanimously approved.

Councilmember Bartley asked in regard to item #15, what the timeline for completion would be and if the staff planned on engaging with the citizens for feedback. Ms. Battle replied it would take approximately seven months to complete, and currently the consultants will be training staff, which is built into the agreement, but would explore the citizen engagement.

Councilmember Bartley made a motion to approve consent agenda item #15. Councilmember Ray seconded that motion, and the motion was unanimously approved.

CITIZEN COMMENTS

Dustin Staiger, 620 Evening Sun Drive, expressed concerns regarding access between Frontier Park and Lakes of Prosper. He also requested that security bollards be put into place that could be removed for emergency access vehicles to deter other vehicles from using as a cut through.

Kenneth Holloway, 811 Long Valley, encouraged the Town Council to not use the access between Frontier Park and Lakes of Prosper as a public access. He also requested the Town Council to consider a reciprocity lending agreement for the Public Library.

Jack Dixon, 810 Long Valley Court, expressed his concerns regarding the access between Frontier Park and Lakes of Prosper noting the safety for the neighborhood.

Cory Bray, 1540 Kingsbridge Lane, asked the Town Council to consider amending the Town Ordinance to reflect the use of a green boxwood hedge used to screen along the iron wood fence. He expressed his concerns of privacy and being allowed to use a natural screening.

Items for Individual Consideration:

- 27. Conduct a public hearing and consider and act upon a request to rezone 5.7± acres from Office (O) to Planned Development-Office (PD-O), located on the west side of Mahard Parkway, south of Prairie Drive, specifically to allow for a limited-service hotel. (Z22-0002) (DS)**

Mr. Soto stated the purpose of this request is to rezone from Office (O) to Planned Development-Office (PD-O). The applicant is proposing two modifications to include the addition of a limited-service hotel as a permitted use and allowing the utility easement to overlap required landscape setbacks, buffers, and easements. In addition, the applicant has agreed to enter into a development agreement regarding Exhibit F, which reflects the exterior elevations. Mr. Soto also noted the proposed landscaping meets the requirements of the Zoning Ordinance. Staff is recommending approval.

Matt Moore of ClayMoore Engineering, representing the applicant, stated they are requesting approval for this project.

The Town Council discussed and requested the applicant to add a little more stone or brick to the building, as well as additional landscaping around the pool.

Mayor Bristol opened the public hearing.

No comments were made.

Mayor Bristol closed the public hearing.

Mayor Pro-Tem Hodges made a motion to approve a request to rezone 5.7± acres from Office (O) to Planned Development-Office (PD-O), located on the west side of Mahard Parkway, south of Prairie Drive, specifically to allow for a limited-service hotel. Deputy Mayor Pro-Tem Andres seconded that motion, and the motion was unanimously approved.

- 28. Conduct a public hearing and consider and act upon a request to amend Planned Development-93 (PD-93), on 0.8± acres, located on the southwest**

corner of Broadway Street and Preston Road, in order to allow for a restaurant with drive-through services. (Z22-0006) (DS)

Mr. Soto stated the purpose of this request is to amend Planned Development-93 (PD-93) to allow for a restaurant with drive-through services. The applicant is requesting a change in the layout changing the initial proposed retail building on Lot 3 to a 2,600 sq. ft. restaurant with drive-through services. Mr. Soto also noted the proposed landscaping meets the minimum standards as well as provides additional landscaping based on the Town's Zoning Ordinance. Staff recommends approval.

The Town Council asked what the primarily building material is, how many vehicles can stack, and if the use will have dining inside of the building.

Matt Moore of ClayMoore Engineering, representing the applicant responded the building material is primarily brick, and five vehicles can stack, and there will be dining space similar to other like businesses.

Mayor Bristol opened the public hearing.

No comments were made.

Mayor Bristol closed the public hearing.

Mayor Pro-Tem Hodges made a motion to approve a request to amend Planned Development-93 (PD-93), on 0.8± acres, located on the southwest corner of Broadway Street and Preston Road, in order to allow for a restaurant with drive-through services. Councilmember Ray seconded that motion, and the motion was unanimously approved.

