



MINUTES

Prosper Town Council Meeting
Prosper Town Hall, Council Chambers
250 W. First Street, Prosper, Texas
Tuesday, December 10, 2024

Call to Order/ Roll Call.

The meeting was called to order at 6:19 p.m.

Council Members Present:

Mayor David F. Bristol
Mayor Pro-Tem Marcus E. Ray
Deputy Mayor Pro-Tem Amy Bartley
Councilmember Craig Andres
Councilmember Chris Kern
Councilmember Jeff Hodges
Councilmember Cameron Reeves

Staff Members Present:

Mario Canizares, Town Manager
Jeremy Page, Town Attorney
Michelle Lewis Sirianni, Town Secretary
Bob Scott, Deputy Town Manager
Chuck Ewings, Assistant Town Manager
Robyn Battle, Executive Director
Mary Ann Moon, EDC Executive Director
David Hoover, Development Services Director
Suzanne Porter, Planning Manager
Dakari Hill, Senior Planner
Pete Anaya, Assistant Director of Engineering – Capital Projects
Leigh Johnson, IT Director
Muya Mwangi, Help Desk Technician I
Dan Baker, Parks & Recreation Director
Carrie Jones, Public Works Director
Tony Luton, Human Resources Director
Chris Landrum, Finance Director
Wilson Haynes, Communications Specialist
Doug Kowalski, Police Chief
Scott Brewer, Assistant Police Chief
Aidan Daily, Police Crime Analyst

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

Jeremy Meister with Gateway Church led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were led by Prosper Cub Scout Pack 289.

Announcements of recent and upcoming events.

Councilmember Reeves made the following announcements:

We would like to thank everyone who came out for the Christmas Festival this past Saturday, especially due to the weather conditions. A special thanks to our Parks and Recreation Department for all their hard work preparing for the event, the Rotary for putting on the parade, all the staff who helped and volunteered, and the vendors, and the sponsors for all venturing out in the rain.

Join Mayor Bristol and members of the Prosper Town Council and staff on Saturday, December 14 from 10:00 a.m. to 6:00 p.m. for the ringing of the bell for the Salvation Army Red Kettle Challenge at the Kroger located at 1250 N. Preston Road. All money raised will support various services that combat poverty, addiction, and homelessness in Collin County.

A reminder that Town Hall Offices will be closed on Tuesday, December 24, and Wednesday, December 25 for the Christmas Holiday and Wednesday, January 1 for the New Year's Holiday. Trash services will be delayed by one day due to the Christmas and New Year's holidays. The special bulk drop-off location at Public Works will be closed on Saturday, December 28.

The Prosper Community Library will close at 4 p.m. on Monday, December 23, and remain closed through Wednesday, December 25 for the Christmas Holiday. The Library will also close at 4 p.m. on Tuesday, December 31, and remain closed through Wednesday, January 1 for the New Year's Holiday.

Lastly, a reminder that the Tuesday, December 24 Town Council Work Session and Regular meeting have been cancelled. We wish everyone a Happy Holiday Season and New Year!

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.

1. **Consider and act upon the minutes from the November 26, 2024, Town Council Work Session meeting. (MLS)**
2. **Consider and act upon the minutes from the November 26, 2024, Town Council Regular meeting. (MLS)**
3. **Consider acceptance of the September 2024 monthly financial report. (CL)**
4. **Receive the Quarterly Investment Report for September 30, 2024. (CL)**
5. **Consider and act upon awarding RFP No. 2024-36-B Compensation and Classification Services to Evergreen Solutions for \$52,500 and authorizing the Town Manager to execute all documents for the same. (TL)**
6. **Consider and act upon authorizing the Town Manager to enter into a Professional Services Agreement with GFF Design to conduct a facility needs assessment for the Police Department in the amount of \$78,500. (CE)**
7. **Consider and act upon authorizing the Town Manager to execute a Memorandum of Understanding between Costco Wholesale Corporation, WestSide Prosper LLC, and the Town of Prosper, Texas, related to the construction of the US 380 Improvements to serve the Costco development. (HW)**
8. **Consider and act upon authorizing the Town Manager to execute a Change Order to the Advance Funding Agreement for Voluntary Local Government Contributions to Texas Improvement Projects with No Required Match for On-System Improvements between the Texas Department of Transportation, and the Town of Prosper, Texas, related to the construction of the US 380 Improvements to serve the Costco development. (HW)**

