



Agenda
Prosper Town Council Special Meeting
Prosper Town Hall, Council Chambers
250 W. First Street, Prosper, Texas
Tuesday, May 16, 2023
7:30 AM

Welcome to the Town Council Special Meeting.

Addressing the Town Council:

Those wishing to address the Town Council must complete the Public Comment Request Form located on the Town's website or in the Council Chambers. You may submit this form to the Town Secretary or the person recording the minutes for the Board/Commission prior to the meeting. When called upon, please come to the podium, and state your name and address for the record.

In compliance with the Texas Open Meetings Act, the Town Council/Board/ Commission may not deliberate or vote on any matter that does not appear on the agenda. The Council/Board/Commission, however, may provide statements of fact regarding the topic, request the topic be included as part of a future meeting, and/or refer the topic to Town staff for further assistance.

Citizens and other visitors attending Town Council meetings shall observe the same rules of propriety, decorum, and good conduct applicable to members of the Town Council. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the Town Council or while attending the Town Council meeting shall be removed from the room, if so directed by the Mayor or presiding officer, and the person shall be barred from further audience before the Town Council during that session of the Town Council. Disruption of a public meeting could constitute a violation of Section 42.05 of the Texas Penal Code.

Call to Order/ Roll Call.

REGULAR AGENDA:

If you wish to address the Council, please fill out a "Public Meeting Appearance Card" and present it to the Town Secretary, preferably before the meeting begins. Pursuant to Section 551.007 of the Texas Government Code, individuals wishing to address the Council for items listed as public hearings will be recognized when the public hearing is opened. For individuals wishing to speak on a non-public hearing item, they may either address the Council during the Citizen Comments portion of the meeting or when the item is considered by the Town Council.

Items for Individual Consideration:

1. Consider and act upon an ordinance canvassing the returns and declaring the results of the May 6, 2023, Special Election. (MLS)

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.

Reconvene in Regular Session and take any action necessary as a result of the Closed Session.

Adjourn.

CERTIFICATION

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted at Prosper Town Hall, located at 250 W. First Street, Prosper, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted by 5:00 p.m., on Friday, May 12, 2023, and remained so posted at least 72 hours before said meeting was convened.

Michelle Lewis Sirianni, Town Secretary

Date Notice Removed

Pursuant to Section 551.071 of the Texas Government Code, the Town Council reserves the right to consult in closed session with its attorney and to receive legal advice regarding any item listed on this agenda.

NOTICE

Pursuant to Town of Prosper Ordinance No. 13-63, all speakers other than Town of Prosper staff are limited to three (3) minutes per person, per item, which may be extended for an additional two (2) minutes with approval of a majority vote of the Town Council.

NOTICE OF ASSISTANCE AT PUBLIC MEETINGS: The Prosper Town Council meetings are wheelchair accessible. For special services or assistance, please contact the Town Secretary's Office at (972) 569-1011 at least 48 hours prior to the meeting time.



TOWN SECRETARY'S OFFICE

To: Mayor and Town Council

From: Michelle Lewis Sirianni, Town Secretary

Through: Mario Canizares, Town Manager
Robyn Battle, Executive Director of Community Services

Re: Canvassing Special Election

Town Council Special Meeting – May 16, 2023

Agenda Item:

Consider and act upon an ordinance canvassing the returns and declaring the results of the May 6, 2023, Special Election.

Description of Agenda Item:

The Town of Prosper held a Special Election on May 6, 2023, in accordance with the Texas Election Code. Collin County and Denton County Early Voting Ballot Boards conduct and complete their counts of any outstanding ballots and must notify entities as soon as possible and/or by May 17, 2023. The Town has received Denton County final “Unofficial” results but has not received the final “Unofficial” results from Collin County due to any possible outstanding provisional and/or overseas military ballots.

