



MINUTES

Prosper Town Council Meeting
Prosper Town Hall, Council Chambers
250 W. First Street, Prosper, Texas
Tuesday, May 28, 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
Ryan Peterson, Assistant Finance Director
Leigh Johnson, IT Director
Hulon Webb, Director of Engineering Services
Pete Anaya, Assistant Director of Engineering CIP
David Hoover, Development Services Director
Suzanne Porter, Planning Manager
Dan Baker, Parks and Recreation Director
Kurt Beilharz, Assistant Parks and Recreation Director
Todd Rice, Communications and Media Relations Manager
Scott Brewer, Interim Human Resources Director
Eric Men, Help Desk Technician II
Aidan Daily, Police Crime Analyst
Doug Kowalski, Police Chief
Stuart Blasingame, Fire Chief

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

John Fowler with First Presbyterian 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:

Thank you to all who attended the Memorial Day Ceremony yesterday to honor the brave men and women who sacrificed their lives for our country. A special thanks to Congressman Self, Mr. Catanzaro, Pastor White, and all those who participated in the event.

The Prosper Community Library Summer Program kicked off today and will continue through August 3. This year's theme is "Every Animal Has a Story". For more information, including how to register, visit the Library page on the Town's website for all the exciting upcoming summer programs.

Join us on Saturday, June 1 from 8 am to 10:30 am at Prosper Town Hall for Coffee & Chrome. Enjoy complimentary coffee by 1418 Coffee while viewing a spectacular showcase of vehicles and related exhibits. Those wishing to show their vehicle or be an exhibitor may visit the Town's website for more information or contact the Parks and Recreation Department at events@prospertx.gov.

Presentations.

1. Recognition of the 2024 Inaugural Mayor's Youth Advisory Council. (RB)

Ms. Battle introduced and provided an overview of the purpose, goals and objectives, and accomplishments of the MYAC.

William He, Chair of the MYAC, spoke and extended his appreciation to all those on the Council, to Mayor Bristol and staff for their support and leadership given to the Council.

Rithika Chakrapani, member of MYAC, spoke and expressed her appreciation for establishing the MYAC and providing a leadership council for the youth to learn about local government.

Mayor Bristol presented certificates recognizing the 2024 inaugural MYAC council.

2. Proclamation recognizing the Prosper High School Women's Soccer Team. (MLS)

Mayor Bristol read and presented a Proclamation to the Lady Eagles soccer team.

3. Recognition of members of the Police Department for life-saving efforts. (DK)

Chief Kowalski provided an overview of the life-saving event and introduced the officers involved.

Mayor Bristol thanked the officers for their actions taken during the event.

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.

- 4. Consider and act upon the minutes from the May 14, 2024, Town Council Regular meeting. (MLS)**
- 5. Consider acceptance of the April 2024 monthly financial report. (CL)**
- 6. Consider and act upon approving Ordinance 2024-37 to authorize the Town Manager to execute certain agreements, contracts, and grant applications by increasing the contract and related authority to \$50,000 and authorizing the delegation to any Assistant Town Manager. (RBS)**

7. Consider and act upon Ordinance 2024-38 amending Chapter 8, "Offenses and Nuisances," of the Town's Code of Ordinances by adopting a new Article 8.10 prohibiting the solicitation of occupants of vehicles on public roadways. (TW/DK)
8. Consider and act up Ordinance 2024-39 amending Article 12.08 of Chapter 12, "TRAFFIC", prohibiting certain commercial vehicles from operating on Prosper Trail. (CE)
9. Consider and act upon authorizing the Town Manager to enter into a contract amendment with Republic Services adjusting the fees for Commercial recycling provided through 95-gallon carts and providing a discount to Homeowners Associations for 95-gallon trash service. (CL)
10. Consider and act upon authorizing the Town Manager to execute a Service Agreement between the Town of Prosper and Coffey Global, LLC, for Freedom Fest 2024 for an amount not to exceed \$106,300. (DB)
11. Consider and act upon authorizing the Town Manager to approve the proposal for the Prosper Christmas Festival Rentals between 5 Star Rental, and the Town of Prosper, Texas, related to the Prosper Christmas Festival for \$32,103. (DB)
12. Consider and act upon authorizing the Town Manager to execute a Professional Services Agreement between the Town of Prosper and Bowmen Sports for recreation program instructor services for an estimated amount of \$27,090. (DB)
13. Consider and act upon approving the emergency repair of North Legacy Drive north of Prosper Trail for \$44,870. (CE)
14. Consider and act upon authorizing the Town Manager to execute a contract with Nouveau Technology Services, LP, for interior improvements to the Police Department Headquarters building for \$37,283. (CE)
15. Consider and act upon authorizing the Town Manager to approve the purchase of traffic signal-related items for the Gee Road and Acacia Parkway Traffic Signal project, from Consolidated Traffic Controls, Inc., utilizing the Houston-Galveston Area Council (HGAC) Cooperative Purchasing Program for \$125,448. (PA)
16. Consider and act upon authorizing the Town Manager to approve an agreement for repairs to the traffic signal preemption equipment on Preston Road with Consolidated Traffic Controls, Inc., utilizing the Houston-Galveston Area Council (HGAC) Cooperative Purchasing Program for \$82,557. (HW)
17. 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)

