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MINUTES

Prosper Town Council Meeting
Council Chambers
Prosper Town Hall
250 W. First Street, Prosper, Texas
Tuesday, November 8, 2022

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 Jeff Hodges
Deputy Mayor Pro-Tem Craig Andres
Councilmember Marcus E. Ray
Councilmember Amy Bartley
Councilmember Chris Kern
Councilmember Charles Cotten

Staff Members Present:

Ron K. Patterson, Interim Town Manager
Terry Welch, Town Attorney
Michelle Lewis Sirianni, Town Secretary
Robyn Battle, Executive Director of Community Services
Bob Scott, Executive Director of Administrative Services
Hulon Webb, Interim Executive Director of Development and Infrastructure Services
David Soto, Planning Manager
Dan Baker, Parks and Recreation Director
Jessika Hotchkin, Help Desk Technician I
Todd Rice, Communications Manager
Brady Cudd, Building Official
Doug Kowalski, Police Chief
Scott Brewer, Assistant Police Chief

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

Jim Lugar with Life Journey 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:

A reminder that Town Hall Offices will be closed on Thursday, November 24 and Friday, November 25 for the Thanksgiving Holiday. Due to the holiday, residents whose trash service falls on Thursday or Friday will be delayed by one day. The special bulk drop off location at Public Works will also be closed on Saturday, November 26.

The Prosper Community Library will close at 5:00 p.m. on Wednesday, November 23 and be closed on Thursday, November 24 thru Saturday, November 26 for the Thanksgiving Holiday.

Prosper residents and businesses may now sign up to participate in 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. Deadline to enter is Sunday, December 11 with judging to take place on Wednesday, December 14. Visit prosperchristmas.org to enter.

The Prosper annual Christmas Festival will take place on Saturday, December 3 at Prosper Town Hall. Come experience the magic of Santa Claus in his Workshop, the Kids Christmas Shoppe, dazzling exhibits, Kids Fun Zone, Community Stage performances, carriage rides, live demonstrations, 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 at 7:00 p.m. followed by fireworks. The festival is free of charge. For more information visit www.prosperchristmas.org.

The Prosper Ladies Association is excited to sponsor their annual Prosper Christmas Angel Program. A Christmas Angel Tree is located in the lobby of Town Hall. Please consider taking 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 5th thru 7th between the hours of 9 to 11 a.m. and 4 to 7 p.m. More information is available at www.prosperchristmasangels.com.

Mayor Bristol thanked the Parks and Recreation Department for their work on the Veteran's Honor Walls ceremony and the Veteran's 5K Fun Run.

Presentations.

1. **Proclamation recognizing December 2, 2022, as Salvation Army Red Kettle Campaign Day. (MLS)**

Mayor Bristol read and presented a Proclamation Lt. Cristina Drozdovschi and representatives from the Salvation Army.

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.

2. **Consider and act upon the minutes of the November 8, 2022, Town Council Work Session meeting. (MLS)**
3. **Consider and act upon the minutes of the November 8, 2022, Town Council meeting. (MLS)**
4. **Consider and act upon approval of the Buy Board Contract for pour-in-place surfacing installation for Windsong Park from Child's Play, Inc., through the Texas Local Government Purchasing Cooperative; and authorizing the Interim Town Manager to execute documents for the same. (PN)**
5. **Consider and act upon approving a Subscription Agreement by and between SmartForce Technologies, Inc. and the Town of Prosper for the integration of the SmartForce with ICS RMS system; and authorizing the Interim Town Manager to execute documents for the same. (DK)**
6. **Consider and act upon approving a Consulting Services Agreement by and between Santos & Santos Ph.D., Inc., and the Town of Prosper for the implementation of a stratified policing model; and authorizing the Interim Town Manager to execute documents for the same. (DK)**

7. **Consider authorizing the Interim Town Manager to execute a one-year renewal of the Professional Services Agreement between Valley View Consulting, L.L.C., and the Town of Prosper, Texas, related to Investment Advisory services. (RBS)**
8. **Consider and act upon approval of Rutherford Park Plan. (RKP)**
9. **Consider and act upon whether to direct staff to submit a written notice of appeal 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 and Preliminary Site Plans, including PISD Golf Building. (DS)**

Mayor Pro-Tem Hodges made a motion to approve consent agenda items 2 through 9. Councilmember Ray seconded that motion, and the motion was unanimously approved.

CITIZEN COMMENTS

Mayor Bristol read the following into the record:

Avani Parihar, 3781 Pepper Grass Lane, requested a crosswalk at the intersection of Teal and Pepper Grass Lane so that the kids who attend Rushing Middle School can cross safely.

Items for Individual Consideration:

10. **Conduct a public hearing and consider and act upon a request to rezone 0.36± acres from Single Family-15 (SF-15) to Downtown Office (DTO), located on the northeast corner of First Street and Parvin Street. (Z22-0016). (DS)**

Mr. Soto stated the rezoning request is considered a straight zoning. The applicant would be required to do a Site Plan, which would follow all Town regulations. The subject location currently has an existing house, which will be converted into an office. The Future Land Use Plan within the Comprehensive Plan supports the request. Staff recommends approval.

The Town Council discussed if there were any concerns voiced by the Planning and Zoning Commission, if right-of-way was considered for the future widening of First Street, and parking. Mr. Soto commented that the Planning and Zoning Commission did not have any concerns, the right-of-way would be addressed at a later date as development occurs, and the parking meets the minimum parking requirements.

Mayor Bristol opened the public hearing.

No comments were made.

Mayor Bristol closed the public hearing.

Councilmember Ray made a motion to approve a request to rezone 0.36± acres from Single Family-15 (SF-15) to Downtown Office (DTO), located on the northeast corner of First Street and Parvin Street. (Z22-0016). Councilmember Cotten seconded that motion, and the motion was unanimously approved.

11. **Consider and act upon authorizing the Interim Town Manager to execute a Standard Form of Agreement between the Town and Dean Electric, Inc., dba Dean Construction, related to Construction Manager-At-Risk services for Raymond Community Park Page 3 of 3 Phase 1 Project; and an Addendum to**

the Standard Form of Agreement between the Town and the Construction Manager-At-Risk; consider and act upon rejecting all bids in the event an agreement is not reached with the first-ranked contractor; and any other actions incident and related thereto. (PN)

Mayor Bristol left the dais.

Mr. Baker stated that staff was asked to negotiate a price and come back to the Council. Mr. Baker noted that Dean Electric agreed to a lower price with still being able to fulfill all other obligations.

The Town Council thanked the vendor and staff for their efforts.

Councilmember Ray made a motion to approve authorizing the Interim Town Manager to execute a Standard Form of Agreement between the Town and Dean Electric, Inc., dba Dean Construction, related to Construction Manager-At-Risk services for Raymond Community Park Page 3 of 3 Phase 1 Project: and an Addendum to the Standard Form of Agreement between the Town and the Construction Manager-At-Risk. Councilmember Cotten seconded that motion, and the motion was unanimously approved.

Mayor Bristol returned to the dais.

12. Consider and act upon the creation and appointment of members to a Capital Improvements Subcommittee. (RKP)

Mr. Patterson stated the Town Council discussed the option of having a subcommittee to assist with the prioritization process of Capital Improvements. The subcommittee would function in the same manner as current subcommittees and consist of three Councilmembers and supported by selected staff.

Mayor Bristol stated he would accept a motion to create the subcommittee as outlined in the staff report with the nomination of Mayor Pro-Tem Jeff Hodges, Councilmember Bartley, and Councilmember Cotten.

Moved by Councilmember Kern. Deputy Mayor Pro-Tem Andres seconded that motion, and the motion as unanimously approved.

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

Councilmember Cotten requested for the Finance Subcommittee to discuss the bid process and evaluation matrix.

Mayor Pro-Tem Hodges noted he received an email from a citizen asking if there's anything the Town can do about trash and debris in the road.

Councilmember Ray noted his thanks to the Police Department for the patrolling on the westside of Town, and to consider policing on motorcycles as a future topic.

13. Discussion on Irrigation Ordinance. (BC)

Mr. Cudd provided a recap of the current ordinance and changes that were made when adopted. He also specified the requirements that will be included within the upcoming ordinance amendment required for the Town to come into compliance with TCEQ.

The Town Council discussed how many residents would be affected, costs associated with annual testing of backflow devices, and on-site maintenance.

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, including Town Manager search and selection process, 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 consult with the Town Attorney regarding legal issues associated with a Municipal Court prosecution matter and all matters incident and related thereto.

The Town Council recessed into Executive Session at 6:50 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 8:22 p.m.

No action was taken.

Adjourn.

The meeting was adjourned at 8:22 p.m.

These minutes approved on the 13th day of December 2022.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary