



MINUTES

Prosper Town Council Meeting
Prosper Town Hall, Council Chambers
250 W. First Street, Prosper, Texas
Tuesday, July 25, 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
Frank Jaromin, Director of Public Works
Tristan Cisco, Water Education Coordinator
Dan Baker, Parks & Recreation Director
Todd Rice, Communications Manager
David Soto, Planning Manager
Kellen Land, Help Desk Technician
Doug Kowalski, Police Chief
Stuart Blasingame, Fire Chief

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

Mike Martin with Hope Fellowship 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:

Thanks to everyone who came out this past weekend for Coffee & Chrome. There were so many cool cars to see. A special thanks to staff and all those who helped put the event together.

Applications are being accepted through Friday, August 4 for those interested in serving on a Town Board and/or Commission. More information about the Board and Commissions application process, including an online application form, is available by visiting the Town's website.

Join us in Downtown Prosper on Friday, August 11 from 7:00 p.m. to 10:00 p.m. for a Moonlight Movie as part of the Discover Downtown event series. Enjoy in the pre-movie fun with lawn games, face painters, and balloon artists. The movie "Sonic the Hedgehog 2" will begin at dusk on the south lawn of Town Hall. Remember to bring your blanket and chairs for the show.

Fall registration is now open for youth and adult classes, as well as leagues for softball and kickball. Residents can register by visiting the Parks and Recreation Department page of the Town's website.

Councilmember Bartley thanked everyone who supported the Prosper Ladies Association and Cornerstone on their recent events.

Mayor Bristol recognized and thanked members of the Town Council for participating in Prosper Ladies Association food delivery drive.

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 July 11, 2023, Town Council Work Session meeting. (MLS)**
2. **Consider and act upon the minutes from the July 11, 2023, Town Council Regular meeting. (MLS)**
3. **Receive the Quarterly Investment Report for March 31, 2023. (CL)**
4. **Consider and act upon authorizing the Town Manager to execute an audit engagement letter between Weaver and Tidwell, L.L.P., and the Town of Prosper, Texas, related to the fiscal year 2023 annual audit. (CL)**
5. **Consider and act upon Resolution 2023-46 authorizing the Town to participate with the Oncor Steering Committee of Cities regarding Oncor Electric Delivery Company's filing of an application with the Texas Public Utility Commission to amend its distribution cost recovery factor and to update mobile generation riders and finding that Oncor's proposed rates are unreasonable and are denied. (TW)**
6. **Consider and act upon Resolution 2023-47 supporting the proposed transmission line routes presented by the Texas-New Mexico Power Company to the Public Utility Commission (PUC). (CE)**
7. **Consider and act upon approval of annual maintenance purchase orders with Weatherproofing Services for the town for FY 2022-2023 and authorizing the Town Manager to execute documents for the same. (DB)**
8. **Consider and act upon Ordinance 2023-48 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)**
9. **Consider and act upon Ordinance 2023-49 to rezone 0.3± acres from Single Family-15 (SF-15) to Downtown Retail (DTR), on Lots 3-5, located south of Fifth Street and East of Main Street. (ZONE-23-0001) (DS)**

10. **Consider and act upon Ordinance 2023-50 to rezone for a Specific Use Permit (SUP) for a new Wireless Communications and Support Structure on 0.0048± acre, located on the south side of Frontier Parkway, west of Talon Lane. (ZONE-23-0008) (DS)**

Mayor Pro-Tem Andres made a motion to approve consent agenda items 1 through 10. Councilmember Hodges seconded that motion. Motion carried unanimously.

CITIZEN COMMENTS

Jeff Bostrom, 1910 Wynne Ave., stated he resides in Legacy Gardens. He expressed his concerns and opposition to the proposed rezoning of 34.7 acres located north of Prosper Trail and west of Dallas Parkway.