The following reflects the “unofficial” tabulation of results. If the Town is informed of any changes to the totals, the ordinance will be updated prior to the meeting. All results are considered “unofficial” until canvassed.

| Proposition A - Crime Control & Prevention District | | | | | | |
|--|---------------------------|----------------------|---------------------------|-----------------------------|-------|---------|
| Combined Totals | Early Voting In-Person | Early Voting Mail | Election Day In-Person | Provisional Ballots | Total | Vote % |
| In Favor | 2,328 | 9 | 625 | 0 | 2,962 | 90.55% |
| Against | 224 | 0 | 85 | 0 | 309 | 9.45% |
| Totals | 2,552 | 9 | 710 | 0 | 3,271 | 100.00% |
| Overvotes | 0 | 0 | 0 | 0 | 0 | |
| Undervotes | 158 | 1 | 41 | 0 | 200 | |
| Proposition B - Fire Control, Prevention & Emergency Medical Services District | | | | | | |
| Combined Totals | Early Voting In-Person | Early Voting Mail | Election Day In-Person | Early Voting Provisional | Total | Vote % |
| In Favor | 2,373 | 9 | 642 | 0 | 3,024 | 92.05% |
| Against | 194 | 0 | 67 | 0 | 261 | 7.95% |
| Totals | 2,567 | 9 | 709 | 0 | 3,285 | 100.00% |
| Overvotes | 0 | 0 | 0 | 0 | 0 | |
| Undervotes | 143 | 1 | 42 | 0 | 186 | |

Amy Bartley, Place 3 and Jeff Hodges, Place 5 ran unopposed in the General Election; therefore, the Town Council was able to cancel the General Election declaring the incumbents elected.

Legal Obligations and Review:

Terrence Welch of Brown & Hofmeister, L.L.P., has approved the standard ordinance as to form and legality.

Attached Documents*:

1. Ordinance
2. Exhibit B – Denton County “Unofficial” Precinct Report(s)
3. “Unofficial” Tabulation of Results

*Exhibit A – Collin County “Unofficial” Precinct Report(s) are not included. As indicated above, the Town did not receive any information prior to the posting of the agenda.

Town Staff Recommendation:

Town staff recommends that the Town Council adopt an ordinance canvassing the returns and declaring the results of the May 6, 2023, Special Election.

Proposed Motion:

I make a motion to approve an ordinance canvassing the returns and declaring the results of the May 6, 2023, Special Election.

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 2023-XX

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE SPECIAL ELECTION HELD ON MAY 6, 2023, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE DISTRICT COMPRISING THE TOWN OF PROSPER A REFERENDUM ON THE CONTINUATION OF THE TOWN OF PROSPER CRIME CONTROL AND PREVENTION DISTRICT FOR TWENTY (20) YEARS AND A SALES AND USE TAX AT THE RATE OF ONE-FOURTH OF ONE PERCENT DEDICATED TO CRIME CONTROL AND PREVENTION PROGRAMS, AND A REFERENDUM ON THE CONTINUATION OF THE TOWN OF PROSPER FIRE CONTROL, PREVENTION AND EMERGENCY MEDICAL SERVICES DISTRICT FOR TWENTY (20) YEARS AND A SALES AND USE TAX AT THE RATE OF ONE-FOURTH OF ONE PERCENT DEDICATED TO FIRE SAFETY AND EMERGENCY MEDICAL SERVICES PROGRAMS; MAKING FINDINGS; PROVIDING FOR SAVINGS, REPEALING AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Prosper, Texas ("Town Council"), issued an order on February 14, 2023, directing that a Special Election be held on May 6, 2023, for the purpose submitting to the qualified voters of the district comprising the Town of Prosper a referendum on the continuation of the Town of Prosper Crime Control and Prevention District for twenty (20) years and a sales and use tax at the rate of one-fourth of one percent dedicated to crime control and prevention programs, and a referendum on the continuation of the Town of Prosper Fire Control, Prevention and Emergency Medical Services District for twenty (20) years and a sales and use tax at the rate of one-fourth of one percent dedicated to fire safety and emergency medical services programs; and

WHEREAS, the Collin County Elections Administrator and the Denton County Elections Administrator that held said Special Election have duly made the returns of the results thereof, and said returns have been duly delivered to this Town Council; and

