



MINUTES

Prosper Town Council Meeting
Prosper Town Hall, Council Chambers
250 W. First Street, Prosper, Texas
Tuesday, August 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 Marcus E. Ray
Deputy Mayor Pro-Tem Amy Bartley
Councilmember Chris Kern
Councilmember Jeff Hodges
Councilmember Cameron Reeves

Council Members Absent:

Councilmember Craig Andres

Staff Members Present:

Mario Canizares, Town Manager
Terry Welch, Town Attorney
Michelle Lewis Sirianni, Town Secretary
Bob Scott, Deputy Town Manager
Chuck Ewings, Assistant Town Manager
Robyn Battle, Executive Director
Chris Landrum, Finance Director
Whitney Rehm, Budget Officer and Grants Administrator
David Hoover, Development Services Director
Suzanne Porter, Planning Manager
Hulon Webb, Engineering Director
Pete Anaya, Assistant Director of Engineering/Capital Projects
Dan Baker, Parks and Recreation Director
Mary Ann Moon, Economic Development Director
Todd Rice, Communications Director
Doug Kowalski, Police Chief
Stuart Blasingame, Fire Chief

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

Joshua Reeves with The Cause Church led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were recited.

Announcements of recent and upcoming events.

Councilmember Reeves made the following announcements:

Residents are invited to attend a public meeting on Tuesday, August 27 at 6:30 p.m. at Christie Elementary School regarding the proposed reconstruction and widening of Parvin Road from FM 1385 to the Dallas Parkway South at the DNT. Visit prosper.tx.gov for more information including how to submit public comments.

Join us for a public Town Hall meeting regarding the fiscal year 2024-2025 Preliminary Budget on Thursday, August 29 at 6:00 p.m. in the Council Chambers. Town staff will provide a presentation and be available for questions. Those unable to attend may watch live at prosper.tx.gov/livemeetings.

The Prosper Community Library seeks feedback for the 2024 Master Library Plan. Residents are encouraged to take a few moments to complete a survey and share their insights. A link to complete the survey may be accessed on the homepage of the Town's website.

Tickets for Freedom Fest with Coffey Anderson are now available for the Saturday, September 7 event in Downtown Prosper. General Admission is free, but tickets must be reserved in advance. VIP tickets are also available for purchase for those who would like to enjoy premium seating, exclusive amenities, and VIP parking access. Visit prosper.tx.gov for more information.

The Prosper Economic Development Corporation is hosting the next Prosper Exchange on Thursday, September 19 at 6:00 p.m. The topic "The Role of Educational Policy" will explore vital issues facing the public education system. There is no fee to attend, but residents are asked to register by visiting prosperedc.com.

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 23, 2024, Town Council Work Session meeting. (MLS)**
2. **Consider and act upon the minutes from the July 23, 2024, Town Council Regular meeting. (MLS)**
3. **Consider and act upon the minutes from the July 30, 2024, Town Council Work Session meeting. (MLS)**
4. **Receive the Quarterly Investment Report for June 30, 2024. (CL)**
5. **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 2024 annual audit. (CL)**
6. **Consider and act upon Ordinance 2024-52 amending the Fee Schedule for Emergency Medical Services (EMS) rates. (SB)**
7. **Consider and act upon authorizing the Town Manager to execute documents for the emergency repairs of water supply pumps by Global Pump Solutions LLC estimated not to exceed \$150,000. (CJ)**
8. **Consider and act upon authorizing the Town Manager to approve \$600,000 in expenditures under the existing contract with WOPAC Construction, Inc., (WOPAC) Bid No. 2019-53-A, for miscellaneous concrete replacement and repair services. (CJ)**
9. **Consider and act upon authorizing the Town Manager to execute a Professional Services Agreement between Geotex Engineering LLC, and the Town of Prosper,**

Texas, related to professional construction materials testing and observation services for the Prosper Lower Pressure Plane Phase 2A project for \$102,820. (PA)

10. Consider and act upon Ordinance 2024-53 amending Section 3.14.012(2)(H) of the Town's Code of Ordinances as it relates to Political Signs. (MLS)
11. Consider and act upon Ordinance 2024-54 amending Chapter 1, "General Provisions," of the Town of Prosper Code of Ordinances by adopting a new Article 1.11, "Downtown Prosper Entertainment District." (DH)
12. Consider and act upon Ordinance 2024-55 amending Chapter 6, "Health and Sanitation," of the Town of Prosper Code of Ordinances by amending the definitions of Article 6.03, "Maintenance of Property," and adding new Subsections (c) and (d) to Section 6.03.002, "Regulation of Weeds, Rubbish, Brush, and Other Objectionable, Unsightly, or Unsanitary Matter." (DH)
13. 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)

Deputy Mayor Pro-Tem Bartley requested to pull items 13-1 and 13-5.

