



**MINUTES**  
**Prosper Town Council Meeting**  
Prosper Town Hall, Council Chambers  
250 W. First Street, Prosper, Texas  
Tuesday, September 10, 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 Craig Andres  
Councilmember Chris Kern  
Councilmember Jeff Hodges  
Councilmember Cameron Reeves

**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  
Mary Ann Moon, EDC Executive Director  
Chris Landrum, Finance Director  
Whitney Rehm, Budget Officer & Grants Administrator  
David Hoover, Development Services Director  
Suzanne Porter, Planning Manager  
Hulon Webb, Engineering Director  
Pete Anaya, Assistant Engineering Director – Capital Projects  
Leigh Johnson, IT Director  
Muya Mwangi, Help Desk Technician I  
Carrie Jones, Public Works Director  
Mary Ann Moon, Economic Development Director  
Tony Luton, Human Resources Director  
Todd Rice, Communications Director  
Doug Kowalski, Police Chief  
Aidan Daily, Crime Analyst  
Stuart Blasingame, Fire Chief  
Shaw Eft, Assistant Fire Chief

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

Jason McConnell with Prosper United Methodist 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:

Join us on Wednesday, September 11 at 9 a.m. for a day of remembrance. This community event will take place at Prosper Fire Rescue Central Station located at 911 Safety Way. Carter BloodCare will be on site from 7:30 a.m. to 6:00 p.m. for anyone wishing to donate.

The Prosper Economic Development Corporation is hosting the next Prosper Exchange on Thursday, September 19 at 6:00 p.m. The topic “The Role of Educational Policy” will explore vital issues facing the public education system. There is no fee to attend, but residents are asked to register by visiting [prosperedc.com](http://prosperedc.com).

North Texas Giving Day runs now through Thursday, September 19. Support a local nonprofit in Prosper by making a donation or volunteering. Visit [prospertx.gov/volunteeropportunities](http://prospertx.gov/volunteeropportunities) for more information.

National Night Out will be held on Tuesday, October 1 from 6 pm to 9 pm. Prosper PD, Prosper ISD PD, Prosper Fire Rescue, and First Responder Volunteers will be driving to neighborhoods that want to participate. Visit [prospertx.gov](http://prospertx.gov) for more information including how to register your neighborhood to host a block party.

Join us for “Celebrate Prosper” on Saturday, October 5 at Frontier Park from 4:00 to 8:00 p.m. This free family event is jam-packed with live entertainment, food, refreshments, exhibits, vendors, and a Kid Zone that spans the lawn. New Prosper residents are invited to the New Resident Mixer tent from 4:00 p.m. to 5:30 p.m. to get acquainted with Town staff and departments and to pick up a Prosper swag bag! For more information, visit the Special Events page under the Parks and Recreation Department.

Mayor Bristol recognized Chief Kowalski and Chief Blasingame's birthdays.

### **Presentations.**

1. Proclamation declaring September 17 through September 23, 2024, as Constitution Week. (MLS)

Mayor Bristol read and presented a Proclamation to Linda Stagner representing the Shawnee Trail Chapter of the National Society Daughters of the American Revolution.

### **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 August 27, 2024, Town Council Work Session meeting. (MLS)**
3. **Consider and act upon the minutes from the August 27, 2024, Town Council Regular meeting. (MLS)**
4. **Consider acceptance of the July 2024 monthly financial report. (CL)**
5. **Consider and act upon Ordinance 2024-59 amending Division 3, “Community Engagement Committee,” of Article 1.04, “Boards, Commissions, and Committee” within Chapter 1 of the Town’s Code of Ordinances by amending Section 1.04.039, “Number of Members”. (MLS)**

6. **Consider and act upon approving an update to the Library Policies. (RB)**
7. **Consider and act upon adopting the FY 2024-2025 Prosper Economic Development Corporation Budget. (MM)**
8. **Consider and act upon Ordinance 2024-60 amending Section 12.09.004 "School Traffic Zones" of Chapter 12 "Traffic and Vehicles" of the Town's Code of Ordinances by modifying the limits and hours of operation of such zones. (HW)**
9. **Consider and act upon authorizing the Town Manager to execute a Professional Engineering Services Agreement between CP&Y, Inc. dba STV Infrastructure, and the Town of Prosper, Texas, related to the design of the Teel Parkway (First - Freeman) - 2 SB Lanes project for \$806,740.30. (PA)**
10. **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)**
11. **Consider and act upon the appointment of a Municipal Judge, and authorize the Mayor to execute an agreement for same. (JJ)**

Deputy Mayor Pro-Tem Bartley requested to pull item 10.

