



Agenda
Prosper Town Council Meeting
Prosper Town Hall, Council Chambers
250 W. First Street, Prosper, Texas
Tuesday, January 09, 2024
6:15 PM

Welcome to the Prosper Town Council Meeting.

Citizens may watch the meeting live by using the following link: www.prospertx.gov/livemeetings

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.

If you are attending in person, please 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.

If you are watching online, please submit this form to the Town Secretary prior to 4:00 p.m. on the day of the meeting in order for your comments to be read into the record. The Town assumes no responsibility for technical issues beyond our control.

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 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. Disruption of a public meeting could constitute a violation of Section 42.05 of the Texas Penal Code.

Call to Order/ Roll Call.

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

Announcements of recent and upcoming events.

Presentations.

1. Presentation to the Town of Prosper for receiving the Commission for Accreditation of Parks and Recreation Agencies (CAPRA) award. (DB)
2. Presentation regarding the 2023 Mayor's Fitness Challenge. (DB)

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.

3. Consider and act upon the minutes from the December 12, 2023, Town Council Work Session meeting. (MLS)
4. Consider and act upon the minutes from the December 12, 2023, Town Council Regular meeting. (MLS)
5. Consider acceptance of the November 2023 monthly financial report. (CL)
6. Consider and act upon an ordinance amending Ordinance No. 2022-54 (FY 2022-2023 Annual Budget). (CL)
7. Consider and act upon an ordinance amending Ordinance No. 2023-60 (FY 2023-2024 Annual Budget). (CL)
8. Consider and act upon approving an agreement between Aclara Technologies LLC and the Town of Prosper for maintenance and support from Aclara, a sole source provider, and consider and act upon approving an amendment to the existing Aclara Maintenance Agreement between Aclara Technologies LLC and the Town of Prosper to add Aclara Network Freedom to the existing Maintenance Agreement; and authorizing the Town Manager to execute the same. (CL)
9. Consider and act upon approval of the purchase and installation of a shade structure for the Cynthia A. Cockrell Elementary School Playground. (DB)
10. Consider and act upon approving a new Lease Agreement for Dylan Drive property housing Park Operations and authorizing the Town Manager to execute documents for same. (DB)
11. Consider and act upon approving the annual purchase of ammunition and range supplies from GT Distributors, Inc. and authorizing the Town Manager to execute documents for the same. (DK)
12. Consider and act upon a resolution approving a Service Agreement with Flock Group, Inc. for the lease of flock safety automatic license plate recognition (ALPR) cameras and authorizing the Town Manager to execute documents for the same. (DK)
13. Consider and act upon a Multiple Use Agreement (MUA) between the Town of Prosper, Texas and the Texas Department of Transportation (TxDOT) for the construction, maintenance, and operation of a public Fixed License Plate Reader System; and to authorize the Town Manager to execute documents for the same. (DK)
14. Consider and act upon approving a Service Agreement between Honeywell International, Inc., dba US Digital Designs by Honeywell, and the Town of Prosper regarding fire station alerting equipment and authorizing the Town Manager to execute documents for the same. (SB)
15. Consider and act upon authorizing the Town Manager to execute the First Amendment to the Interlocal Agreement between the City of Celina, Texas, and the Town of Prosper, Texas, related to cost participation in construction of interim asphalt improvements on Legacy Drive from Frontier Parkway to Parvin Road. (HW)
16. Consider and act upon an ordinance repealing the Town's Juvenile Curfew Ordinance, found in Article 8.04 of Chapter 8 of the Code of Ordinances. (TW)

