



## MINUTES

**Prosper Town Council Meeting**  
Prosper Town Hall, Council Chambers  
250 W. First Street, Prosper, Texas  
Tuesday, November 28, 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 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  
Chuck Ewings, Assistant Town Manager  
Robyn Battle, Executive Director  
David Hoover, Development Services Director  
Hulon Webb, Director of Engineering  
Suzanne Porter, Planning Manager  
Chris Landrum, Finance Director  
Todd Rice, Communications Manager  
Jessika Hotckin, Help Desk Technician  
Doug Kowalski, Police Chief  
Scott Brewer, Assistant Police Chief  
Aiden Daily, Crime Analyst  
Stuart Blasingame, Fire Chief  
Shaw Eft, Assistant Fire Chief

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

Brad Wilkerson with Rock Creek 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:

Prosper residents and businesses are invited to dress up their locations for the annual Light the Night decorating contest sponsored by CoServ. Contest winners in several categories will receive a yard sign, gift card, and social media recognition. Those wishing to participate may sign up online through our Parks & Recreation Department. The deadline to enter is Sunday, December 10 with judging taking place on Wednesday, December 13. The winners will be announced on Friday, December 15.

The Prosper annual Christmas Festival will take place on Saturday, December 2 at Prosper Town Hall. Come experience the magic of Santa Claus in his Workshop, the Kids Christmas Shoppe, dazzling exhibits, community stage performances, horse-drawn wagon rides, and food truck

vendors. Also, don't miss out on the Prosper Rotary Club Christmas Parade at 2:30 p.m., and the Tree Lighting with Mayor Bristol at 7:00 p.m. followed by an exciting drone show. Visit the Town's website for more information.

The Prosper Ladies Association is sponsoring their annual Prosper Christmas Angel Program. A Christmas Angel Tree is located in the lobby of Town Hall. Residents may select a Wish Tag from the tree and scan the QR code to help a Prosper ISD child or a senior citizen have a Merry Christmas. Gift drop-off dates are December 4th through 6th.

Join Mayor Bristol and members of the Prosper Town Council and staff on Saturday, December 9 from 10:00 a.m. to 6:00 p.m. ringing the bell for the Salvation Army Red Kettle Challenge at the Kroger located at 1250 N. Preston Road. All money raised will support a range of services that combat poverty, addiction, and homelessness in Collin County.

### **Presentations.**

**1. Recognize Mike Howard with the prosper Police Department. (DK)**

Chief Kowalski recognized Mr. Howard for his service to the country since 1951 highlighting his years in the Secret Service as a Special Agent working detail for President Kennedy. Mr. Howard continues to work as a Peace Officer for the Town.

**2. Presentation to the Town of Prosper for the 2023 Award for Planning Excellence from the American Planning Association Texas Chapter. (DH)**

Wendy Bonneau, FAICP, serving as Region 3 Director recognized and presented the Planning Department with the 2023 Award for Planning Excellence.

### **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.

**3. Consider and act upon the minutes from the November 14, 2023, Town Council Work Session meeting. (MLS)**

**4. Consider and act upon the minutes from the November 14, 2023, Town Council Regular meeting. (MLS)**

**5. Consider acceptance of the October 2023 monthly financial report. (CL)**

**6. Consider and act upon Resolution 2023-78 suspending the September 1, 2023, effective date of a rate request from CoServ Gas Ltd, for the maximum period allowed by law. (TW)**

**7. Consider and act upon the approval of the purchase of a Forensics X7 Scanning System through the DIR-CPO-4504; and authorizing the Town Manager to execute documents for the same. (DK)**

**8. Consider and act upon authorizing the Town Manager to execute a Service Agreement between Flock Group Inc. and the Town of Prosper, Texas, related to the purchase of additional products and services. (DK)**

**9. Consider and act upon approval of the purchase of one Pegasus S5493 Mower with accessories and authorize the Town Manager to execute documents related to the purchase. (DB)**