29. Conduct a public hearing and consider and act upon a request for a Specific Use Permit (SUP) for a Restaurant with Drive-Through Service, on 1.2± acres, in the Victory at Frontier development. The property is zoned Planned Development-10 & Specific Use Permit 38 (PD-10 & S-38). (S22-0006). (DS)

Mr. Soto stated the purpose of this request is to amend the SUP to expand the square-footage of the building to 6,050 sq. ft. for a retail and restaurant with drive-through services. Mr. Soto noted per the Town's Zoning Ordinance, any increase in building square footage from its size on the approved SUP should be more than ten percent (10%). Any other enlargements shall require the re-approval of the SUP. The landscaping meets the minimum standards of the Town's Zoning Ordinance. Staff recommends approval.

The Town Council questioned why the amendment is being done so soon after the approval in November 2022 as well as addressing the concerns of pass through near the drive-through location.

Mayor Bristol opened the public hearing.

No comments were made.

Mayor Bristol closed the public hearing.

The Town Council discussed the development and their desire to see the development as a whole in order to have a bigger picture. They also expressed concerns about the

congestion at the intersection but noted the liking to the enhancements being done and the more natural flow and location of the building.

Scott Norris, the applicant, stated they added more landscaping, dine-in capabilities, and parking to the rear of the building. They are designing spaces specifically for users. He noted the continual working with staff regarding the development and believes the Town Council will have a better overall picture with their next submittal.

Councilmember Ray made a motion to approve a request for a Specific Use Permit (SUP) for a Restaurant with Drive-Through Service, on 1.2± acres, in the Victory at Frontier development. The property is zoned Planned Development-10 & Specific Use Permit 38 (PD-10 & S-38). Councilmember Bartley seconded that motion. Motion ties with a 3 to 3 vote. Mayor Pro-Tem Hodges, Deputy Mayor Pro-Tem Andres, and Councilmember Kern voting in opposition.

Councilmember Bartley made a motion to table a request for a Specific Use Permit (SUP) for a Restaurant with Drive-Through Service, on 1.2± acres, in the Victory at Frontier development. The property is zoned Planned Development-10 & Specific Use Permit 38 (PD-10 & S-38) to the August 23, 2002, Town Council meeting.

Mr. Norris commented that this piece of the development is a better concept and understands the desire of the Town Council to have a better overall concept before moving forward. However, he believes this piece is as good as it gets.

Deputy Mayor Pro-Tem asked when they will see a more organized plan. Mr. Norris replied he does not have a direct date but assured they will see the complete plan at the next submittal.

Motion dies due to no second on the floor.

Councilmember Ray made a motion to approve a request for a Specific Use Permit (SUP) for a Restaurant with Drive-Through Service, on 1.2± acres, in the Victory at Frontier development. The property is zoned Planned Development-10 & Specific Use Permit 38 (PD-10 & S-38). Councilmember Bartley seconded that motion. Motion passes was a 4 to 2 vote. Mayor Pro-Tem Hodges and Councilmember Kern voting in opposition.

30. Conduct a public hearing and consider and act upon a request to rezone 42.3± acres from Planned Development-38 (PD-38) to Planned Development-Mixed Use, located on the north side of 380, west of Lakewood Drive, in order to allow for a mixed-use development, including multifamily, hotel, office, retail and related uses. (Z22-0004) (DS)

Mr. Soto stated the purpose of this request is to rezone 42 acres of PD-38 to create a planned mixed-use development which will include commercial, retail, professional, and medical office uses on Lots 1, 2, and 3, and multi-family residential on Lots 4 and 5x. Concerns by staff include density due to the additional units being requested, the decrease in parking spaces, and the building not being consistent with the Town's design and development standards. Staff does not recommend approval.

Mr. Kattner and Ms. Savera, representing the applicant presented an overview of the project outlining components and design elements of the office, retail, hotel, and residential, as well as the multi-family amenities, and improvements made based on feedback received from the Planning and Zoning Commission.

Mayor Bristol opened the public hearing.

Dhumil Zaveri, Managing Partner of the Solana Capital Group, stated he is in favor of the proposed request and believes it is a great location.

Lance VanZant, representing the NRP Group, stated he is in favor of the request and believes it will reflect the quality that is being presented.

Mayor Bristol closed the public hearing.

The Town Council discussed their concerns about the location, multi-family being used on this tract, lack of parking and open space component(s).

