



*Prosper is a place where everyone matters.*

## MINUTES

Prosper Town Council Meeting  
Council Chambers  
Prosper Town Hall  
250 W. First Street, Prosper, Texas  
Tuesday, October 25, 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  
Frank Jaromin, Public Works Director  
James Edwards, Human Resources Director  
Jessika Hotchkin, Help Desk Technician I  
Wilson Haynes, Senior Communications Specialist  
Whitney Rehm, Grants Administrator  
Celia O'Dell, Court Administrator  
Judith Jacinto, Court Supervisor  
Doug Kowalski, Police Chief  
Scott Brewer, Assistant Police Chief  
Stuart Blasingame, Fire Chief

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

John Fowler with First Presbyterian Church led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were presented and recited by Boy Scouts Pack 1902.

### Announcements of recent and upcoming events.

Councilmember Kern made the following announcements:

Early Voting for the November 8 General Election is now taking place and runs through Friday, November 4. Please visit the Town's website or the Collin County and Denton County Elections websites for additional information regarding Early Voting and Election Day voting locations.

On Saturday, October 29 residents may dispose of prescription drugs during the Drug Take-Back event being held at the Central Fire Station located at 1500 E. First Street from 10:00 a.m. until

2:00 p.m. To learn what items you may dispose of and how to prepare them, visit [www.dea.gov/takebackday](http://www.dea.gov/takebackday).

The Parks and Recreation Department will host a bus trip to Dallas on Wednesday, November 2 from 8:30 a.m. to 5:30 p.m. Enjoy a trip to the George W. Bush Presidential Library and Sixth Floor Museum, as well a drive through other areas of Dallas with lunch at El Ranchito. Sign up today at [www.prosperparksandrec.org](http://www.prosperparksandrec.org). The deadline to register is Wednesday, October 26.

The Town will host its first annual pickleball tournament on Saturday, November 5. Games will be played at the Reynolds Middle School tennis courts in Prosper beginning at 8:30 a.m. with courts open at 8:00 a.m. Visit the Upcoming Events page on the Town website for more information including how to register.

Join the Town for its annual Arbor Day Celebration on Saturday, November 5 at Hackberry Park (corner of Goldenrod Land and Freeman Way within Windsong Ranch) at 9:00 a.m. for a fun morning of planting and learning about trees.

On Friday, November 11, join the Town for the Honor Walls Dedication Ceremony at 10:00 a.m. on the north side of Town Hall to honor all those who have served and continue to serve. Then on Saturday, November 12 at Frontier Park, participate in Prosper's first annual Veterans Day 5K and Fun Run. Festivities begin at 8:00 a.m. Register today by visiting the Upcoming Events page on the Town's website. Proceeds from the event to benefit the future Veteran's Memorial.

### **Presentations.**

- 1. Proclamation recognizing the week of November 7-11, 2022, as Municipal Court week. (CO)**

Mayor Bristol read and presented a Proclamation to Celia O'Dell, Court Administrator and Judith Jacinto, Court Supervisor.

### **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 October 11, 2022, Town Council Work Session meeting. (MLS)**
- 3. Consider and act upon the minutes of the October 11, 2022, Town Council meeting. (MLS)**
- 4. Consider and act upon minutes of the October 18, 2022, Town Council Special meeting. (MLS)**
- 5. Consider and act upon approving amendments to Administrative Regulation Chapter 13 - Fund Balance. (RBS)**
- 6. Consider and act upon Resolution 2022-69 accepting and approving the 2022 Tax Roll. (SM)**
- 7. Consider and act upon Resolution 2022-70 authorizing the Interim Town Manager, and/or his/her designee, to apply for the Office of the Governor, Homeland Security Grants Division, 2022 SHSP – Town of Prosper SWAT Communication Headsets Project Grant and consider and act upon accepting**

**the Office of the Governor, Homeland Security Grants Division, 2022 SHSP – Town of Prosper SWAT Communication Headsets Project Grant. (DK)**

- 8. Consider and act upon approving the purchase of a 2022 John Deere 135G Mini Excavator from RDO Equipment Co., through the Sourcewell Purchasing Cooperative; and authorizing the Interim Town Manager to execute documents for the same. (FJ)**
- 9. Consider and act upon approving the purchase of water meters between Core & Main, a sole source provider, and the Town of Prosper, Texas; and authorizing the Interim Town Manager to execute documents for the same. (FJ)**
- 10. Consider and act upon approving the lease agreement for an Elgin RegenX Regenerative Air Street Sweeper from Kinloch Equipment & Supply, Inc., through the Sourcewell Purchasing Cooperative; and authorizing the Town Manager to execute documents for the same. (FJ)**
- 11. Consider and act upon renewing Bid No. 2019-53-A for one year to Wopac Construction, Inc., as the primary vendor, and HQS Construction, LLC, as the secondary vendor, at the unit prices bid, to establish an annual fixed-price contract for Miscellaneous Concrete Replacement Services; and authorizing the Interim Town Manager to execute same. (FJ)**
- 12. Consider and act upon the purchase of office furniture for the new Central Fire Station and Fire Administration Building from Wilson-Bauhaus Interiors using the ESI NCPA, AIS NCPA, Sitmatic NCPA, Kimball Omnia, and JSI Omnia contracts; and authorizing the Interim Town Manager to execute the Proposal and the Terms and Conditions of Purchase for same. (SB)**
- 13. Consider and act upon approving the purchase of Fire Station Emergency Station Alerting for the new Central Fire Station and Fire Administration Building from US Digital Designs, through the Houston-Galveston Area Council (HGAC) Cooperative Purchasing Program; and authorizing the Interim Town Manager to execute documents for the same. (SB)**
- 14. Consider and act upon approving the purchase of a 2023 Ram 1500 Pickup Truck from Enterprise Fleet Management utilizing The Interlocal Purchasing System (TIPS); and authorizing the Interim Town Manager to execute the same. (SB)**
- 15. Consider and act upon approving the purchase of Bunker Gear and Wildland Gear from NAFECO INC., utilizing the Texas Local Government Purchasing Cooperative; and authorizing the Interim Town Manager to execute documents for the same. (SB)**
- 16. Consider and act upon the purchase of twenty-one (21) TASER 7 devices from Axon Enterprise, through the Texas Local Government Purchasing Cooperative. (BM)**
- 17. Consider an act upon approval of a contract with The Christmas Light Company for Christmas Display Services. (DB)**
- 18. 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 Windmill Hill, 7 Brew, and Lighthouse Church. (DS)**

Deputy Mayor Pro-Tem Andres requested to pull item #10.

Councilmember Kern requested to pull item #5.

Councilmember Cotten made a motion to approve consent agenda items 2 through 18 excluding items 5 and 10. Mayor Pro-Tem Hodges seconded that motion, and the motion was unanimously approved.

Deputy Mayor Pro-Tem Andres asked regarding item #10 if there was a process in choosing the street sweeper. Mr. Jaromin noted that there were options, but this company provides maintenance to the equipment, and that was an important factor in their decision.

Deputy Mayor Pro-Tem Andres made a motion to approve the lease agreement for an Elgin RegenX Regenerative Air Street Sweeper from Kinloch Equipment & Supply, Inc., through the Sourcewell Purchasing Cooperative; and authorizing the Town Manager to execute documents for the same. Councilmember Ray seconded that motion, and the motion was unanimously approved.

Councilmember Kern stated regarding item #5, he wanted to publicly announce that the amendments to this item that were debated during the budget and included having a Fund Balance policy of 25%, a level fleet replacement fund (VERF), a capital dedicated levy, and to reduce the additional fund balance target to one percent for a total General Fund target of 21%.

Councilmember Kern made a motion to approve amendments to the Administrative Regulation Chapter 13 - Fund Balance. Councilmember Cotten seconded that motion, and the motion was unanimously approved.

**CITIZEN COMMENTS**

No comments were made.