Mayor Pro-Tem Ray requested to pull item 11.

Item 11, Mayor Pro-Tem Ray noted changes to the agreement.

Mayor Pro-Tem Ray made a motion to reappoint Judge Moore to a two-year term. Councilmember Hodges seconded the motion. Motion carried unanimously.

Item 10, Deputy Mayor Pro-Tem Bartley asked about the landscaping around the picnic area, the electric easement for the charging stations, and the extended parking spaces. Mr. Hoover addressed the charging stations and the duration that cars would be using the stations and noted that the extended parking spaces are designed to accommodate the trucks with trailers.

The Town Council expressed concerns about overnight parking at the charging stations and having adequate signage in addition to the maintenance of the property.

The Entitlement Manager for 7-11 addressed the Council's concerns about overnight usage of the charging stations and supports having signage. He also noted the standards for this corporate location and the property owner of this site is The Victory Group.

The Market Leader for 7-11 spoke to the property maintenance. He commented that they contract with a third-party company for grass and landscaping and the day-to-day maintenance is handled through the staff during their shifts.

Deputy Mayor Pro-Tem Bartley made a motion to approve item 10 as presented. Councilmember Reeves seconded the motion. Motion carried unanimously.

## **CITIZEN COMMENTS**

No comments were made.

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

- 12. Conduct a public hearing to receive public input, consider such input, and consider and act upon Ordinance 2024-61 adopting the Fiscal Year (FY) 2024-2025 Annual Operating and Capital Project Funds budgets and five-year Capital Improvement Program for the fiscal year beginning October 1, 2024, and ending September 30, 2025. (CL)**

Mr. Landrum presented an overview of the fiscal year 2024-2025 budget including key revenue drivers, staffing, General Fund enhancements, the debt service fund, capital projects, and the multi-year capital program.

Mayor Bristol opened the public hearing.

No comments were made.

Mayor Bristol closed the public hearing.

Mayor Pro-Tem Ray made a motion to approve Ordinance 2024-61 adopting the Fiscal Year (FY) 2024-2025 Annual Operating and Capital Project Funds budgets and five-year Capital Improvement Program for the fiscal year beginning October 1, 2024, and ending September 30, 2025. Councilmember Hodges seconded the motion.

Councilmember Reeves – In Favor  
Councilmember Hodges – In Favor  
Deputy Mayor Pro-Tem Bartley – In Favor  
Mayor Bristol – In Favor  
Mayor Pro-Tem Ray – In Favor  
Councilmember Kern – In Favor  
Councilmember Andres – In Favor

Motion carried unanimously.

- 13. Conduct a public hearing to consider and act upon Ordinance 2024-62 adopting a tax rate of \$0.505 per \$100 valuation for fiscal year 2024-2025. (CL)**

Mr. Landrum presented the historical property valuations, the proposed tax rate for the fiscal year 2024-2025, and how the tax rate is divided with other tax rates (ISD and County) within Collin and Denton County.

Mayor Bristol opened the public hearing.

No comments were made.

Mayor Bristol closed the public hearing.

Councilmember Andres made a motion that the property tax rate be increased by the adoption of a tax rate of \$0.505 per \$100 valuation for fiscal year 2024-2025, which is

effectively an 8.15 percent increase in the tax rate. Deputy Mayor Pro-Tem Bartley seconded the motion.

Councilmember Reeves – In Favor  
Councilmember Hodges – In Favor  
Deputy Mayor Pro-Tem Bartley – In Favor  
Mayor Bristol – In Favor  
Mayor Pro-Tem Ray – In Favor  
Councilmember Kern – In Favor  
Councilmember Andres – In Favor

Motion carried unanimously.

**14. Ratifying the property tax increase in the budget for fiscal year (FY) 2024-2025. (CL)**

Mr. Landrum noted this item is required by state law and ratifies the property tax increase reflected in the budget.

Councilmember Hodges made a motion to ratify the property tax increase in the budget for fiscal year 2024-2025. Councilmember Reeves seconded the motion. Motion carried unanimously.

**15. Consider and act upon approving Ordinance 2024-63 to adjust Water & Wastewater Rates. (CL)**

Mr. Landrum presented the item with a historical overview of the Town's water and wastewater rates. The Town has not needed to raise rates since 2020. In recent years rapid growth in the region has required significant investment on the part of the Town's regional providers, and the need to expand the capacity of the Doe Branch wastewater treatment plant to support growth on the west side has resulted in the need for an FY 2025 rate adjustment. The proposed rate adjustments represent a 6.35% increase in water rates and a 16% rate increase for wastewater rates or a blended rate increase of 8.77% based on the wastewater revenues representing a much smaller portion of total revenues.

The Town Council discussed member cities versus non-member cities and how the Town continues to absorb part of the rate increase.

Councilmember Kern made a motion to approve Ordinance 2024-63 to adjust Water and Wastewater fee amendments effective October 15, 2024. Mayor Pro-Tem Ray seconded the motion. Motion carried unanimously.

*Councilmember Andres left the dais.*

**16. Consider and act upon Resolution 2024-64 of the Town Council of the Town of Prosper, Texas, declaring the public necessity to acquire certain properties for right-of-way and easements for the construction of the Coleman Street (Gorgeous – Talon) 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 the Town is in the process of developing engineering plans for the construction of the Coleman Street (Gorgeous – Talon) project. To facilitate the construction of the project, it is necessary for the Town to acquire right-of-way and easements. There are 17 properties affected. 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.

Mayor Pro-Tem Ray made a motion to approve Resolution 2024-64 declaring the public necessity to acquire certain properties for right-of-way and easements for the construction of the Coleman Street (Gorgeous – Talon) project with such properties being more particularly described in the attached Resolution; 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 Bartley seconded the motion.

Councilmember Reeves – In Favor  
Councilmember Hodges – In Favor  
Deputy Mayor Pro-Tem Bartley – In Favor  
Mayor Bristol – In Favor  
Mayor Pro-Tem Ray – In Favor  
Councilmember Kern – In Favor

Motion carried unanimously.

*Councilmember Andres returned to the dais.*

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

Community Engagement Committee: Deputy Mayor Pro-Tem Bartley noted the committee discussed how to efficiently get people to attend events and will be reviewing the full event calendar for other possible opportunities.

CIP Subcommittee: The committee discussed the finance items listed on the agenda.

Finance Subcommittee: The committee discussed the finance items listed on the agenda.

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

Councilmember Andres requested staff to research and continue conversations with Denton County regarding the contract with Elm Ridge WCID (Artesia) regarding fire and mutual aid services.

**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 BFS Real Estate LLC, et al., v. Town of Prosper, et al., pending in the 471st Judicial District Court of Collin County, Texas, and all matters incident and related thereto; and discuss and consider anticipated litigation regarding contractual obligations.*

*Section 551.074 - To discuss appointments to the Board of Adjustment/Construction Board of Appeals, Parks & Recreation Board, Library Board, Prosper Economic Development Corporation Board, Planning & Zoning Commission, Community Engagement Committee, and the Downtown Advisory Committee, and all matters incident and related thereto.*

The Town Council recessed into Executive Session at 7:20 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 8:40 p.m.

No action was taken.

**Adjourn.**

The meeting was adjourned at 8:41 p.m.

These minutes were approved on the 24<sup>th</sup> day of September 2024.

**APPROVED:**

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**David F. Bristol, Mayor**

**ATTEST:**

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**Michelle Lewis Sirianni, Town Secretary**