9. Consider and act upon authorizing the Town Manager to enter into an agreement with Mels Electric LLC, related to the installation of the Traffic Signal at Fishtrap Road and Denton Way Intersection project for \$300,932.50. (PA)
10. Consider and act upon Ordinance 2024-76 to rezone 5.7± acres from Agricultural (AG) to Planned Development-130 (PD-130) on George Horn Survey, Abstract 412, Tract 2, located on the west side of Custer Road and 470± feet south of Frontier Parkway. (ZONE-24-0017) (DH)
11. Consider and act upon authorizing the Town Manager to execute a Development Agreement between Naznat LP and the Town of Prosper relative to George Horn Survey, Abstract 412, Tract 2. (ZONE-24-0017) (DH)
12. Consider and act upon Ordinance 2024-77 to rezone 120.5± acres from Planned Development-44 (PD-44) to Planned Development-129 (PD-129) on Collin County School Land Survey 12, Abstract 147, Tract 45, located on the southeast corner of Legacy Drive and Frontier Parkway. (ZONE-24-0013) (DH)
13. Consider and act upon authorizing the Town Manager to execute a Development Agreement between Legacy Frontier LLC and the Town of Prosper relative to Collin County School Land Survey 12, Abstract 147, Tract 45. (ZONE-24-0013) (DH)
14. 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)

Deputy Mayor Pro-Tem Bartley requested to pull items 12 and 14.

Deputy Mayor Pro-Tem Bartley moved to approve consent agenda items 1 through 11, and 13. Councilmember Reeves seconded the motion. Motion carried unanimously.

Regarding item 12, Deputy Mayor Pro-Tem Bartley asked for clarification on the retail uses listed within Exhibit C. Mr. Hoover clarified and noted that Exhibit C marked Retail would be corrected to be reflected accurately as previously discussed.

Deputy Mayor Pro-Tem Bartley made a motion to approve item 12. Mayor Pro-Tem Ray seconded the motion. Motion carried unanimously.

Regarding item 14, Deputy Mayor Pro-Tem Bartley inquired if the developer knew of the Town's landscaping and maintenance requirements and/or if there would be a Property Owner's Association (POA). Mr. Hoover noted they will have a POA.

Deputy Mayor Pro-Tem Bartley made a motion to approve item 14. Councilmember Andres seconded the motion. Motion carried unanimously.

CITIZEN COMMENTS

Jenny Rau, 260 Stephanie Lane, deferred her time to Mr. DaCosta.

Gwen Ray, 341 Stephanie Lane, deferred her time to Mr. DaCosta.

Octavio DaCosta, 141 Dave Trail, expressed concerns regarding the safety of children during school drop-off and pick-up at Reynolds Middle School. There has been an increase in cars stopping on Wilson Drive, Gray Lane, Dave Trail, and Bryan Street. Mr. DaCosta requested the Town Council to consider enforcing a no-parking/no-stopping restriction from 3:00 p.m. to 4:00 p.m. on these streets to help with this matter.

Items for Individual Consideration:

- 15. Conduct a public hearing and consider and act upon Ordinance 2024-78 to amend Planned Development-26 (Prosper Business Park), on 71.1± acres, to reduce the minimum side setback adjacent to Technology Lane on Prosper Business Park, Block B, Lot 9, located on the northeast corner of Mike Howard Lane and Safety Way. (ZONE-24-0023) (DH)**

Mr. Hoover presented this item stating the request to amend the PD is to allow for a reduced side yard setback adjacent to Technology Lane. The amendment would only permit the reduction to Lot 9. However, the reduced side yard setback would provide additional screening for the storage yard to the east of the development. The Planning and Zoning Commission recommended approval with no notices received. Staff is recommending approval.

Mayor Bristol opened the public hearing.

No comments were made.

Mayor Bristol closed the public hearing.

Councilmember Andres made a motion to approve an Ordinance 2024-78 to amend Planned Development-26 (Prosper Business Park), on 71.1± acres, to reduce the minimum side setback adjacent to Technology Lane on Prosper Business Park, Block B, Lot 9, located on the northeast corner of Mike Howard Lane and Safety Way. Councilmember Reeves seconded the motion. Motion carried unanimously.

- 16. Consider and act upon Ordinance 2024-79 amending Ordinance No. 2023-60 (FY 2023-2024 Annual Budget). (CL)**

Mr. Landrum presented the item outlining the specific funds, amounts of the transfers, and reasoning behind the amendments to each fund. Mr. Landrum noted the item was presented to the Finance Subcommittee for their review.

The Town Council discussed the amendment to the General Fund regarding Police overtime, and the expectations to stay within each department's respective budgets. Mr. Canizares emphasized that staff will continually monitor and identify trends during the fiscal year. Chief Kowalski addressed their policy, how they are moving forward, and now monitoring with the help of the Finance Department.