WHEREAS, the Town Council finds and declares that the meeting at which this Ordinance is considered is open to the public as required by law, and that the public notice of the time, place and purpose of the meeting was given as required by Vernon's Ann. Texas Government Code, Section 551.041, as amended; and

WHEREAS, notice of the special election was properly given by the Town as required by law; and

WHEREAS, said election was duly and legally held on May 6, 2023, in the Town and in conformity with the election laws of the State of Texas, and the results of said election have been certified and returned by the proper judge and clerks thereof; and

WHEREAS, the Town Council has considered the returns of said election held on May 6, 2023.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS:

SECTION 1

All of the above premises are hereby found to be true and correct factual and legislative determinations of the Town of Prosper and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2

The canvass of the returns of the Special Election held on May 6, 2023, reflects that the following results of Proposition A and Proposition B with Exhibit 'A' reflecting tabulation of votes by precinct for Collin County and Exhibit 'B' reflecting tabulation of votes by precinct for Denton County.

| Proposition A - Crime Control & Prevention District | | | | | | |
|---|--------------|--------------|--------------|--------------|--------------|----------------|
| Combined Totals | Early Voting | Early Voting | Election Day | Provisional | Total | Vote % |
| | In-Person | Mail | In-Person | Ballots | | |
| In Favor | 2,328 | 9 | 625 | 0 | 2,962 | 90.55% |
| Against | 224 | 0 | 85 | 0 | 309 | 9.45% |
| Totals | 2,552 | 9 | 710 | 0 | 3,271 | 100.00% |
| Overvotes | 0 | 0 | 0 | 0 | 0 | |
| Undervotes | 158 | 1 | 41 | 0 | 200 | |
| Proposition B - Fire Control, Prevention & Emergency Medical Services District | | | | | | |
| Combined Totals | Early Voting | Early Voting | Election Day | Early Voting | Total | Vote % |
| | In-Person | Mail | In-Person | Provisional | | |
| In Favor | 2,373 | 9 | 642 | 0 | 3,024 | 92.05% |
| Against | 194 | 0 | 67 | 0 | 261 | 7.95% |
| Totals | 2,567 | 9 | 709 | 0 | 3,285 | 100.00% |
| Overvotes | 0 | 0 | 0 | 0 | 0 | |
| Undervotes | 143 | 1 | 42 | 0 | 186 | |

SECTION 3

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 4

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Prosper hereby

declares that is would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 5

This Ordinance shall be effective immediately upon its passage.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS THE 16TH DAY OF MAY, 2023.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM:

Terrence S. Welch, Town Attorney

EXHIBIT “A”
Collin County Precinct Report(s)

EXHIBT “B”
Denton County Precinct Report(s)

Run Time 12:08 PM

Run Date 05/09/2023

Joint, General & Special Elections

5/6/2023

Page 1

Town of Prosper Proposition A

| Precinct | For | Against | Cast Votes | Undervotes | Overvotes | Absentee Voting Ballots Cast | Early Voting Ballots Cast | Election Day Voting Ballots Cast | Total Ballots Cast | Registered Voters | Turnout Percentage |
|---------------|------------|-----------|------------|------------|-----------|------------------------------|---------------------------|----------------------------------|--------------------|-------------------|--------------------|
| 1016 - 41 | 18 | 8 | 26 | 1 | 0 | 0 | 17 | 10 | 27 | 410 | 6.59% |
| 1016 - 42 | 141 | 21 | 162 | 10 | 0 | 0 | 132 | 40 | 172 | 1,094 | 15.72% |
| 1017 - 41 | 38 | 3 | 41 | 1 | 0 | 1 | 29 | 12 | 42 | 895 | 4.69% |
| 1017 - 42 | 267 | 23 | 290 | 10 | 0 | 0 | 229 | 71 | 300 | 2,647 | 11.33% |
| 9102 - 42 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0.00% |
| Totals | 464 | 55 | 519 | 22 | 0 | 1 | 407 | 133 | 541 | 5,046 | 10.72% |