Councilmember Bartley made a motion to deny a request to rezone 42.3± acres from Planned Development-38 (PD-38) to Planned Development-Mixed Use, located on the north side of 380, west of Lakewood Drive, in order to allow for a mixed-use development, including multifamily, hotel, office, retail and related uses. Councilmember Kern seconded that motion, and the motion was unanimously approved.

- 31. Consider and act upon Resolution No. 2022-40 of the Town Council of the Town of Prosper, Texas, declaring the necessity to acquire certain properties for right-of-way, street easements, water easements, and drainage easements for the construction of the First Street (DNT – Coleman) 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 if purchase negotiations are not successful. (HW)**

Mr. Webb stated the Town is in the process of developing engineering plans for the construction of the First Street (DNT-Coleman) project. Staff has identified 22 of the 29 properties to be affected. Staff is requesting authorization to pursue acquisition by eminent domain if standard negotiations are unsuccessful.

Councilmember Ray asked the what the timeframe of execution would be. Mr. Webb replied that it would be approximately three to four months and the Town would conduct a study on the roundabout.

Deputy Mayor Pro-Tem Andres made a motion to approve a Resolution No. 2022-40 of the Town Council of the Town of Prosper, Texas, declaring the necessity to acquire certain properties for right-of-way, street easements, water easements, and drainage easements for the construction of the First Street (DNT – Coleman) 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 if purchase negotiations are not successful. Mayor Pro-Tem Hodges seconded that motion.

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

Motion passes unanimously.

- 32. Consider all matters incident and related to the issuance and sale of “Town of Prosper, Texas General Obligation Bonds, Series 2022”, including the adoption of Ordinance No. 2022-41 authorizing the issuance of such bonds and establishing procedures and delegating authority for the sale and delivery of such bonds. (BP)**

Jason Hughes, First Southwest Securities, stated the following parameters ordinance will delegate authority to the Executive Director of Administrative Services and the Finance Director to complete the final pricing of the debt for an amount not to exceed \$34,000,000 at a maximum interest rate of 5.00%, and with a final maturity of August 15, 2042. The anticipated sale will occur the week of August 15, 2022.

Mayor Pro-Tem Hodges made a motion to adopt Ordinance No. 2022-41 authorizing the issuance and sale of “Town of Prosper, Texas General Obligation Bonds, Series 2022”, and approving all other matters related thereto. Councilmember Bartley seconded that motion, and the motion was unanimously approved.

- 33. Consider adoption of Resolution No. 2022-42 directing publication of notice of intention to issue certificates of obligation for the purpose of funding costs associated with the construction of water and wastewater improvements in the Town. (BP)**

Jason Hughes, First Southwest Securities, stated this is the first step related to the requirements of state law directing publication of notice of intention to issue certificates of obligation through a competitive or negotiated sale for an amount not to exceed \$13,7000,000 at a maximum interest rate of 4.34% with a final maturity of August 15, 2042.

Mayor Pro-Tem Hodges made a motion to approve Resolution No. 2022-42 directing publication of notice of intention to issue certificates of obligation for the purpose of funding costs associated with the construction of water and wastewater improvements in the Town. Councilmember Ray seconded that motion, and the motion was unanimously approved.

- 34. Consider and act upon adopting the Downtown Master Plan. (MM)**

The Town Council discussed the importance of the plan as a guideline and a commitment to making the plan a “living and breathing” document. The Town Council also requested a future Downtown Committee with defined scope of duties.

Councilmember Bartley made a motion to approve adopting the Downtown Master Plan. Councilmember Kern seconded that motion, and the motion was unanimously approved.

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

The Town Council requested the following items for future discussion: mesh screening, a Downtown Committee, non-profit grants, and street cleaning.

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 551.076 – To deliberate the deployment of specific occasions for implementation of security personnel or devices at Town Hall.

The Town Council recessed into Executive Session at 9:14 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 9:53 p.m.

No action was taken.

Adjourn.

The meeting was adjourned at 9:54 p.m.

These minutes approved on the 9th day of August 2022.

APPROVED:

Jeff Hodges, Mayor Pro-Tem

ATTEST:

Michelle Lewis Sirianni, Town Secretary