



*Prosper is a place where everyone matters.*

## MINUTES

**Prosper Town Council Meeting**  
Prosper Town Hall, Council Chambers  
250 W. First Street, Prosper, Texas  
Tuesday, January 24, 2023

### **Call to Order/ Roll Call.**

The meeting was called to order at 6:39 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 Cotton

### **Staff Members Present:**

Bob Scott, Interim Town Manager  
Michelle Lewis Sirianni, Town Secretary  
Terry Welch, Town Attorney  
Robyn Battle, Executive Director of Community Services  
Chuck Ewings, Executive Director of Development and Infrastructure Services  
Hulon Webb, Engineering Director  
Chris Landrum, Finance Director  
David Soto, Planning Manager  
Leigh Johnson, IT Director  
Dan Baker, Parks and Recreation Director  
Brady Cudd, Building Official  
Mary Branch, Health and Code Manager  
Todd Rice, Communications Manager  
Stuart Blasingame, Fire Chief  
Bryan Ausenbaugh, Fire Marshal  
Doug Kowalski, Police Chief

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

Damon Simpson 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:

Join the Parks and Recreation Department for their next topic in their lecture series: Heart Health for Seniors: Defining Heart Disease being led by members of the Prosper Fire Dept. Come receive vital information in several areas including defining heart disease, the signs of a heart attack, living a heart-healthy lifestyle, and knowing your numbers. The lecture is being held on Monday, February 13 from 10 to 11 am at the 407 Rec Center. Lectures are free of charge, but reservations are requested. Additional information can be found on [prosperparksandrec.org](https://prosperparksandrec.org).

Join us on Saturday, February 18 from 9 to 11 a.m. for the Prosper Fishing Derby at the Frontier Park Pond, located at 1551 Frontier Pkwy. The Prosper Fishing Derby is a friendly competition for kids and a relaxing morning for the entire family. Judges will be stationed around the pond to chart fish caught and prizes will be awarded at 11 a.m. The event is free of charge and registration is not required.

Mayor Bristol thanked the Chamber of Commerce for sponsoring this year's State of the Community held earlier in the day.

### **Presentations.**

1. **Receive a presentation from the Salvation Army of North Texas regarding the 2022 Mayors Red Kettle Challenge. (MLS)**

Christina Drozdovschi and Mary Freeman with the Salvation Army presented the Mayor and Town Council the award for winning the Mayors Red Kettle Challenge and raising over \$3,700 in donations. A special thanks was given to the Kroger on Preston Road for the \$2,000 donation.

2. **Presentation of a Proclamation declaring February 2023 as Congenital Heart Defect Awareness Month. (MLS)**

Mayor Bristol read and presented a Proclamation to Melissa Hansen.

3. **Presentation of a Proclamation declaring the week of January 14 -29, 2023 as Health for Humanity Yogathon. (MLS)**

Mayor Bristol read and presented a Proclamation to Neeraj Agrawal.

Mr. Agrawal spoke about the Health for Humanity Yogathon and thanked the Mayor and Town Council for their support.

4. **Receive a presentation and discuss the *Prosper Passport* event proposal. (RB)**

Ms. Battle introduced Christine Strobush, Chair of the Community Engagement Committee (CEC), and Brent Kirby, Vice-Chair of the CEC. Ms. Strobush and Mr. Kirby provided an overview of a new CEC Initiative, the Prosper Passport. The initiative to introduce new residents to Prosper through a variety of activities and experiences. The CEC intends to kick off the program at the April 6 New Resident Mixer. The Council indicated their strong support for the idea.

### **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 by the request of Council Members or staff.

5. **Consider and act upon the minutes of the January 6, 2023, Town Council Special meeting. (MLS)**
6. **Consider and act upon the minutes of the January 7, 2023, Town Council Special meeting. (MLS)**
7. **Consider and act upon the minutes of the January 10, 2023, Town Council Work Session meeting. (MLS)**

8. Consider and act upon the minutes of the January 10, 2023, Town Council meeting. (MLS)
9. Consider and act upon awarding CSP No. 2023-05-B to DDM Construction Corporation, related to construction services for the Teel/US 380 Intersection Improvements project; and authorizing the Interim Town Manager to execute a construction agreement for same. (HW)
10. Consider and act upon approving a Service Agreement with Flock Group, Inc. for the purchase of software and hardware situational awareness solution for automatic license plates, video, and audio detection; and authorizing the Interim Town Manager to execute documents for same. (DK)
11. Consider approving the purchase of a 2023 Chevrolet Silverado 1500 for Construction Inspection, a 2023 Chevrolet Silverado 1500 for Right of Way, and a 2023 Ford Maverick for Code Enforcement from Enterprise Fleet Management utilizing The Interlocal Purchasing System (TIPS); and authorizing the Interim Town Manager to execute the same. (JC)
12. Consider and act upon Ordinance 2023-02 granting a non-exclusive gas franchise to Atmos Energy Corporation. (RBS)
13. Conduct a public hearing and consider and act upon a request to rezone 0.1± acres from Single Family-15 (SF-15) to Downtown Office (DTO), on Lots 10A & 11B, located on the north side of Broadway Street, east of Coleman Street. (Z22-0017). (DS)
14. Conduct a public hearing and consider and act upon a request for a Specific Use Permit for a new Wireless Communications and Support Structure, on .2± acre, located on the north side of Prosper Trail, west of Legacy Drive. (S22-0011) (DS)
15. Conduct a public hearing and consider and act upon a request to amend a Specific Use Permit-19 (S-19) for a Child Care Center, Licensed on 2.3± acres, located on the north side of Prairie Drive, west of Legacy Drive. (S22-0010) (DS)
16. Consider and act upon Resolution 2023-03 expressing official intent to reimburse costs of Town capital improvement program projects that may be funded with proceeds of bonds or other obligations if those costs are paid prior to the issuance of such bonds or other obligations. (CL)

Councilmember Cotten made a motion to approve consent agenda items 5 through 16. Mayor Pro-Tem Hodges seconded that motion, and the motion was unanimously approved.

### **CITIZEN COMMENTS**

James Pope, 1640 Gentle Way, expressed his appreciation to the Town and the Parks and Recreation Department for holding events specifically for Special Needs children, and for considering the Special Needs community when holding events. He hopes the Town will continue to incorporate these types of accommodations and suggested as the Town grows to consider a Board designated to help with the inclusion of family of children with Special Needs.

### **Items for Individual Consideration:**

17. Conduct a public hearing and consider and act upon Ordinances 2023-04 through 2023-13 adopting the following International Codes with local amendments:

A. 2021 Existing Building Code;

B. 2021 Building Code;

C. 2021 Residential Code;

D. 2021 Plumbing Code;

E. 2021 Mechanical Code;

F. 2021 Fuel Gas Code;

G. 2021 Energy Conservation Code;

H. 2021 Property Maintenance Code;

I. 2021 Fire Code;

J. 2020 National Electric Code;

and repealing all prior versions of said International Codes, to the extent referenced in each applicable ordinance. The foregoing codes are contained in Chapter 3, "Building Regulations, " of the Town's Code of Ordinances, as amended. (BC)

Mr. Cudd introduced this item by providing the importance of updating the codes, previous code updates that have been made, and highlights of changes within the new codes. Ms. Branch touched on the International Property Maintenance Code, and Fire Marshal, Mr. Ausenbaugh spoke to changes within the Fire Code.

Mayor Bristol opened the public hearing.

No comments were made.

Mayor Bristol closed the public hearing.

Councilmember Ray made a motion to adopt Ordinances 2023-04 through 2023-13 respectively approving the 2021 versions of the following International Codes: Existing Building Code; Building Code; Residential Code; Plumbing Code; Mechanical Code; Fuel Gas Code; Energy Conservation Code; Property Maintenance Code; Fire Code; and the 2020 National Electric Code, and all local amendments to the foregoing codes. Deputy Mayor Pro-Tem Andres seconded that motion, and the motion was unanimously approved.

**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 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 551.089 - Deliberation of security information collected, assembled, or maintained by or for a governmental entity to prevent, detect or investigate criminal activity, pursuant to Section 2059.055 of the Texas Government Code, and all matters incident and related thereto.*

*Section 551.071– To discuss retention of legal services to assist in NEPA EIS evaluation, and all matters incident and related thereto.*

The Town Council recessed into Executive Session at 7:31 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 8:14 p.m.

Mayor Pro-Tem Hodges made a motion to authorize the Interim Town Manager to execute an engagement letter with S. Deatherage Law to assist the Town in preparing comments and responses relative to NEPA EIS. Councilmember Cotten seconded that motion. The motion passed with a 6-0 vote. Councilmember Ray was not present during the vote.

**Adjourn.**

The meeting was adjourned at 8:15 p.m.

These minutes approved on the 14<sup>th</sup> day of February 2023.

**APPROVED:**

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**David F. Bristol, Mayor**

**ATTEST:**

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**Michelle Lewis Sirianni, Town Secretary**