



## MINUTES

**Prosper Town Council Meeting**  
Prosper Town Hall, Council Chambers  
250 W. First Street, Prosper, Texas  
Tuesday, April 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 Jeff Hodges  
Deputy Mayor Pro-Tem Craig Andres  
Councilmember Marcus E. Ray  
Councilmember Amy Bartley  
Councilmember Chris Kern  
Councilmember Charles Cotten

### **Staff Members Present:**

Mario Canizares, Town Manager  
Michelle Lewis Sirianni, Town Secretary  
Terry Welch, Town Attorney  
Robyn Battle, Executive Director of Community Services  
Bob Scott, Executive Director of Administrative Services  
Chuck Ewings, Executive Director of Development and Infrastructure Services  
Hulon Webb, Engineering Director  
Dan Baker, Parks and Recreation Director  
Todd Rice, Communications Manager  
David Soto, Planning Manager  
Leigh Johnson, IT Director  
Chris Landrum, Finance Director  
Doug Kowalski, Police Chief  
Stuart Blasingame, Fire Chief  
Shaw Eft, Assistant Fire Chief  
Bill Bonny, Division 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:

Youth Summer Camp Registration is now open. Prosper summer camps will keep your child moving, thinking, and meeting friends. Camps begin May 30 and will run through August 4 at various locations in town. Visit [prosperparksandrec.org](http://prosperparksandrec.org) to register and for additional information such as camp descriptions, dates, times, locations, and rates.

Early Voting for the May 6, 2023, Special Election is underway and runs through Tuesday, May 2. Residents residing in Collin County may vote at Prosper Town Hall and residents residing in Denton County may vote at Fire Station No. 2. Visit the Elections page through the Town's website for times, additional locations, and information.

Celebrate Cinco de Mayo with a party in Downtown Prosper as part of the Discover Downtown Series on Saturday, May 6 from noon to 4:00 p.m. Broadway Street will come alive with a Mariachi band, food trucks, pinatas, and more. The event is free of charge and presented by the Parks and Recreation Department in partnership with the Prosper Economic Development Corporation

Councilmember Ray announced April 23 through 29 is National Library week.

Mayor Bristol noted that the Mayor's Fitness Challenge is ongoing, and residents may participate by visiting the Town's website for information and to download tracking sheets.

### **Presentations.**

**1. Recognize individuals and the Fire Department for Life Saving efforts and awards. (SB)**

Chief Blasingame recognized and presented awards to individuals and Fire staff involved in two CPR lifesaving efforts.

### **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 April 11, 2023, Town Council Work Session meeting. (MLS)**
- 3. Consider and act upon the minutes from the April 11, 2023, Town Council Regular meeting. (MLS)**
- 4. Consider and act upon approving the purchase and installation of additional SWAT lockers for the Police Department. (DK)**
- 5. Consider and act upon approval of additional funding to the existing contract with PondMedics, Inc. to include the Proactive Plan for Broadway Pond. (DB)**
- 6. Consider and act upon authorizing the Town Manager to execute a Wastewater Development Agreement between PROSPER TOLLROAD J.V., and the Town of Prosper, Texas, related to the extension of a sanitary sewer line from Armstrong Lane to the Lakes of Prosper lift station. (HW)**
- 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 any Preliminary Site Plan, including Gates of Prosper, Phase 2, Lots 11 and 12. (DS)**

Mayor Pro-Tem Hodges made a motion to approve items 2 through 7. Deputy Mayor Pro-Tem Andres seconded that motion, and the motion was unanimously approved.

### **CITIZEN COMMENTS**

No comments were made.

**Items for Individual Consideration:**

8. **Conduct a public hearing and act upon a request to amend the Future Land Use Plan from Residential Low Density to Retail and Neighborhood Services, generally located, located on the east side of Preston Road, north of St. Peter Lane. This is a companion case to Z21-0003. (CA21-0001). (DS)**

Mr. Soto stated this item is for an amendment to the Future Land Use Plan (FLUP). Mr. Soto highlighted the existing with the proposed FLUP, reviewed the land use characteristics, as well as the initial assumptions based on the Town's build out in 2012 versus current statistics. Mr. Soto noted that if the proposed changes reflect better long-term uses than those originally envisioned, and demonstrate economic benefits to the Town, then the proposals should be approved and the FLUP amended accordingly.

Maxwell Fisher, applicant, presented the proposed development detailing the changes since it was last presented. Mr. Fisher indicated that two and a half acres were conveyed to neighbors, they scaled down the buildings, and added a bridge for the trail connection.

Mayor Bristol opened the public hearing.

Brady Cox, 1570 N. Preston Drive, stated that he has productive negotiations with the developer and has signed legal agreements subject to the zoning change. He stated that he is comfortable with the plan due to the changes being made.

Stephen Darling, Attorney for Mr. Cox noted that if the zoning change is approved, a Release of Claim will be filed that has a clause that no legal action can be taken against the Town in the future.

Donald Silverman, 4622 Maple, commented that on the north side of the property there will be dedicated open space where the trees are located will remain along with the trail connectivity for the residents.

Mayor Bristol closed the public hearing.

