



## MINUTES

**Prosper Town Council Meeting**  
Prosper Town Hall, Council Chambers  
250 W. First Street, Prosper, Texas  
Tuesday, October 10, 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 Chris Kern

### **Council Members Absent:**

Councilmember Amy Bartley  
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  
Mary Ann Moon, Economic Development Director  
David Hoover, Development Services Director  
Hulon Webb, Director of Engineering  
Suzanne Porter, Planning Manager  
Brady Cudd, Building Official  
Ryan Patterson, Assistant Finance Director  
Leigh Johnson, IT Director  
Todd Rice, Communications Manager  
Doug Kowalski, Police Chief  
Shaw Eft, Assistant Fire Chief

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

Cole Travis 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:

Thank you to everyone who joined us for “Celebrate Prosper” in Frontier Park this past Saturday. A special thank you to the Parks and Recreation Department, our volunteers, and all those who were involved in making it a great event.

Join fellow active adults 55+ to meet and greet Mayor Bristol at the annual Mayor’s luncheon on Wednesday, October 18 from 11 a.m. to 1 p.m. at the Church of Jesus Christ of Latter-Day Saints located at 970 N. Coit Road. Reserve your seat by contacting the Parks and Recreation Department at 972-569-1064.

The Prosper Community Library is going on the road for Halloween at Frontier Park on Friday, October 20 at 10:30 a.m. This family-friendly event for all ages will include stories and songs to celebrate the enchanting spirit of Halloween. Participants are encouraged to come dressed in their favorite costume. Visit [prosper.tx.gov/fallprograms](http://prosper.tx.gov/fallprograms) for more information.

Join the Prosper Community Library on Thursday, October 26 from 6 to 7 p.m. for a heartwarming Trick or Treat event designed especially for children with special needs and their families to enjoy a fun Halloween experience. Visit [prosper.tx.gov/fallprograms](http://prosper.tx.gov/fallprograms) for more details.

Join the Town for its annual Arbor Day Celebration on Saturday, November 4 at 9:00 a.m. at Windsong Park located at 950 Cooper Canyon Drive for a fun morning of planting and learning about trees.

The annual Prosper Veterans Day 5K & Fun Run will be held on Saturday, November 11. The event is open to runners and walkers of all ages. Join us for a day of unity and support for our veterans. Register today by visiting [prosper.tx.gov/veteransday5k](http://prosper.tx.gov/veteransday5k).

### **Presentations.**

**1. Recognize outgoing Board and Commission members. (MLS)**

Mayor Bristol recognized outgoing members by presenting a certificate and announcing those unable to attend.

### **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.

- 2. Consider and act upon the minutes from the September 26, 2023, Town Council Work Session meeting. (MLS)**
- 3. Consider and act upon the minutes from the September 26, 2023, Town Council Regular meeting. (MLS)**
- 4. Consider acceptance of the August 2023 monthly financial report. (RP)**
- 5. Consider and act upon awarding RFP No. 2023-27-A to UBM Enterprises Inc. related to custodial services for Town facilities; and authorizing the Town Manager to execute a contract for services for the same. (CE)**
- 6. Consider and act upon approving the purchase of pharmaceuticals and emergency medical supplies from Bound Tree Medical, LLC, at the unit prices bid through a City of Richardson contract. (SB)**
- 7. Consider and act upon approving the purchase of uniforms and equipment from Galls, LLC through the City of Frisco cooperative best value bid (1905-082). (SB)**
- 8. Consider and act upon approving the purchase of 13 Air-Pak X3 Pro SCBA's from Municipal Emergency Services through the National Purchasing Partners (NPP) program. (SB)**
- 9. Consider and act upon approving funding for expenses of scheduled and unscheduled maintenance and repairs by Siddons-Martin Emergency Group, LLC to fire department apparatus including fire engines and aerial trucks. (SB)**

10. **Consider and act upon authorizing the Town Manager to execute a Professional Services Agreement between Lee Engineering, LLC, and the Town of Prosper, Texas, related to providing on-call traffic engineering services. (HW)**
11. **Consider and act upon authorizing the Town Manager to execute a License, Maintenance, and Hold Harmless Agreement between 390 West Broadway LLC, and the Town of Prosper, Texas, related to the installation and maintenance of a patio within the right-of-way of McKinley Street for the Blackhawk Brewery development. (HW)**
12. **Consider and act upon authorizing the Town Manager to execute a Roadway Impact Fee Agreement between DNT Frontier, LP, and the Town of Prosper, Texas, related to the construction of the DNT Backer Road to serve the DNT Frontier Retail Center development. (HW)**
13. **Consider and act upon Ordinance 2023-66 amending Article 3.19 – Fence Regulations of the Town of Prosper Code of Ordinances prohibiting screening of open fencing in certain locations. (CE)**
14. **Consider and act upon authorizing the Town Manager to execute a Development Agreement between Orion RE Capital and the Town of Prosper relative to Pradera. (DH)**

Mayor Pro-Tem Andres made a motion to approve items 2 through 14. Deputy Mayor Pro-Tem Ray seconded that motion. Motion carried with a 4-0 vote.

