



MINUTES
Prosper Town Council Meeting
Prosper Town Hall, Council Chambers
250 W. First Street, Prosper, Texas
Tuesday, August 8, 2023

Call to Order/ Roll Call.

The meeting was called to order at 6:20 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
Dan Baker, Parks & Recreation Director
Chris Landrum, Finance Director
Whitney Rehm, Grants Administrator
Todd Rice, Communications Manager
Kellen Land, Help Desk Technician
Scot Brewer, Assistant 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:

Join us in Downtown Prosper this 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 in partnership with the Prosper EDC. 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.

Don't miss out on an unforgettable evening at Freedom Fest 2023, featuring a live performance by Coffey Anderson. This highly anticipated concert is set to take place on the south lawn of Town Hall in downtown Prosper on Saturday, September 2 beginning at 5:30 p.m. General Admission tickets are now available or reserve your VIP tickets at prospertx.gov/freedomfesttickets.

Join us on Saturday, September 9 for Paws on Broadway as part of the Downtown Discover event series in partnership with the Prosper EDC from 11:00 a.m. to 2:00 p.m. Bring your pup downtown to enjoy a fun afternoon featuring treats and contests, along with pet-related exhibits and vendors.

Join us for "Celebrate Prosper" on Saturday, October 7 at Frontier Park. Come relax in the outdoors and enjoy entertainment, food and fun with neighbors and friends. This is a free event presented by the Parks and Recreation Department with the support of Sponsors and community partners. For more information, visit the Special Events page under the Parks and Recreation Department.

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 25, 2023, Town Council Work Session meeting. (MLS)**
2. **Consider and act upon the minutes from the July 25, 2023, Town Council Work Regular meeting. (MLS)**
3. **Consider acceptance of the January, February, and March 2023 monthly financial reports. (CL)**
4. **Consider and act upon authorizing the Town Manager to execute a contract between DAC Inc. and the Town of Prosper, Texas, for security improvements to entryways at Town Hall. (CE)**
5. **Consider and act upon a Façade Plan for a Drive-Through Restaurant, on 1.1± acres, located south of East First Street and west of South Preston Road. (The property is zoned Planned Development-67 (PD-67) Gates of Prosper.) (DEVAPP-23-0011) (DH)**
6. **Consider and act upon a Façade Plan for a Hotel, Limited Service, on 2.7± acres, located on the southeast corner of Lovers Lane and South Coleman Street. (The property is zoned Planned Development-67 (PD-67) Gates of Prosper.) (DEVAPP-23-0105) (DH)**
7. **Consider and act upon Ordinance 2023-51 to rezone 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) (DH)**
8. **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 Site Plans including Prosper Town Center, Hall Elementary Temporary Buildings, Dutch Bros, PISD MS #6, Cracker Barrel,**

Home 2 Suites, One Community Church, St. Martin De Porres Temporary Building, St. Paul Episcopal Church, and 205 W. Broadway. (DH)

Councilmember Bartley request to pull item 7.

Councilmember Hodges made a motion to approve consent agenda items 1 through 6 and 8. Deputy Mayor Pro-Tem Ray seconded that motion. Motion carried unanimously.

Councilmember Bartley asked for a point of clarity regarding item 7. She asked what the process on the SUP would be if the entity asked for the one-year renewal after the initial two years. Mr. Hoover noted the Town can initiate the one-year renewal application process, which would then go to the Planning and Zoning Commission and the Town Council for consideration.

Austin Carr and Tom Ross, applicants, were in attendance and noted that they were in favor of the item.

Councilmember Bartley made a motion to approve an ordinance to rezone for a Specific Use Permit (SUP) for Temporary Buildings on 8.2± acres, located north of US-380, west of South Teel Parkway. Councilmember Cotten seconded that motion. Motion carried unanimously.

CITIZEN COMMENTS

No comments were made.

Items for Individual Consideration:

9. **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) (DH)**

Mr. Hoover introduced the item presenting an overview of the subject property including the development standards, zoning designations, building heights and setbacks.

Nolan Bradshaw representing the development reviewed the proposed layout of the development including details for the streetscape, parking, building materials, and highlighted the walkable urban district they would like to bring to the Town.

Mayor Bristol opened the public hearing.

Brian Meier, 1410 Binkley Ave., stated his opposition to the item due to the height of the buildings and increase in traffic it would bring.

Barbara Nugent, 961 Grassy Shore Lane, stated her concerns of the height of the buildings and the density it would bring to the schools.

Randal Ziegler, 3961 Marigold Lane, stated concerns regarding the height of the buildings, public safety access, and how the development would affect the overall look and feel to the Town.

Jeff Bostrom, 1910 Wynne Ave, requested the Town Council to consider the density and traffic the development would bring. He is opposed to the item.

Evan Haynes, 1931 Wynne Ave, stated his concerns about the increasing traffic. He is opposed to the item.

Eric Seiss, 3830 Porter Lane, stated his opposition to the apartment building portion of the development.

Swaroop Gaddameedhi, 1300 Euclid Drive. Mayor Bristol read written comments expressing concerns regarding increased population density, congestion caused by multi-family units, increased office building capacity, crowded schools, traffic, potential increase in crime, and drop in property values.

Oscar Perez, 4141 Silver Spur Drive, is opposed to the proposed apartment and office building plans.

Matthew Faulk, 4220 Mill Branch Drive. Mayor Bristol read his written comments opposing the item due to high density and extra stress on schools and roads.

Michael Hanschen, 1430 Beverly Drive. Mayor Bristol read his written comments expressing concerns that the amenities required for such large mixed-use development with apartments, etc. will not be sufficient and Legacy Gardens will have outside people coming into its pool, parks, and playgrounds. Mr. Hanschen also requested additional landscaping and to require the developer to build an eight-foot masonry wall the entire length of Shanee Trail.

Sana Rafique, 1930 Shenandoah Street. Mayor Bristol read her written comments expressing concerns regarding high population density that the apartments will bring to our Town and schools, as well as requesting to revise the 12-story building to the original 8-story building to better the traffic in the area.

Mayor Bristol closed the public hearing.

The Town Council discussed multi-family and the current developments that are included in the overall numbers including Ladera and the developments that have townhomes, triggers, height of the office buildings, traffic flow, percentages/units of apartments, parking, landscaping and maintenance of, permitted uses in the highway subdistrict, open space requirements, amenities, ceiling height minimum requirements on first floors of commercial and residential buildings, tapering of the buildings by height, including the "family-friendly" clause, setbacks, pedestrian trail connections, the POA, and including a review provision.

Councilmember Cotten left the dais at 8:33 p.m.

Mayor Pro-Tem Andres made a motion to table to August 22 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. Deputy Mayor Pro-Tem Ray seconded that motion. Motion carried with a 6-0 vote.

Mayor Bristol recessed the regular meeting at 8:35 p.m.

Mayor Bristol reconvened back into the regular meeting at 8:48 p.m.

10. **Consider and act upon Resolution 2023-52 of the Town Council of the Town of Prosper, Texas, declaring the public necessity to acquire certain properties for right-of-way, drainage easements, and temporary construction easements for the construction of the First Street (DNT – Coleman) 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 stated this item is for the potential round-about at Coleman and for the acquisition of right-of-way for the easements. This item requires a roll call vote.

Deputy Mayor Pro-Tem Ray asked if staff has been in communications with the property owners. Mr. Webb indicated if approved, staff will begin notifications as they proceed on the project.

Deputy Mayor Pro-Tem Ray made a motion to approve Resolution 2023-52 of the Town Council of the Town of Prosper, Texas, declaring the public necessity to acquire certain properties for right-of-way, drainage easements, and temporary construction easements for the construction of the First Street (DNT – Coleman) 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. Councilmember Hodges seconded that motion.

Councilmember Hodges – In Favor
Deputy Mayor Pro-Tem Ray – 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. **Discuss and consider submission of the Preliminary FY 2023-2024 Budget. (CL)**

Mr. Scott presented an overview of the proposed Budget including the key revenue drivers, General Fund additions, personnel and compensation changes, and the multi-year capital program and bond program. Staff will be seeking guidance from the Council regarding capital dedicated funds through the CIP Subcommittee and Finance Subcommittee.

No further discussion by the Town Council.

12. Consider and act upon accepting submission of the tax year 2023, fiscal year 2023-2024, no-new-revenue tax rate of \$0.448160 per \$100 taxable value and the voter-approval tax rate of \$0.51 per \$100 taxable value. (CL)

Mr. Landrum stated the no-new-revenue rate will produce the same amount of tax revenue if applied to the same properties in both years and the voter-approval rate is the highest tax rate the Town can set without holding an election to seek voter approval of the rate. Staff recommends accepting as submitted.

