



MINUTES
Prosper Town Council Meeting
Prosper Town Hall, Council Chambers
250 W. First Street, Prosper, Texas
Tuesday, February 13, 2024

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
Councilmember Amy Bartley
Councilmember Chris Kern
Councilmember Jeff Hodges
Councilmember Charles Cotten

Council Members Absent:

Deputy Mayor Pro-Tem Marcus E. Ray

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
Hulon Webb, Director of Engineering Services
Dan Baker, Director of Parks and Recreation
David Hoover, Development Services Director
Suzanne Porter, Planning Manager
Todd Rice, Communications and Media Relations Manager
Scott Brewer, Assistant Police Chief
Doug Kowalski, Police Chief

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

Lance Millsaps 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:

Join us on Saturday, February 17 from 9 to 11 a.m. for the Prosper Fishing Derby at the Frontier Park Pond, located at 1551 Frontier Pkwy. The Prosper Fishing Derby is a friendly competition for kids and a relaxing morning for the entire family. Judges will be stationed around the pond to chart fish caught and tally the catches of the day. Prizes will be awarded for Most Fish Caught in various age divisions. The event is free of charge and registration is not required. For more details, visit the Special Events page within the Parks and Recreation Department.

Join us for the groundbreaking ceremony at Raymond Community Park on Thursday, February 22, at 10 a.m. at the northwest corner of First Street and Coit Road in Prosper. Come discover the start of Phase 1 of this project and the exciting amenities it will bring to our community. Parking will be available at St. Paul's Episcopal Church.

Mayor Bristol announced the Prosper Exchange hosted by the Prosper Economic Development Corporation on February 15 and recognized Councilmember Cotten's upcoming milestone birthday.

Presentations.

- 1. Receive a presentation from the Salvation Army of North Texas regarding the 2023 Mayor's Red Kettle Challenge.**

The Salvation Army recognized Mayor Bristol for winning the 2023 Red Kettle Challenge. He was presented with a certificate and the winning bell.

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 January 23, 2024, Town Council Regular meeting. (MLS)**
- 3. Consider and act upon Ordinance 2024-18 ordering a General Election to be held on May 4, 2024, for the purpose of electing a Councilmember Place 2 and Councilmember Place 6; designating location of polling places; ordering notices of election to be given as prescribed by law and authorizing the Town Manager to execute contracts with Collin County and Denton County Election Departments for joint election services. (MLS)**
- 4. Consider and act upon Ordinance 2024-19 amending Division 3, "Community Engagement Committee," of Article 1.04, "Boards, Commissions and Committees," within Chapter 1 of the Town's Code of Ordinances by amending Section 1.04.039, "Number of Members," and Section 1.04.042 "Chair/Vice-Chair/quorum." (MLS)**
- 5. Consider and act upon approval of a Professional Services Agreement between the Town of Prosper and Soccer Sparks LLC for recreation program instructor services; and authorizing the Town Manager to execute documents for same. (DB)**
- 6. Consider and act upon approval of a Professional Services Agreement between the Town and Prosper and Gray Event Management for recreation program instructor services; and authorizing the Town Manager to execute documents for same. (DB)**
- 7. 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)**

Staff requested to pull items 5 and 6 to be tabled to February 27.

Mayor Pro-Tem Andres made a motion to approve consent agenda items 2 through 4 and item 7, and to table items 5 and 6 to February 27, 2024. Councilmember Hodges seconded that motion. Motion carried with a vote of 6-0.

CITIZEN COMMENTS

Miriam Kassem, 1401 Woodhaven Drive, requested the Town Council to consider approving a Cease Fire Resolution to support ending the war in Gaza.

Yaseen Paul, 1920 Blue Forest Drive, requested the Town Council to consider approving a Cease Fire Resolution to support ending the war in Gaza.

Rajaie Salah, 2648 Redcedar Drive, Little Elm, requested the Town Council to consider approving a Cease Fire Resolution to support ending the war in Gaza.

Mr. Kassem, 1401 Woodhaven Drive, requested the Town Council to consider approving a Cease Fire Resolution to support ending the war in Gaza.

At 6:37 p.m., the Town Council took a brief recess.

At 6:45 p.m., the Town Council reconvened back into regular session.

Items for Individual Consideration:

- 8. Conduct a public hearing and consider and act upon a request for a Planned Development for Mini-Warehouse/Public Storage, Restaurant, and Retail uses on 8.7± acres on Collin County School Land Survey, Abstract 147, Tracts 1-7 and 28, located on the northwest corner of North Coleman Street and West Prosper Trail. The property is zoned Agricultural and Commercial. (ZONE-23-0017) (DH)**

Mr. Hoover presented the item by noting the location of the request, surrounding zoning, and details of the request including parking, landscaping, and screening. Additionally, the request would allow for two multi-tenant buildings with both restaurant and retail uses. Mr. Hoover stated that the current zoning and the Future Land Use Plan (FLUP) indicate that commercial uses are appropriate in this area; however, staff do not believe that public storage is an appropriate use at this location. The Planning and Zoning Commission recommended denial of the item by a vote of 5-1 at their January 16 meeting. Two letters and one phone expressing opposition were received. Staff is recommending denial.

The Town Council discussed the feedback received from the Planning and Zoning Commission and the commercial uses versus the retail uses of the request.

The Civil Engineer representing the landowner spoke on his behalf noting that the intent of the request is to keep the commercial uses as the base zoning with half being restaurant/retail and the other half being storage which would be requested through a Special Use Permit (SUP). They also intend on adding additional trees/screening.

The Town Council further discussed the outdoor storage, phasing of the development, materials, and height of the buildings, and how the adjacent neighborhood would be affected.

Mayor Bristol opened the public hearing.

No comments were made.

Mayor Bristol closed the public hearing.

The Town Council additionally discussed the directional layout of the buildings and landscaping standards.

Councilmember Cotten made a motion to deny a request for a Planned Development for Mini-Warehouse/Public Storage, Restaurant, and Retail uses on 8.7± acres on Collin County School Land Survey, Abstract 147, Tracts 1-7 and 28, located on the northwest corner of North Coleman Street and West Prosper Trail. The property is zoned Agricultural and Commercial. Councilmember Bartley seconded that motion. Motion carried with a 6-0 vote.

9. Consider and act upon awarding CSP No. 2024-12-B to Wilson Contractor Services, related to construction services for the DNT Waterline Relocation (US 380 - First Street) project; and authorizing the Town Manager to execute a construction agreement for same. (HW)

Mr. Webb introduced this item stating that this project consists of all the work needed to relocate an existing 16-inch waterline in conflict with the proposed construction of NTTA's main lanes. The project was advertised with the Town receiving ten bids with a project timeline from 110 days to 310 days. Reference checks were conducted with positive feedback received. The cost for the construction of the project is \$1,269,004.08 coming in below the total budget for the project. Staff is recommending approval.

Councilmember Hodges made a motion to approve awarding CSP No. 2024-12-B to Wilson Contractor Services, related to construction services for the DNT Waterline Relocation (US 380 - First Street) project; and authorizing the Town Manager to execute a construction agreement for same. Mayor Pro-Tem Andres seconded that motion. Motion carried with a 6-0 vote.

10. Consider and act upon Resolution 2024-21 of the Town Council of the Town of Prosper, Texas, declaring the public necessity to acquire certain property for a water line easement for the construction of the DNT Waterline Relocation (US 380 - First Street) 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 introduced this item noting the waterline relocation project. The proposed resolution is requesting advance authorization to pursue acquisition by eminent domain if standard negotiations are unsuccessful.