Mayor Pro-Tem Ray made a motion to approve items 4-17. Councilmember Hodges seconded the motion. Motion carried with a 6-0 vote.

CITIZEN COMMENTS

Aarzoo Patel, 541 Travis Lane, invited the Town Council to a walk/run event on June 8.

Items for Individual Consideration:

- 18. Consider and act upon Resolution 2024-40 directing the publication of Notice of Intention to issue Certificates of Obligation for the purpose of funding costs associated with the construction of wastewater improvements. (CL)**

Mr. Landrum stated this item is to initiate the process of issuing Certificates of Obligation for the wastewater projects specified within the resolution. If approved, the resolution directs the publication of the notice, which will be published twice withing the local newspaper.

Councilmember Kern noted the Finance Subcommittee reviewed and approved this item.

Mayor Pro-Tem Ray made a motion to approve Resolution 2024-40 directing publication of Notice of Intention to issue Certificates of Obligation for the pubpose of funding costs associated with the construction of wastewater improvements. Deputy Mayor Pro-Tem Bartley seconded the motion. Motion carried with a 6-0 vote.

- 19. Consider and act upon authorizing the Town Manager to execute a Construction Agreement awarding CSP No. 2024-20-B to Mountain Cascade of Texas, LLC, related to the Lower Pressure Plane Phase 2 Water Pipeline project, for \$7,101,331. (PA)**

Mr. Anaya stated that this project consists of all the work needed to install a 42" water main located at the southwest corner of Coit Road and Richland Blvd. The Town received eight bids and was listed with a base bid with two options. Staff checked the references provided and received positive feedback. Staff recommends approval.

Councilmember Hodges requested if possible to have the work completed before school was in session or around school hours to alleviate traffic congestion.

Councilmember Hodges made a motion to approve authorizing the Town Manager to execute a Construction Agreement awarding CSP No. 2024-20-B to Mountain Cascade of Texas, LLC, related to the Lower Pressure Plane Phase 2 Water Pipeline project, for \$7,101,331. Councilmember Bartley seconded that motion. Motion carried with a 6-0 vote.

- 20. Consider and act upon authorizing the Town Manager to execute a Guaranteed Maximum Price (GMP) Contract #2 between the Town of Prosper and Dean Construction related to Site Development for Raymond Community Park in the amount of \$9,363,174. (DB)**

Mr. Baker stated GMP #1 contract with Dean Construction for site preparation was awarded in December 2023. This item (GMP #2) if approved, will provide the owner's authorization for the construction of the balance of the work required to provide a complete and functional project. Mr. Baker reviewed the contingency item priority list and noted it was reviewed by the CIP Subcommittee. The Subcommittee requested cost estimates for the trail that parallels the creek, artificial turf, and costs to construct a well to provide water for irrigation. The Parks and Recreation Board met, reviewed the item, and recommended approval at their May 9 meeting. Staff is recommending approval.

The Town Council discussed the costs associated with the artificial turf, the water well installation, the trail parallel to the creek, and the items on the contingency list. The

Council did not recommend artificial turf at Raymond Park; however, they would like to see it incorporated into future parks. They would like to see additional funds identified for the well and the trail, and also for the monument sign and playground pavilion.

Councilmember Bartley made a motion to approve authorizing the Town Manager to execute a Guaranteed Maximum Price (GMP) Contract #2 between the Town of Prosper and Dean Construction related to Site Development for Raymond Community Park in the amount of \$9,363,174 as presented. Councilmember Reeves seconded the motion. Motion carried with a 6-0 vote.

- 21. Consider and act upon authorizing the Town Manager to execute an amendment to the agreement between the Town of Prosper, Texas, and Brown, Reynolds, Watford, Architects, Inc., related to architectural and engineering design services for Fire Station No. 4 for \$342,300. (SB)**

Chief Blasingame introduced the item with a brief background of the project to date. Since that time, the Town has adopted the 2021 International Fire Code and 2021 International Building Codes, which requires updates to all construction documents. An amendment to the original agreement is necessary to incorporate these changes and other adjustments needed for the next GMP. Staff met with BRW Architects, Inc. and they have presented a proposal for services. The CIP Subcommittee reviewed and recommended approval. Staff recommends approval.

Councilmember Kern made a motion to approve authorizing the Town Manager to execute an amendment to the agreement between the Town of Prosper, Texas, and Brown, Reynolds, Watford, Architects, Inc., related to architectural and engineering design services for Fire Station No. 4 for \$342,300. Mayor Pro-Tem Ray seconded the motion. Motion carried with a 6-0 vote.

- 22. Consider and act upon authorizing the Town Manager to enter into a Professional Services Agreement with Quorum Architects in the amount of \$1,780,000 for the design of the proposed Public Works/Parks Service Center. (CE)**

Mr. Ewings stated funding for design was authorized as part of the Capital Improvements Plan. Twelve proposals were received for design services. Staff interviewed three finalists. The services include validation and reconfiguration of the existing Site Plan to consider the completion of Safety Way, as well as modifying the layout. The architect will provide construction documents and assist in managing the construction of the buildings and site. The plan will also address phasing the project to construct improvements as funding is available. Staff is recommending approval.

Councilmember Reeves made a motion to approve authorizing the Town Manager to enter into a Professional Services Agreement with Quorum Architects in the amount of \$1,780,000 for the design of the proposed Public Works/Parks Service Center. Councilmember Hodges seconded the motion. Motion carried with a 6-0 vote.

- 23. Conduct a public hearing to consider and act upon a request for a rezoning of 47.0± acres from Planned Development-75 to a Planned Development for Multifamily and Mixed-Use, located at the northwest corner of Dallas Parkway and Prosper Trail. (ZONE-24-0001) (DH)**

Mr. Hoover provided an introduction and background of the item noting the applicant has made changes based on feedback received. The development team for the project

presented the concept plan detailing the uniqueness of the project including the hotels, retail area, open spaces, and the phasing of the plan.

Mayor Bristol opened the public hearing.

No comments were made.

Mayor Bristol closed the public hearing.

The Town Council discussed landscaping, items within the plan as they relate to the DNT Design Guidelines, the quantity of multi-family, and the overall phasing of the plan.

Deputy Mayor Pro-Tem Bartley made a motion to approve a request for a rezoning of 47.0± acres from Planned Development-75 to a Planned Development for Multifamily and Mixed-Use, located at the northwest corner of Dallas Parkway and Prosper Trail with all recommended changes by the Planning and Zoning Commission, and with all coming back within a Development Agreement and Zoning Ordinance. Councilmember Hodges seconded the motion. Motion carried with a 4-2 vote. Mayor Pro-Tem Ray and Councilmember Kern voted in opposition.

24. Consider and act to adopt and reaffirm the revised Strategic Visioning Priorities of the Prosper Town Council. (MC)

Mr. Canizares stated that the Council met and discussed the Strategic Visioning Priorities. All five (5) objectives were maintained with the language regarding the future bond program from the long-term priorities now to be included in the current priorities. A statement for overlay districts was also added.

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

CIP Subcommittee: Deputy Mayor Pro-Tem Bartley noted that items discussed were voted on agenda items during this meeting.

Finance Subcommittee: Mayor Pro-Tem Ray echoed the same comments.

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

Mayor Pro-Tem Ray requested a report regarding grants including those the Town are seeking, what has been granted year-to-date, and grants available.

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 legal issues associated with code enforcement activities and substandard structures, and all matters incident and related thereto.

The Town Council recessed into Executive Session at 9:34 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 10:27 p.m.

No action was taken.

Adjourn.

The meeting was adjourned at 10:27 p.m.

These minutes were approved on the 11th day of June 2024.

APPROVED:



David F. Bristol, Mayor

ATTEST:



Michelle Lewis Sirianni, Town Secretary