Mayor Pro-Tem Ray made a motion to approve Ordinance 2024-79 amending Ordinance No. 2023-60 (FY 2023-2024 Annual Budget). Councilmember Kern seconded the motion. Motion carried unanimously.

- 17. Consider and act upon authorizing the Town Manager to execute Change Order No. 1 to Dean Construction to include a water well and all required appurtenances, new electrical service to a well and well equipment, multi-use field irrigation, and a hike and bike trail with a pedestrian bridge at Raymond Community Park in the amount of \$2,637,633. (DB)**

Mr. Baker presented the item providing an overview of the original budget and funding sources for the project, including the costs associated with the addition of the well and irrigation, the hike and bike trail, tennis courts, and multipurpose field irrigation if the Council approves the Change Order. The anticipated completion date of the park is Summer 2025. The CIP Subcommittee reviewed this item and recommended approving the Change Order with the following caveats: to not fund the well until a solution can be developed, to approve the bid alternates for the tennis courts, the multipurpose fields irrigation, and the trail project.

The Town Council discussed the recommendations provided by the CIP Subcommittee, including the hike and bike trail, the multipurpose field, and the well.

Mr. Canizares added that the caption does not include the tennis courts. Therefore, would need consensus from the Town Council and the item would come back to ratify the CO to include the tennis courts.

Deputy Mayor Pro-Tem Bartley made a motion to approve a Change Order for Raymond Community Park to include multi-use field irrigation for \$458,426 and the trail project for \$1,000,000. Councilmember Hodges seconded the motion. Motion carried unanimously.

18. Discuss and provide design feedback on the First Street (Coleman – Craig) project. (HW)

Mr. Webb presented the item for the design of the First Street project, which includes the construction of two lanes with a continuous center turn lane, a five-foot sidewalk on the north side, and a ten-foot sidewalk on the south side of the roadway. The proposed ten-foot sidewalk is per the Town's Hike and Bike Trails Master Plan. To address concerns on the south side of First Street, the staff is seeking feedback to consider either relocating the ten-foot sidewalk to the north side of the roadway or reducing the width of the sidewalk to eight feet.

Councilmember Reeves provided feedback received from residents who expressed concerns about speeding. Councilmember Andres questioned if reducing the size of the sidewalk would affect the right-of-way for utility work. Mr. Webb commented that it would not, and they would have the necessary access.

Mr. Webb stated that staff would plan on having a public meeting to communicate the feedback received from the Town Council showing the eight-foot sidewalk.

19. Discuss and consider Town Council Subcommittee reports. (DFB)

Legislative Subcommittee: Councilmember Andres noted they are preparing and planning key items coming forward in the next Legislative session and engagement with the delegation.

CIP Subcommittee: Deputy Mayor Pro-Tem Bartley noted they discussed cameras for Raymond Community Park, locations and funding for additional zap stands, and the timeline for the Prosper Trail project.

Community Engagement Committee: Mayor Pro-Tem Ray noted they discussed a recap of the recommendations made to the Parks and Recreation Board regarding events, a desire to collaborate more with the Board, and did some vision casting regarding possible future items.

Downtown Advisory Committee: Councilmember Reeves noted they discussed recent updates regarding the sidewalk staining and the parking lot behind the EDC. The committee discussed several key elements, including the installation of bollards and park benches. They were also guided to focus on specific items outlined in the Master Plan. Additionally, there was a strong interest expressed in establishing a Farmer's Market.

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

Mayor Bristol asked to bring back a solution to the parking mentioned during Citizen Comments and to add Board and Commissions for the Downtown Advisory Committee to the next meeting agenda.

Deputy Mayor Pro-Tem Bartley requested an update on Lakewood Park and the cost of the repairs due to the recent damage at the park.

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 the 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 code enforcement activities and substandard structures, law enforcement activities, and all matters incident and related thereto.

Section 551.071: To consult with the Town Attorney regarding legal issues associated with irrigation and water supply contracts, and all matters incident and related thereto.

The Town Council recessed into Executive Session at 7:38 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 8:34 p.m.

Mayor Pro-Tem Ray made a motion to authorize the Town Manager to execute documentation for the purchase and sale of property described as Bryant's First Addition, Block 3, Lots 3, 4, and 5, to the Prosper EDC pursuant to the terms discussed in Closed Session. Councilmember Kern seconded the motion. Motion carried unanimously.

Adjourn.

The meeting was adjourned at 8:35 p.m.

These minutes were approved on the 14th day of January 2025.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

DRAFT