Items for Individual Consideration:

11. **Consider all matters incident and related to the issuance and sale of "Town of Prosper, Texas, General Obligation Refunding and Improvement Bonds, Series 2023", including the adoption of Ordinance 2023-44 authorizing the issuance of such bonds and establishing procedures and delegating authority for the sale and delivery of such bonds. (CL)**

Mr. Landrum presented outlining the key parameters of the proposed ordinance, the 2020 bond projects associated with the bonds, and a timeline of the issuance.

Mayor Bristol stated the Finance Subcommittee fully supported the proposed item.

Deputy Mayor Pro-Tem Ray made a motion to approve Ordinance 2023-44 authorizing the issuance and sale of "Town of Prosper, Texas, General Obligation Refunding and Improvement Bonds, Series 2023" and approving all other matters related thereto. Councilmember Cotten seconded that motion. Motion carried unanimously.

12. **Conduct a public hearing and consider and act upon a request 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) (DS)**

Mr. Soto presented the item stating the applicant has made changes based on the concerns of the Planning and Zoning Commission and the Town Council. Due to the changes made, staff is recommending approval.

Clint Richardson representing the applicant, provided a summary of the changes regarding the proposed development including the amenity center, the park space, and the hike/bike trail(s).

The Town Council discussed the amenities to the subdivision, screening along the roadways with open fencing, addressing the drainage concerns from the floodplain, and connecting additional areas of the walking trails.

Mayor Bristol opened the public hearing.

David Huber, 2317 Commons Way, stated his property backs up to the heavily treed area and wanted to ensure the right type of buffers would be used to help the

neighboring residents and that public safety access was reviewed. He also asked if the flood plain issues had been addressed and how the developer intended to maintain the treed area.

Mayor Bristol closed the public hearing.

The Town Council further discussed how the future park would be maintained, the treed area, and the flood plain concerns.

Councilmember Cotten made a motion to approve a request 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, and subject to the following: (1) Section 5(A) of Exhibit D, "Planned Development Standards," shall be revised to reflect that at least one active use element shall be required; (2) Section 5(A) of Exhibit D, "Planned Development Standards," shall be amended by adding a new Subsection 3 to read as follows: The amenity center within the Prosper Hills community shall be completed prior to the issuance of certificates of occupancy of greater than 50% of the home within the Prosper Hills Community; and (3) an internal walking trail shall be added from the southmost cul-de-sac in Prosper Hills to street connection immediately to the east of said cul-de-sac. Councilmember Bartley seconded that motion. Motion carried unanimously.

13. Receive an update regarding the Public Works and Parks Facility Assessment. (FJ/DB)

Mr. Jaromin presented a proposed master Site Plan for a Public Works and Parks facility. The building layout as well as highlights of the interior space, planned storage space, and a fueling station were described.

The Town Council discussed the layout including the fuel station access, the staff outdoor covered area, and overnight accommodations for the staff. The Town Council questioned if the facility would be built in phases and possible funding mechanism(s).

14. Discussion regarding median and roadway maintenance, and all matters incident and related thereto. (DB/FJ)

Mr. Baker provided an overview of the current median and roadway maintenance for US 380 Lovers to Custer Road, Custer Road, and Frontier Parkway.

The Town Council discussed options on maintenance for those roadways shared with other entities. Members of the Town Council proposed cost sharing with those entities, as well as willingness to take the maintenance over in certain areas.

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

Mayor Bristol provided an update from the most recent Finance Subcommittee meeting.

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

Deputy Mayor Pro-Tem Ray requested an update on the sweeper truck.

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 Civil Action No. 4:24-cv-650, Johnson v. Town of Prosper, et al., pending in the United States District Court for the Eastern District of Texas.

Section 551.071 - To consult with the Town Attorney regarding Code Enforcement issues, and all matters incident and related thereto.

The Town Council recessed into Executive Session at 7:54 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 8:41 p.m.

No action was taken.

Adjourn.

The meeting was adjourned at 8:41 p.m.

These minutes were approved on the 8th day of August 2023.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary