



MINUTES
Prosper Town Council Meeting
Prosper Town Hall, Council Chambers
250 W. First Street, Prosper, Texas
Tuesday, July 11, 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 Chris Kern
Councilmember Jeff Hodges
Councilmember Charles Cotten

Council Members Absent:

Councilmember Amy Bartley

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 Baker, Parks & Recreation Director
Trevor Helton, Recreation Manager
Todd Rice, Communications Manager
David Soto, Planning Manager
Dakari Hill, Senior Planner
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:

The Discover Downtown series continues Saturday, July 22 with Coffee & Chrome, a car show which will be hosted in the Prosper Town Hall parking lot from 7:30 a.m. to 10:30 a.m. This event will showcase vehicles and exhibits with car-related products and services. All vehicles are welcome and there is no charge to participate. Applications are being accepted for those interested in being part of the event. Visit the Town's website for more information.

The summer season of the Mayor's Fitness Challenge is underway and lasts through August 31. Stay engaged in your commitment to fitness by receiving emails about fun giveaways and promotions from our summer fitness partners. Visit the Town's website for more details regarding this year's challenge.

Learn about the world of aviation during the Prosper Community Library's event on Wednesday, July 19 from 10:00 a.m. to noon in the Council Chambers of Town Hall. Explore the inner working of airplanes and gain a deeper understanding from seasoned pilots, mechanics, and a FAA Executive. Event is open to the public and all ages are welcome.

Applications are now being accepted through Friday, August 4 to serve on a Town's 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.

Mayor Bristol congratulated Councilwoman Bartley on the arrival of her first grand baby.

Presentations.

1. Presentation of a Proclamation declaring the month of July Parks and Recreation Month. (DB)

Mayor Bristol read and presented a Proclamation to members of the Parks and Recreation Department staff.

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 June 27, 2023, Town Council Work Session meeting. (MLS)**
- 3. Consider and act upon the minutes from the June 27, 2023, Town Council Regular meeting. (MLS)**
- 4. Consider and act upon Resolution 2023-45 making written and evidentiary findings relative to the denial of a request from Anthemnet for a Specific Use Permit (SUP) for a commercial antenna on the south side of Prosper Trail west of Preston Country Lane. (TW)**
- 5. Consider and act upon approving the purchase and installation of Mixing Tank Systems from Axis Construction, L.P., through the BuyBoard Purchasing Cooperative; and authorizing the Town Manager to execute documents for the same. (FJ)**
- 6. 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 Dallas North Tollway Water Line Relocation project. (HW)**

7. **Consider and act upon authorizing the Town Manager to execute a Professional Engineering Services Agreement between Spiars Engineering & Surveying, Inc., and the Town of Prosper, Texas, related to the design of the Preston Road (SH 289) and First Street Dual Left Turn Lanes project. (HW)**
8. **Consider and act upon approving Change Order Number 02 for CSP 2022-48-B to Mario Sinacola & Sons Excavating, Inc., related to construction services for the First Street (Coit-Custer) 4 Lane project; and authorizing the Town Manager to execute Change Order Number 02 for same. (HW)**
9. **Conduct a public hearing and consider and act upon a request by St. Martin de Porres Catholic Church for a Specific Use Permit (SUP) for Temporary Buildings on 8.2± acres, located north of US-380, west of South Teel Parkway. (ZONE-23-0009) (DS)** Staff requested to pull items 13 and 14.

Deputy Mayor Pro-Tem Ray requested to pull item 9.

Councilmember Cotten requested to pull item 8.

Mayor Pro-Tem Andres made a motion to approve consent agenda items 2 through 7. Deputy Mayor Pro-Tem Ray seconded that motion. Motion carried unanimously.

Councilmember Cotten asked in regard to item 8 what the total cost is for the additional left turn lane. Mr. Webb noted the cost of the complete change order is \$402,872.69 of which \$249,520.35 is allocated to the additional left turn movement from southbound Coit Road onto First Street. Councilmember Cotten expressed his concern of the amount of the Change Order for just a 12-month improvement.

Members of the Town Council shared the concern of the cost along with the concerns of the projected traffic in that area. Similar intersections within the Town were noted.

Deputy Mayor Pro-Tem Ray made a motion to approve Change Order Number 02 for CSP 2022-48-B to Mario Sinacola & Sons Excavating, Inc., related to construction services for the First Street (Coit-Custer) 4 Lane project; and authorizing the Town Manager to execute Change Order Number 02 for same. Councilmember Hodges seconded that motion. Motion carried with a vote of 4-2. Councilmembers Kern and Cotten voted in opposition.