Run Time 12:08 PM

Run Date 05/09/2023

Joint, General & Special Elections

5/6/2023

Page 2

Town of Prosper Proposition B

| Precinct | For | Against | Cast Votes | Undervotes | Overvotes | Absentee Voting Ballots Cast | Early Voting Ballots Cast | Election Day Voting Ballots Cast | Total Ballots Cast | Registered Voters | Turnout Percentage |
|---------------|------------|-----------|------------|------------|-----------|------------------------------|---------------------------|----------------------------------|--------------------|-------------------|--------------------|
| 1016 - 41 | 20 | 6 | 26 | 1 | 0 | 0 | 17 | 10 | 27 | 410 | 6.59% |
| 1016 - 42 | 145 | 18 | 163 | 9 | 0 | 0 | 132 | 40 | 172 | 1,094 | 15.72% |
| 1017 - 41 | 38 | 2 | 40 | 2 | 0 | 1 | 29 | 12 | 42 | 895 | 4.69% |
| 1017 - 42 | 274 | 19 | 293 | 7 | 0 | 0 | 229 | 71 | 300 | 2,647 | 11.33% |
| 9102 - 42 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0.00% |
| Totals | 477 | 45 | 522 | 19 | 0 | 1 | 407 | 133 | 541 | 5,046 | 10.72% |

*** End of report ***

**MAY 2023 SPECIAL ELECTION
“UNOFFICIAL” ELECTION RESULTS**

Item 1.

**MAYO 2023 ELECCIÓN ESPECIAL
RESULTADOS "NO OFICIALES" DE LAS
ELECCIONES ***

Unopposed Candidates Declared Elected are Amy Bartley, Place 3 and Jeff Hodges, Place 5.
Candidatos sin oposición declarados electos son Amy Bartley, Lugar 3 y Jeff Hodges, Lugar 5.

| Proposition A - Crime Control & Prevention District | | | | | | |
|---|--------------|--------------|--------------|--------------|-------|---------|
| Combined Totals | | | | | | |
| | Early Voting | Early Voting | Election Day | Provisional | Total | Vote % |
| | In-Person | Mail | In-Person | Ballots | | |
| In Favor | 2,328 | 9 | 625 | 0 | 2,962 | 90.55% |
| Against | 224 | 0 | 85 | 0 | 309 | 9.45% |
| Totals | 2,552 | 9 | 710 | 0 | 3,271 | 100.00% |
| Overvotes | 0 | 0 | 0 | 0 | 0 | |
| Undervotes | 158 | 1 | 41 | 0 | 200 | |
| | | | | | | |
| Proposition B - Fire Control, Prevention & Emergency Medical Services District | | | | | | |
| Combined Totals | | | | | | |
| | Early Voting | Early Voting | Election Day | Early Voting | Total | Vote % |
| | In-Person | Mail | In-Person | Provisional | | |
| In Favor | 2,373 | 9 | 642 | 0 | 3,024 | 92.05% |
| Against | 194 | 0 | 67 | 0 | 261 | 7.95% |
| Totals | 2,567 | 9 | 709 | 0 | 3,285 | 100.00% |
| Overvotes | 0 | 0 | 0 | 0 | 0 | |
| Undervotes | 143 | 1 | 42 | 0 | 186 | |

***Election results are unofficial until the Town of Prosper canvasses the election. Canvassing is scheduled for Tuesday, May 16 at 7:30 a.m.**

*** Los resultados de las elecciones no son oficiales hasta que el Municipalidad de Prosper haga un escrutinio de las elecciones. El escrutinio está programado para el el martes 16 de mayo a las 7:30 a.m.**

CERTIFICATION

I, the undersigned authority, do hereby certify that this Unofficial Tabulation of Results was posted at Prosper Town Hall, located at 250 W. First Street, Prosper, Texas 75078, a place convenient and readily accessible to the general public at all times, and said notice was posted at 11:00 p.m. on May 6, 2023.

Michelle Lewis Sirianni, Town Secretary

Date Notice Removed