Mayor Pro-Tem Andres made a motion to accept the submission of the tax year 2023 no-new-revenue tax rate of \$0.448160 per \$100 taxable value and the voter-approval tax rate of \$0.51 per \$100 taxable value. Councilmember Hodges seconded that motion. Motion carries with a 6-0 vote.

13. Consider and act upon Ordinance 2023-53 establishing the tax year 2023 certified appraisal roll. (CL)

Mr. Landrum stated the certified appraisal roll lists all taxable property and values within the Town limits for tax year 2023 (fiscal year 2023-2024). The Town will also be required to approve the tax roll after the property tax rate is set.

Councilmember Hodges made a motion to approve Ordinance 2023-53 establishing the tax year 2023 certified appraisal roll. Councilmember Kern seconded that motion. Motion carried with a 6-0 vote.

14. Consider and act upon a proposed FY 2023-2024 property tax rate. (CL)

Mr. Landrum stated the Town is required to hold one public hearing and publish a newspaper ad if proposing to consider a tax rate that exceeds the no-new-revenue rate or voter-approval rate, whichever is lower. The rate the Town finally adopts can be lower than the proposed and published rate, but it cannot exceed it without undergoing the required posting requirements and timeframes. This item requires a roll call vote.

Mayor Pro-Tem Andres made a motion to place a proposal to adopt a FY 2023-2024 tax rate of fifty-one cents (\$0.51) per one hundred dollars (\$100) of valuation on the September 12, 2023, Town Council Agenda. Deputy Mayor Pro-Tem Ray seconded that motion.

Councilmember Hodges – In Favor
Deputy Mayor Pro-Tem Ray – 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.

15. Consider and act upon scheduling a public hearing on the FY 2023-2024 proposed Budget. (CL)

Mr. Landrum stated that September 12 is a regular meeting date of the Town Council. This date meets the public hearing requirements of the Local Government Code. Given the timelines for publishing, staff will be submitting the notice of the

public hearings on the proposed budget to print in the August 27 Frisco Enterprise edition.

Deputy Mayor Pro-Tem Ray made a motion to schedule a public hearing on the FY 2023-2024 proposed Budget for September 12, 2023, at 6:15 p.m. with the meeting taking place in the Council Chambers of Prosper Town Hall, located at 250 W First St, Prosper, TX. Councilmember Bartley seconded that motion. Motion carried with a 6-0 vote.

16. Consider and act upon scheduling a public hearing on the proposed FY 2023-2024 tax rate. (CL)

Mr. Landrum stated the Texas Property Tax Code states that a meeting to vote on the tax increase may not be held later than the seventh day after the date of the public hearing. Due to this limitation, we are requesting to hold the public hearing and vote on the tax rate on September 12 which is a regular meeting date of the Town Council. A hearing on this date satisfies tax code requirements.

Councilmember Hodges made a motion to set the public hearing on the proposed tax rate for September 12, 2023, at 6:15 p.m., with the meeting taking place in the Council Chambers of Prosper Town Hall, located at 250 W. First St, Prosper, TX. Councilmember Bartley seconded that motion. Motion carried with a 6-0 vote.

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

Mayor Bristol provided an update from the CEC meeting indicating the committee had reviewed the Comprehensive Plan, working on a Mayors Youth Council, and an initiative/pledge presented by a Prosper high school student called Prosper Act.

Mayor Bristol stated the Legislative Subcommittee also met and had a review of legislative bills passed. An update will be coming to the Town Council at the next regularly scheduled meeting.

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

Deputy Mayor Pro-Tem Ray requested a review of the maintenance of trash containers.

Councilmember Bartley requested a deadline in regard to replacing dead plants to prepare for fall landscape maintenance.

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 9:43 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 10:11 p.m.

Mayor Pro-Tem Andres made a motion to amend the Town Manager Agreement as discussed in Executive Session. Deputy Mayor-Pro Tem Ray seconded that motion. Motion carried with a 6-0 vote.

Adjourn.

The meeting was adjourned at 10:12 p.m.

These minutes were approved on the 22nd day of August 2023.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

DRAFT