Mayor Bristol requested to pull item 8.

Deputy Mayor Pro-Tem Bartley motioned to approve consent agenda items 1 through 7, 9 through 12, and 13-2 through 13-4. Councilmember Reeves seconded the motion. Motion carried with a 6-0 vote.

Item 13-5: Deputy Mayor Pro-Tem Bartley asked if the applicant would be willing to enter into a Development Agreement with the Town and exclude non-family-friendly uses, which would stay with the property if they should ever leave. Mr. Cobb, the applicant agreed to the request.

Deputy Mayor Pro-Tem Bartley motioned to approve item 13-5 and authorize the Town Manager to execute a Development Agreement for the business on the property. Councilmember Hodges seconded the motion. Motion carried with a 6-0 vote.

Item 13-1: Deputy Mayor Pro-Tem Bartley asked if the stormwater detention was wet or dry and if it would be included in Phase I or Phase II, the masonry wall along the property line, and if the applicant was aware of the maintenance requirements to maintain the landscaping. Mr. Hoover noted the plan for the detention would be in Phase I.

Deputy Mayor Pro-Tem Bartley motioned to approve item 13-1. Councilmember Reeves seconded the motion. Motion carried with a 6-0 vote.

Item 8: Mayor Bristol noted that part of the concrete replacement included the Police Department parking lot expansion.

Mayor Pro-Tem Ray motion to approve item 8. Deputy Mayor Pro-Tem Bartley seconded the motion. Motion carried with a 6-0 vote.

CITIZEN COMMENTS

No comments were made.

Items for Individual Consideration:

- 14. Consider and act upon a request for the removal of a historic tree on Wandering Creek, Phase 1, on 48.9± acres, located on the south side of First Street and 335± feet east of Wildcat Way. (DH)**

Mr. Hoover introduced the item noting per the Town's Zoning Ordinance, a tree exceeding a 40-caliper inch diameter is classified as a historic tree, and requires the Council to approve a removal request. It was determined by an Arborist that the tree would not survive after infrastructure was done in the subdivision. Therefore, the developer has requested to pay the fee in lieu of replanting trees.

The Town Council discussed the options presented and possible costs associated with replanting the number of required trees versus paying the fee, and if the Town accepted the fee where those monies could be allocated.

Councilmember Reeves motioned to approve a request for the removal of a historic tree on Wandering Creek, Phase 1, on 48.9± acres, located on the south side of First Street and 335± feet east of Wildcat Way. Councilmember Hodges seconded the motion. Motion carried with a 6-0 vote.

- 15. Consider and act upon a request for the removal of a historic tree on Legacy Gardens, Phases 3-4, on 136.1± acres, located on the southwest corner of Shawnee Trail and Frontier Parkway. (DH)**

Mr. Hoover introduced the item noting the tree's growth interferes with existing power lines and the historic tree is in the future right-of-way for Frontier Parkway. Eventually, the tree would be removed due to the anticipated expansion of the major thoroughfare. For all these reasons, it has been determined that the historic tree will not survive over time. The developer is requesting to pay the fee in lieu of replanting trees.

Councilmember Hodges motioned to approve a request for the removal of a historic tree on Legacy Gardens, Phases 3-4, on 136.1± acres, located on the southwest corner of Shawnee Trail and Frontier Parkway. Councilmember Kern seconded the motion. Motion carried with a 6-0 vote.

- 16. Consider and act upon authorizing the Town Manager to execute a Professional Service Agreement between Freese and Nichols, Inc., and the Town of Prosper, Texas, related to the creation of a Unified Development Code for an amount not to exceed \$342,842. (DH)**

Mr. Hoover introduced the item outlining the purpose of a Unified Development Code. The document would also include updates to existing ordinances and the overlay districts for Downtown and Dallas North Tollway. The process to complete will take approximately six months.

The Town Council discussed the cost associated with the project and how often updates would be needed. Requests for a work session regarding the overlay districts were noted.

Deputy Mayor Pro-Tem Bartley motioned to approve authorizing the Town Manager to execute a Professional Service Agreement between Freese and Nichols, Inc., and the Town of Prosper, Texas, related to the creation of a Unified Development Code for an amount not to exceed \$342,842. Mayor Pro-Tem Ray seconded the motion. Motion carried with a 6-0 vote.

17. Discuss and consider the submission of the Preliminary Fiscal Year 2024-2025 Budget. (CL)

Mr. Landrum presented an overview of the preliminary budget including key revenue drivers, personnel and compensation, General Fund additions, debt service fund, and capital projects and its dedicated funding source.