10. Consider and act upon authorizing the Town Manager to execute an Interlocal Agreement between the County of Collin, Texas, and the Town of Prosper, Texas, related to the Coit Road Intersection Improvements project. (HW)
11. Consider and act upon approving Change Order No. 02 for CSP No. 2022-50-B to McMahon Contracting, LP, related to construction services for the Fishtrap (Teel - Gee Road) & Gee Road (Fishtrap - Windsong Retail) project; and authorizing the Town Manager to execute Change Order No. 02 for same. (HW)
12. Consider and act upon Ordinance 2023-79 amending Section 12.08.022, "Definitions," and repealing Section 12.08.003, "Unlawful Act/Exemptions," with a new Section 12.08.003, "Approved and Prohibited Truck Routes; Exemptions,." of Article 12.08, "Truck Routes," of Chapter 12, "Traffic," of the Code of Ordinances. (HW)
13. Consider and act upon authorizing the Town Manager to execute a Development Agreement between Blue Star Allen Land L.P., 701/709 Stadium Drive LLC, and the Town of Prosper, Texas, related to the construction of Safety Way. (HW)
14. Consider and act upon Ordinance 2023-80 to rezone for a Specific Use Permit (SUP) for a Drive-Thru Restaurant, on 1.5± acres, located south of West Frontier Parkway and east of North Dallas Parkway. (ZONE-23-0013) (DH)
15. Consider and act upon authorizing the Town Manager to execute a Development Agreement between DNT Frontier LP and the Town of Prosper relative to McDonald's. (DH)
16. Consider and act upon Ordinance 2023-81 to rezone 0.3± acres from Single Family-15 (SF-15) to Downtown Single Family (DTSF), for Hillside Addition, Block 2, Lot 4, located north of East Fifth Street and west of North Church Street. (ZONE-23-0018) (DH)
17. Consider and act upon authorizing the Town Manager to execute a Development Agreement between Christopher & Jennifer Richter and the Town of Prosper relative to 209 East Fifth Street. (DH)
18. 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 Frontier South Retail 1, Gates of Prosper Park, St. Martin de Porres, and Lighthouse Church. (DH)

Mayor Pro-Tem Andres made a motion to approve items 3 through 18. Deputy Mayor Pro-Tem Ray seconded that motion. Motion carried unanimously.

### **CITIZEN COMMENTS**

James Russell, 1091 Cassi, yielded his time to Ms. Rauba.

Ivanka Herrera, 1131 Belknap Way, yielded her time to Ms. Rauba.

Brandon Bogue, 951 Yellowcress Drive, expressed his continued concerns regarding the traffic, accidents occurring, and the need for a stop light at the intersection of Gee and Acacia.

Laura Rauba, 4890 Milby Drive, stated her appreciation for the work and time of staff regarding their concerns at the intersection of Gee and Acacia. Ms. Rauba noted based on crash data from TxDOT, that it warrants a traffic light at the mentioned intersection. She requested the Town Council to install a four-way traffic light at this intersection.

Mr. Canizares stated a warrant study would be conducted in mid to late January 2024. If the Town Council would agree, staff could have a discussion item on the December 12 Work Session regarding the criteria to warrant the installation of a traffic signal.

**Items for Individual Consideration:**

**19. Discuss and consider Town Council Subcommittee reports. (DFB)**

Deputy Mayor Pro-Tem Ray and Councilmember Kern provided a Downtown Advisory Committee report.

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

Councilmember Bartley requested staff to follow up on the donation boxes that are appearing around the Town.

**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 551.071 – To consult with the Town Attorney regarding In re Aqueous Film-Forming Foams Product Liability Litigation, a nationwide class action lawsuit involving 3M Company and DuPont Company, pending in the United States District Court for the District of South Carolina, Charleston Division.*

The Town Council recessed into Executive Session at 6:57 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 8:45 p.m.

Mayor Pro-Tem Andres made a motion to authorize the Town Manager to execute on behalf of the Town Affidavits opting out of the PFAS class actions relative to 3M and DuPont, and to take all other actions incident and related thereto. Deputy Mayor Pro-Tem Ray seconded that motion. Motion carried unanimously.

**Adjourn.**

The meeting was adjourned at 8:46 p.m.

These minutes were approved on the 12<sup>th</sup> day of December 2023.

**APPROVED:**

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**David F. Bristol, Mayor**

**ATTEST:**

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**Michelle Lewis Sirianni, Town Secretary**

**DRAFT**