#### **CITIZEN COMMENTS**

Gordon Jones, 305 Oak Trail Drive, stated his concerns of being able to peacefully protest within his First Amendment rights.

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

15. **Conduct a public hearing and consider and act upon Ordinance 2023-67 repealing Article 3.06, “Electrical Code”, of the Code of Ordinances of the Town of Prosper and replacing it with a new Article 3.06, “Electrical Code”. (DH)**

Mr. Cudd presented an overview of the new items within the Electrical Code noting the reason for the change being the Town’s ordinance will match the technical requirements mandated by the Texas Department of Licensing and Regulation.

Mayor Bristol opened the public hearing.

No comments were made.

Mayor Bristol closed the public hearing.

Deputy Mayor Pro-Tem Ray made a motion to approve Ordinance 2023-67 repealing Article 3.06, “Electrical Code”, of the Code of Ordinances of the Town of Prosper and replacing it with a new Article 3.06, “Electrical Code”. Mayor Pro-Tem Andres seconded that motion. Motion carried with a 4-0 vote.

16. **Consider and act upon Resolution 2023-68 of the Town Council of the Town of Prosper, Texas, declaring the public necessity to acquire certain properties for right-of-way for the construction of the Coit Road (First-Frontier) 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 to facilitate the construction of this project, it is necessary for the Town to acquire several parcels of right-of-way. As with other similar road construction projects, it is not anticipated that all parcels will require the use of eminent domain to complete the acquisition process, however, staff is requesting advance authorization to pursue acquisition by eminent domain if standard negotiations are unsuccessful.

The Town Council asked if the design was the same as initially agreed upon and if this road would eventually be six lanes divided. Mr. Webb confirmed that both comments were true.

Mayor Pro-Tem Andres made a motion to approve a resolution declaring the public necessity to acquire certain properties for right-of-way for the construction of the Coit Road (First-Frontier) 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. Deputy Mayor Pro-Tem Ray seconded that motion.

Deputy Mayor Pro-Tem Ray – In favor  
Mayor Bristol – In favor  
Mayor Pro-Tem Andres – In favor  
Councilmember Kern – In favor

Motion carried with a 4-0 vote.

**17. Consider and act upon authorizing the Town Manager to execute an agreement with the North Texas Tollway Authority (NTTA) for funding of improvements related to the extension of the Dallas North Tollway. (CE)**

Mr. Ewings presented outlining the improvements to the extension of the Dallas North Tollway. The construction includes improvements that benefit the Town; therefore, the Town is required to cover the associated costs. The improvements include the existing braided ramps and U-turns at each major intersection. The Capital Improvement Program (CIP) currently accounts for the cost of these projects.

Councilmember Kern made a motion to authorize the Town Manager to execute an agreement with the North Texas Tollway Authority (NTTA) for funding of improvements related to the extension of the Dallas North Tollway. Deputy Mayor Pro-Tem Ray seconded that motion. Motion carried with a 4-0 vote.

**18. Consider and act upon a Resolution 2023-69 expressing official intent to reimburse costs of Town Capital Improvement Program (CIP) 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 obligations. (RP)**

Mr. Patterson stated the proposed resolution will allow the Town to pay for projects in the fiscal year 2023-2024 CIP, including costs associated with the construction of street improvements, park improvements, public safety facilities, and water and wastewater infrastructure, and the related infrastructure improvements.

Deputy Mayor Pro-Tem Ray made a motion to approve a Resolution 2023-69 expressing official intent to reimburse costs of Town Capital Improvement Program (CIP) 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 obligations. Mayor Pro-Tem Andres seconded that motion. Motion carried with a 4-0 vote.

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

Mayor Pro-Tem Andres provided a Legislative Subcommittee report noting that representatives went into Special Session to cover school vouchers and finances. No other reports were made.

**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.*

The Town Council recessed into Executive Session at 6:49 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 7:16 p.m.

No action was taken.

**Adjourn.**

The meeting was adjourned at 7:16 p.m.

These minutes were approved on the 24<sup>th</sup> day of October 2023.

**APPROVED:**

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**David F. Bristol, Mayor**

**ATTEST:**

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**Michelle Lewis Sirianni, Town Secretary**

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