The Town Council commented on the market study, debt issuance, and funding for the capital improvement projects.

18. Consider and act upon Ordinance 2024-56 establishing the tax year 2024 Certified Appraisal Roll. (CL)

Mr. Landrum introduced the item providing historical property valuation data. Once approved, the Town may begin collecting for the tax year 2024 tax levy. These funds are used to cover operating and maintenance expenses, as well as debt service.

Deputy Mayor Pro-Tem Bartley motion to approve Ordinance 2024-56 establishing the tax year 2024 Certified Appraisal Roll. Councilmember Kern seconded the motion. Motion carried with a 6-0 vote.

19. Consider and act upon accepting submission of the tax year 2024, fiscal year 2024-2025, no-new-revenue tax rate of \$0.466941 per \$100 taxable value, voter-approval tax rate of \$0.522075 per \$100 taxable value, and preliminary property tax rate of \$0.505000 per \$100 taxable value. (CL)

Mr. Landrum introduced the item stating the no-new-revenue tax rate compares like property year over year. The voter-approval tax rate is split into two separate components: an operating and maintenance rate and a debt rate. The voter-approval rate calculation allows municipalities to raise 3.5 percent of the prior year's operating and maintenance money, plus the necessary debt rate. It was noted one public hearing would be required due to the preliminary tax rate being higher than the no-new-revenue tax rate.

Councilmember Hodges motioned to approve accepting submission of the tax year 2024, fiscal year 2024-2025, no-new-revenue tax rate of \$0.466941 per \$100 taxable value, voter-approval tax rate of \$0.522075 per \$100 taxable value, and preliminary property tax rate of \$0.505000 per \$100 taxable value. Councilmember Kern seconded the motion. Motion carried with a 6-0 vote.

20. Consider and act upon a proposed fiscal year 2024-2025 Property Tax Rate. (CL)

Mr. Landrum introduced the item providing historical property tax rate data and benchmarking pointing out the Town's efforts to lower the tax rate. The Town is required to hold one public hearing and publish a notice in a local newspaper. It was noted that the rate the Town finally adopts can be lower than the proposed and published tax rate, but it cannot exceed it.

Mayor Pro-Tem Ray motioned to place a proposal to adopt a fiscal year 2024-2025 tax rate of fifty and a half cents (\$0.505) per one hundred dollars (\$100) of valuation on the September 10, 2024, Town Council agenda. Councilmember Hodges seconded the motion.

Councilmember Kern – In Favor
Mayor Pro-Tem Ray – In Favor
Mayor Bristol – In Favor
Deputy Mayor Pro-Tem Bartley – In Favor
Councilmember Hodges – In Favor
Councilmember Reeves – In Favor

Motion carried with a 6-0 vote.

21. Consider and act upon scheduling a public hearing on the fiscal year 2024-2025 Proposed Budget. (CL)

Mr. Landrum stated this agenda item is setting the public hearing for the proposed budget at the September 10 Town Council meeting.

Councilmember Kern motioned to schedule a public hearing on the fiscal year 2024-2025 Proposed Budget for September 10, 2024, 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 Reeves seconded the motion. Motion carried with a 6-0 vote.

22. Consider and act upon scheduling a public hearing on the proposed fiscal year 2024-2025 tax rate. (CL)

Mr. Landrum stated this agenda item is setting the public hearing for the proposed tax rate at the September 10 Town Council meeting.

Councilmember Reeves motioned to set the public hearing on the proposed tax rate for September 10, 2024, 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 Hodges seconded the motion. Motion carried with a 6-0 vote.

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

Downtown Advisory Committee: Mayor Pro-Tem Ray noted the committee discussed and reviewed revised versions of the proposed monumentation for downtown, and associated projects.

CIP Subcommittee: Deputy Mayor Pro-Tem Bartley noted that they discussed the projects noted in the preliminary budget and will meet again to discuss allocating projects to funds allocated in the Capital Dedicated Fund.

Community Engagement Committee: Councilmember Hodges commented they discussed upcoming events including Celebrate Prosper and Freedom Fest. Mayor Pro-Tem Ray noted they also discussed setting up push notifications through the mobile app.

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 the 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 BFS Real Estate LLC, et al., v. Town of Prosper, et al., pending in the 471st Judicial District Court of Collin County, Texas, and all matters incident and related thereto; and discuss and consider anticipated litigation regarding contractual obligations.

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, and the Downtown Advisory Committee, and all matters incident and related thereto.

The Town Council recessed into Executive Session at 7:57 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 9:31 p.m.

No action was taken.

Adjourn.

The meeting was adjourned at 9:31 p.m.

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

APPROVED:



David F. Bristol, Mayor

ATTEST:



Michelle Lewis Sirianni, Town Secretary