Councilmember Bartley requested changes to Exhibit C regarding packaged alcoholic beverage sales, drive-through's, theatre's, additional language regarding the landscape plan, and the family friendly business clause.

Councilmember Kern asked if the Planning and Zoning Commission had a chance to revisit the plan, and if any opposition letters were revoked. Mr. Soto replied that the request has not gone back to P&Z and a few letters were revoked because of the changes.

Mr. Welch reviewed the items to be listed within the Development Agreement to include language for landscaping regarding keeping the beds free of grass and weeds, standard building materials, family friendly businesses, exception for liquor sales, attaching the Landscape Plan as an Exhibit, and the Restrictive Covenants agreement as an Exhibit. For the zoning ordinance, additional language to include alcohol sales will be subject to a SUP for buildings one and five, as well as drive-through's requiring a SUP.

Councilmember Cotten made a motion to approve a request to amend the Future Land Use Plan from Residential Low Density to Retail and Neighborhood Services, generally located, located on the east side of Preston Road, north of St. Peter Lane. Mayor Pro-Tem Andres seconded that motion. Motion carried with a 6-1 vote. Councilmember Kern opposed.

**9. Conduct a public hearing and consider and act upon a request to rezone 13.3± acres from Single Family- 15 (SF-15) to Planned Development-Retail (PD-R), generally to allow for an office/retail development, located on the east side of Preston Road, north of St. Peter Lane. (Z21-0003). (DS)**

Mr. Soto stated the proposed Planned Development includes specific uses within the design guidelines. There will be no new lots built. Lot includes office, retail, and restaurants. Mr. Soto outlined changes from the previously presented plan. The Planning and Zoning Commission initially recommended denial with a vote of 3-2 due to the initial building heights, distance to residential, and the trees, landscape, and open space was important to them. Due to the changes being made, staff is recommending approval.

The Town Council discussed the treed area in the northeast corner of the property, the berms along Preston Road, and the total number of opposition letters received.

Mayor Bristol opened the public hearing.

No comments were made.

Mayor Bristol closed the public hearing.

The Town Council further discussed the SUPs for alcoholic beverages along with the support of retail uses in that area.

Mr. Welch reviewed the items to be listed within the Development Agreement to include language for landscaping regarding keeping the beds free of grass and weeds, standard building materials, family friendly businesses, exception for liquor sales, attaching the Landscape Plan as an Exhibit, and the Restrictive Covenants agreement as an Exhibit.

Councilmember Cotten made a motion to approve a request to rezone 13.3 ± acres from Single Family -15 (SF-15) to Planned Development-Retail (PD-R) generally to allow for an office/retail development, located on the east side of Preston Road, north of St. Peter Lane, subject to the following: (1) a Specific Use Permit (SUP) is required for any business that sells alcoholic beverages for off-premise consumption; (2) alcohol sales are only authorized in Buildings 1 and 5, as reflected on the Concept Plan; (3) for any bank that is located on the Property, a Specific Use Permit (SUP) will be required if the bank utilizes a drive-thru; and (4) a Specific Use Permit (SUP) is required for any drive-thru restaurant on the Property. Deputy Mayor Pro-Tem Andres seconded that motion. Motion carried with a 6-1 vote. Councilmember Kern opposed.

**10. Consider and act to adopt the Priorities of the Prosper Town Council from the Council's Strategic Visioning Event(s) held on February 18 and March 20, 2023. (MC)**

Mr. Canizares introduced the item noting staff is seeking any additional feedback from the priorities discussed at the two Strategic Visioning Events and is requesting adoption of those priorities.

Mr. Bret Bauer with Government Professional Solutions reviewed the short- and long-term priorities that the Town Council had agreed upon during the Strategic Visioning Events.

Mayor Pro-Tem Hodges made a motion to approve the adoption of the Visioning Priorities as agreed upon during the Strategic Visioning Events. Councilmember Ray seconded that motion, and the motion was unanimously approved.

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

Deputy Mayor Pro-Tem Andres thanked the Town Manager for the updated Town Hall parking map. He requested this to be monitored as the area continues to change.

**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, or specific occasions for implementation of security personnel, devices, or procedures.*

*Section 551.071 - To consult with the Town Attorney regarding legal issues associated with Interlocal and Construction Agreements, and all matters incident and related thereto.*

*Section 551.074 - To discuss appointments to the Board of Adjustment/Construction Board of Appeals, Parks & Recreation Board, Library Board, Prosper Economic Development Corporation Board, Planning & Zoning Commission, Community Engagement Committee, the Comprehensive Plan Advisory Committee, and all matters incident and related thereto.*

The Town Council recessed into Executive Session at 7:25 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 8:23 p.m.

Mayor Pro-Tem Hodges made a motion to appoint Stacy Cate to the Community Engagement Committee, Place 1, and Brandon Daniel to the Comprehensive Plan Advisory Committee. Councilmember Ray seconded that motion. Motion carried with a 4-0 vote. Councilmembers Andres, Kern and Cotten were not present for the vote.

**Adjourn.**

The meeting was adjourned at 8:24 p.m.

These minutes were approved on the 9<sup>th</sup> day of May 2023.

**APPROVED:**

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**David F. Bristol, Mayor**

**ATTEST:**

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**Michelle Lewis Sirianni, Town Secretary**