**Items for Individual Consideration:**

19. **Consider appointment of Weaver and Tidwell, L.L.P. for a five-year term as external auditors for the Town's annual audited financial statements for the fiscal year ending September 30, 2022, through 2026, and authorizing the Interim Town Manager to approve the annual engagement letter. (RBS)**

Mr. Scott stated that requests for proposals were distributed with the Town receiving four. The Finance Sub-Committee interviewed the two finalists and are recommending the appointment of Weaver & Tidwell L.L.P.

Councilmember Ray stated he felt both finalists were qualified and would help the Town with the next steps. Councilmember Cotten voiced his support for the recommendation.

Councilmember Ray made a motion to approve the appointment of Weaver and Tidwell, L.L.P. for a five-year term as external auditors for the Town's annual audited financial statements for the fiscal year ending September 30, 2022, through 2026, and authorizing the Interim Town Manager to approve the annual engagement letter.

Councilmember Cotten seconded that motion, and the motion was unanimously approved.

20. **Consider the appointment of Burns & McDonnell as the solid waste services consultant to assist the Town in the writing and issuance of a Solid Waste Services Request for Proposal (RFP), and an RFP for the purchase and distribution of Town-owned solid waste containers and authorizing the Interim Town Manager to approve the related contract for services for an amount not to exceed \$50,000. (RBS)**

Mr. Scott stated the Town's current solid waste contract expires January 31, 2024. It has been determined that the Town desires certain changes that will require a new contract rather than renewal. If a new provider is chosen, transition could require a year given supply chain issues and nature of these services. Burns & McDonnell has successfully assisted many metroplex cities and is being recommended by staff to assist the Town.

Mayor Pro-Tem Hodges made a motion to approve the appointment of Burns & McDonnell as the solid waste services consultant to assist the Town in the writing and issuance of a Solid Waste Services Request for Proposal (RFP), and an RFP for the purchase and distribution of Town-owned solid waste containers and authorizing the Interim Town Manager to approve the related contract for services for an amount not to exceed \$50,000. Deputy Mayor Pro-Tem Andres seconded that motion, and the motion was unanimously approved.

21. **Consider and act upon the appointment of members to an ad hoc select committee to consider and address the continuation of the Fire Control, Prevention and Emergency Medical Services District and the Crime Control and Prevention District, and to make recommendations to the Town Council regarding the term of continuation of said Districts, and all matters incident and related thereto. (MLS)**

Ms. Lewis Sirianni stated in September 2022, staff received notification that the districts will be dissolved on September 30, 2023, unless the district holds a continuation or dissolution referendum prior to said end date. At the October 11, Council Work Session, the Council expressed their desire to appoint an Ad Hoc Committee to provide a recommendation/charge for the continuation of both Special Purpose Districts.

The Town Council recessed into Executive Session at 6:42 p.m. in compliance with Section 551.001 et seq. Texas Government Code, as authorized by the Texas Open Meetings Act regarding Section §551.074 to discuss appointments to the Fire Control Prevention and Emergency Medical Services District and the Crime Control and Prevention Districts select committee.

The Town Council reconvened back into regular session at 6:53 p.m.

Councilmember Bartley made a motion to appoint the following individuals to the Special Purpose Districts Committee: Jeff Hodges as Chair, Marcus Ray as Vice-Chair, Stacy Cate, John Hamilton, Ian Giatti, Brent Kirby, and Kimberly Shamsy.

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

No topics were discussed.

**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 appointments to the Fire Control, Prevention and Emergency Medical Services District and the Crime Control and Prevention District select committee.*

*Section 551.074 – To discuss and consider personnel matters, including Town Manager search and selection process, and all matters incident and related thereto.*

The Town Council recessed into Executive Session at 6:55 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 7:57 p.m.

No action was taken.

**Adjourn.**

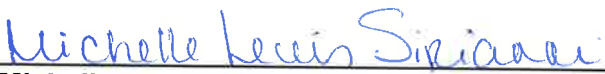
The meeting was adjourned at 7:57 p.m.

These minutes approved on the 8<sup>th</sup> day of November 2022.

**APPROVED:**

  
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David F. Bristol, Mayor

**ATTEST:**

  
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Michelle Lewis Sirianni, Town Secretary