Mr. Soto presented item 9 by stating the request is for temporary buildings for a private day care. A Site Plan will be submitted for consideration and is active for three years with approval from the Planning and Zoning Commission. Once the three years has expired, the applicant will have to submit another request for a one-year extension. The request was unanimously approved the by the Planning and Zoning Commission. However, the Commissioners questioned the length of time the temporary buildings would be at the site. Staff is recommending approval.

The Town Council discussed how many other temporary buildings there were in the Town, reviewing the Town's policy, length of extensions, as well as screening. Several members of the Town Council expressed shortening the initial time frame on the SUP to two years.

Mayor Bristol opened the public hearing.

No comments were made.

Mayor Bristol closed the public hearing.

Councilmember Hodges made a motion to approve a request by St. Martin de Porres Catholic Church for a Specific Use Permit (SUP) for Temporary Buildings on 8.2± acres, located north of US-380, west of South Teel Parkway not to exceed two years with a one-year renewal. Deputy Mayor Pro-Tem Ray seconded that motion. Motion carried unanimously.

CITIZEN COMMENTS

Arti Sanghi, 1621 Quail Creek Lane, expressed concerns regarding five incidents that have taken place in their neighborhood. Ms. Sanghi stated they are seeking help from the Town Council to remove a dog from the neighborhood that has injured people and other dogs that they feel is a threat to the community and making neighbors feel unsafe.

Barbara Nugent, 961 Grassy Shore Lane, described in detail to the Town Council an incident regarding the dog mentioned. She expressed concerns of being able to walk her dog in the neighborhood safely.

Mr. Canizares stated he has met with staff and provided an update to the group. He encouraged them to fill out the forms provided to begin the formal process with the Town's Municipal Court. Mr. Welch noted that the Town would need to follow the state statute(s) thereby needing a sworn testimony and affidavit regarding the incident(s).

Items for Individual Consideration:

- 10. Conduct a public hearing and consider and act upon a request to rezone 34.7± acres from Commercial District (C) to a new Planned Development for Mixed Use, located northside of Prosper Trail and west of Dallas Parkway. (Z22-0019) (DS)**

Mr. Soto introduced the item providing a history of the rezoning request, and noted the applicant is proposing a mixed used development with two sub-districts. The conceptual plan reflected each district with proposed uses in each district, and associated triggers, building heights, materials, and setbacks, parking standards, landscaping, open space, and how the project has proposed development standards that are consistent with the DNT Design Guidelines. The Planning and Zoning Commission unanimously recommended approval, however, questioned the amount of parking for each area of the plan, amount of greenspace available, lighting, ratio of multifamily units, amenities, triggers for the townhouses, and the public comments available. Staff is recommending approval due to the adherence to the DNT Design Guidelines.

Andrew Bennett, applicant and Nolan Bradshaw, Architect spoke to the plan and changes that have been made from the original proposed plan along with their efforts in working with staff. The schedule of the construction phases was noted if approved.

Mayor opened the public hearing.

David Blom, 1641 Summer Star, stated he was not opposed to the development, but expressed concerns for the Town Council to contemplate when considering the proposed project that included parking standards, open space, the triggers associated with the development, landscape standards, building materials, number of multifamily units, number of owners within one Planned Development, addressing

responsibilities within the Property Owners Association (POA), and any special conditions placed on the project.

Randal Stigler, 3961 Marigold Lane, urged the Town Council to consider the effects of the proposed development and to ensure it aligns with its vision for the community.

Mayor Bristol closed the public hearing.

The Town Council discussed the extension of Shawnee Trail as part of the development, the building materials, parking ratios, the location of the multifamily and type of parking associated with it and percentages of dwelling unit sizes, triggers associated with the development, aesthetics, and tightening up language in the POA. Several members of the Town Council expressed wanting additional time to review some of these items.

Deputy Mayor Pro-Tem Ray made a motion to table a request to rezone 34.7± acres from Commercial District (C) to a new Planned Development for Mixed Use, located northside of Prosper Trail and west of Dallas Parkway to August 8. Mayor Pro-Tem Andres seconded that motion. Motion carried with a 5-1 vote. Councilmember Cotten voting in opposition.

11. Discuss and consider Town Council Subcommittee reports. (DB)

Councilmember Cotten gave an update on the recent CIP Subcommittee meeting.

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

Deputy Mayor Pro-Tem Ray requested staff to address the medians/edging along Prosper Trail, and the culverts along Gentle Creek to Whispering Farms. Mayor Bristol noted that there is a lot of vegetation on private property that needs addressed in this area.

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.

The Town Council recessed into Executive Session at 8:54 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 9:21 p.m.

No action was taken.

Adjourn.

The meeting was adjourned at 9:21 p.m.

These minutes were approved on the 25th day of July 2023.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

DRAFT