Mayor Pro-Tem Andres made a motion to approve Resolution 2024-21 declaring the public necessity to acquire certain waterline easements for the construction of the DNT Waterline Relocation (US 380 - First Street) project; project with such the property being more particularly described in the attached resolution; 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. Councilmember Cotten seconded that motion.

Councilmember Cotten – In Favor
Councilmember Hodges – In Favor
Mayor Bristol – In Favor
Mayor Pro-Tem Andres – In Favor
Councilmember Kern – In Favor
Councilmember Bartley – In Favor

Motion carried with a 6-0 vote.

11. **Consider and act upon Ordinance 2024-20 amending Section 4.09.001, “Definitions,” of Article 4.09, “Special Events and Temporary Outdoor Seasonal Sales,” of Chapter 4, “Business Regulations,” of the Code of Ordinances, and amending article 4.09, “Special Events and Temporary Outdoor Seasonal Sales,” of Chapter 4, “Business Regulations,” of the Code of Ordinances by adding a new section 4.09.14, “Parking,” to address temporary parking of vehicles at special events. (DB)**

Mr. Baker stated the proposed amendments would allow the Town to post “no parking” signs at special events and allow the Police Department to enforce the regulation by issuing a citation or towing if necessary.

Councilmember Kern made a motion to approve Ordinance 2024-20 amending Section 4.09.001, “Definitions,” of Article 4.09, “Special Events and Temporary Outdoor Seasonal Sales,” of Chapter 4, “Business Regulations,” of the Code of Ordinances, and amending article 4.09, “Special Events and Temporary Outdoor Seasonal Sales,” of Chapter 4, “Business Regulations,” of the Code of Ordinances by adding a new section 4.09.14, “Parking,” to address temporary parking of vehicles at special events. Mayor Pro-Tem Andres seconded that motion. Motion carried with a 6-0 vote.

12. **Receive an update on the Parks, Recreation and Open Space Master Plan. (DB)**

Mr. Baker introduced this item stating that stakeholder groups have been selected to represent the Advisory Committee, which include members of the active adult community, Parks and Recreation Board, Community Engagement Committee, Prosper Youth Sports Commission, Proser Independent School District, the faith community, Downtown Business Alliance, Mayor’s Youth Advisory Council, Homeowners Association leadership, families with children with special needs, and the cricket community. This committee will attend four quarterly meetings led by the consultant, Dunaway Associates. The Parks and Recreation Board approved and recommended the proposed committee members to the Town Council. In addition, two focus groups will also be formed as part of the public input process. The invitees are still being discussed; however, the Parks and Recreation Board did approve the stakeholder groups recommended.

The Town Council discussed the diversity of the committee and expressed their appreciation for those individuals that are participating.

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

Councilmember Cotten provided a Capital Improvement Projects (CIP) Subcommittee report recapturing items noted during the work session.

Mayor Pro-Tem Andres provided a Legislative Subcommittee report noting the Town's participation with the TML Legislative Process as we move into the primary season.

Councilmember Bartley provided a Downtown Advisory Committee report noting the committee is receiving cost estimates for arches and continue to vet projects based on cost projections. To date, \$19,000 funds are committed to projects.

Councilmembers Bartley and Hodges provided a Community Engagement Committee update noting the discussions regarding the mobile app and working with the vendor to find solutions to use it for push notifications for alerts, etc.

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 Upper Trinity Regional Water District Board of Directors, 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, and all matters incident and related thereto.

Section 551.074 - To discuss and consider personnel matters, including the annual evaluation of the Town Manager, Town Attorney and the Municipal Judge, and all matters incident and related thereto.

The Town Council recessed into Executive Session at 7:35 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 9:01 p.m.

Mayor Pro-Tem Andres made a motion to appoint George Dupont to the Upper Trinity Regional Water District Board of Directors. Councilmember Hodges seconded that motion. Motion carried with a 6-0 vote.

Adjourn.

The meeting was adjourned at 9:02 p.m.

These minutes were approved on the 27th day of February 2024.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

DRAFT