17. Consider and act upon an ordinance amending Section 1.09.017 of the Code of Ordinances relative to the carrying of firearms in Town parks, and Sections 8.03.001 and 8.01.002 of the Code of Ordinances relative to the carrying and discharge of firearms in Town buildings or in the Town limits. (TW)
18. Consider and act upon an ordinance amending the Code of Ordinances by adding a new Article 8.09 to Chapter 8 Prohibiting the Dumping of Trash on Public or Private Property. (TW)
19. Consider and act upon an ordinance amending Chapter 4, Section 5.2 – Location of Required Screening, of the Town of Prosper Zoning Ordinance to modify the screening requirements for trash and recycling collection areas. (ZONE-23-0025) (DH)
20. Consider and act upon an ordinance amending the Town of Prosper Zoning Ordinance by amending conditional development standards for restaurants contained in Subsection 1.4 of Section 1 of Chapter 3; amending non-residential landscaped area requirements contained in Subsection 2.6(C) of Section 2 of Chapter 4; repealing existing Subsection 4.9 of Section 4 of Chapter 4 related to loading space requirements and replacing it with a new Subsection 4.9; adding a new Subsection 4.10 of Section 4 of Chapter 4 related to stacking requirements; amending the location of required screening contained in Subsection 5.2 of Section 5 of Chapter 4; and amending provisions related to adjacency of certain uses to residential zoning contained in Subsection 9.11 of Section 9 of Chapter 4. (ZONE-23-0033) (DH)
21. Consider and act upon on ordinance amending Chapter 3, Section 1.4, Subpart 38 – Automobile Sales/Leasing, Used, of the Town of Prosper Zoning Ordinance to provide additional criteria for this use. (ZONE-23-0026) (DH)
22. Consider and act upon a request for a Façade Plan for Gates of Prosper, Phase 3, Block B, Lot 2, on 15.8± acres, located north of US 380 and west of Preston Road. The property is zoned Planned Development-67 (PD-67) Gates of Prosper. (DEVAPP-23-0165) (DH)
23. Consider and act upon an ordinance to rezone for a Specific Use Permit (SUP) for a Concrete Batching Plant, on 5.0± acres, located south of West First Street and west of South Dallas Parkway. (S20-0002) (DH)
24. Consider and act upon an ordinance to rezone 0.4± acres from Single Family-15 (SF-15) to Planned Development-124 (PD-124), for Bryant's Addition, Block 11, Lots 1, 11, and 12, located on the northeast corner of South Coleman Street and East Third Street. (ZONE-23-0027) (DH)
25. Consider and act upon authorizing the Town Manager to execute a Development Agreement between Michael Bryant & Curtis Klieger and the Town of Prosper relative to 105 South Coleman Street. (DH)
26. Consider and act upon an ordinance to rezone 0.5± acres from Single Family-15 (SF-15) to Planned Development-125 (PD-125), for Bryant's Addition, Block 22, Lots 7, 8, and 9, located on the northwest corner of South Parvin Street and East Second Street. (ZONE-23-0028) (DH)
27. Consider and act upon authorizing the Town Manager to execute a Development Agreement between Kevin & Jennifer Pittman and the Town of Prosper relative to 202 South Parvin Street. (DH)

28. 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)

CITIZEN COMMENTS

The public is invited to address the Council on any topic. However, the Council is unable to discuss or take action on any topic not listed on this agenda. Please complete a "Public Comment Request Form" and present it to the Town Secretary prior to the meeting. Please limit your comments to three minutes. If multiple individuals wish to speak on a topic, they may yield their three minutes to one individual appointed to speak on their behalf. All individuals yielding their time must be present at the meeting, and the appointed individual will be limited to a total of 15 minutes.

REGULAR AGENDA:

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. [If you wish to address the Council, please fill out a "Public Comment Request Form" and present it to the Town Secretary, preferably before the meeting begins.]

Items for Individual Consideration:

29. Conduct a public hearing and consider and act upon a request for a Planned Development for a House of Worship on 26.1± acres, on Prosper School Church Addition, Block A, Lot 2, located north of West First Street and west of South Legacy Drive. The property is zoned Agricultural. (ZONE-23-0030) (DH)
30. Conduct a public hearing to consider and act upon a request for a Specific Use Permit (SUP) to allow Retail Stores and Shops, a Convenience Store (without Gas Pumps), Dry Cleaning, Minor, and Gymnastics/Dance Studio uses on 3.6± acres on Windsong Ranch Office Addition, Block A, Lot 2, located south of Parvin Road and east of North Teel Parkway. The property is zoned Planned Development-103 (PD-103) Windsong Ranch Office. (ZONE-23-0023) (DH)
31. Conduct a public hearing to consider and act upon an amendment to Chapter 3, Section 1.4 – Conditional Development Standards of the Town of Prosper Zoning Ordinance to modify requirements related to gas pumps. (ZONE-23-0039) (DH)
32. Conduct a public hearing to consider and act upon amending Chapter 2, Section 13 – Multifamily District; Chapter 4, Section 4.3 – Non-residential and multifamily parking provisions; and Chapter 4, Section 8 – Non-Residential & Multifamily Design and Development of the Town of Prosper Zoning Ordinance to modify Multifamily development standards. (ZONE-23-0024) (DH)
33. Consider and act upon approving a Professional Services Agreement between Dunaway Associates, L.P. and the Town of Prosper, Texas, for the preparation of a Parks, Recreation & Open Space Master Plan, and authorizing the Town Manager to execute documents for the same. (DB)
34. Consider and act upon awarding CSP No. 2024-09-B to McMahon Contracting LP, related to construction services for the Teel Parkway (US 380 – First Street) project; and authorizing the Town Manager to execute a construction agreement for same. (HW)

35. Consider and act upon an ordinance repealing existing Article 13.08, "Right-of-Way Management," of Chapter 13 "Utilities," of the Town's Code of Ordinances and replacing it with a new Article 13.08, "Right-of-Way Management". (HW)
36. Discussion regarding nonprofit support options. (RB)
37. Discuss and consider Town Council Subcommittee reports. (DFB)

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

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.

Section 551.071 - To receive legal advice regarding land use and development issues.

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, and the Community Engagement Committee, 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 75078, 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, January 5, 2024, 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.