



**Agenda**  
**Prosper Town Council Meeting**  
Prosper Town Hall, Council Chambers  
250 W. First Street, Prosper, Texas  
Tuesday, September 26, 2023  
**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](http://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 of a Proclamation to members of the Prosper Police and Fire Departments declaring October 3, 2023, as National Night Out. (MLS)
2. Presentation of a Proclamation to members of the Prosper Fire Rescue declaring the month of October 2023 as Fire Prevention month. (MLS)
3. Presentation of a Proclamation declaring the month of October 2023 as National Breast Cancer Awareness month. (MLS)

**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.

4. Consider and act upon the minutes from the September 12, 2023, Town Council Work Session meeting. (MLS)
5. Consider and act upon the minutes from the September 12, 2023, Town Council Regular meeting. (MLS)
6. Consider acceptance of the July 2023 monthly financial report. (CL)
7. Consider and act upon purchasing a sanitary sewer easement at 302 N Parvin Street from property owner, David Maya; and authorize the Town Manager to execute documents for same. (FJ)
8. Consider and act upon an amendment to the Town's Interlocal Agreements with Collin County for facility construction, use of an animal shelter, and animal control services for the 2024 fiscal year. (DH)
9. Consider and act upon approving a Services Agreement with Gray Reed Advisory Services, LLC, d/b/a GRPR, for Strategic Communications Planning and Crisis Communications Services, and authorize the Town Manager to execute the same. (RB)
10. Consider and act upon an ordinance to rezone 73.4± acres from Agriculture (A), a portion of Planned Development-40 (PD-40), and a portion of Single Family-12.5 (SF-12.5) to Planned Development-Single Family (PD-SF), generally to allow for a residential development, located on the southeast corner of Prosper Trail and Teel Parkway. (Z21-0010) (DH)
11. Consider and act upon authorizing the Town Manager to execute a Development Agreement between Prosper 100 LP, Prosper Hills LLC, and the Town of Prosper relative to Prosper Hills, as described in Planned Development-123 (PD-123). (DEVAGREE-23-0012) (DH)
12. Consider and act upon authorizing the Town Manager to execute a Water Impact Fees Reimbursement Agreement between PPP 100 DEV LLC, PROSPER HILLS LP, PROSPER MEADOWS LP, and the Town of Prosper, Texas, related to the extension of water lines to serve the Park Place, Prosper Hills, and Prosper Meadows developments. (HW)
13. Consider and act upon authorizing the Town Manager to execute a Thoroughfare Impact Fees Reimbursement Agreement between PPP 100 DEV LLC, PROSPER HILLS LP, PROSPER MEADOWS LP, and the Town of Prosper, Texas, related to the construction of Teel Parkway, Prosper Trail, and Legacy Drive to serve the Park Place, Prosper Hills, and Prosper Meadows developments. (HW)
14. Consider and act upon authorizing the Town Manager to execute a Wastewater Impact Fees Reimbursement Agreement between PPP 100 DEV LLC, PROSPER HILLS LP, and the Town of Prosper, Texas, related to the extension of a wastewater line to serve the Park Place and Prosper Hills developments. (HW)

15. Consider and act upon authorizing the Mayor to execute an Amendment to Ultimate Boundary Line Agreement between the City of McKinney, Texas, and the Town of Prosper, Texas, related to the maintenance of improvements along Christie Farms Boulevard in the City of McKinney to serve the Christie Farms development. (HW)
16. Consider and act upon an ordinance amending the Town's Subdivision Ordinance by amending Subpart (1) of Section (D), "Plat Required," of Section 10.03.004, "Applicability," to Comply with Revised Language contained in House Bill No. 3699; amending Subsection (B) of Section 10.03.034, "Director of Development Services," relative to Authorizing the Director of Development Services to Approve or Deny Plats; amending Section 10.03.063, "30-day Time Frame for Plat Approvals," to Reflect that the Right to 30-day Action for Plat Applications Begins on the Filing Date and One or More 30-day Extensions shall be authorized; adding a Definition of "Filing Date," amending the Definitions of "Approval" and "Plat," and repealing the definitions of "Administratively Complete" and "Official Submission Date," contained in Section 10.03.192, "Words and Terms Defined"; providing that the phrase "Official Submission Date" shall be replaced with the phrase "Filing Date" in Sections 10.03.084(f)(2) and 10.03.085(h)(2). (TW)
17. Conduct a public hearing to consider and act upon an ordinance Amending Chapter 1, "General Provisions, Administration and Procedures," of the Town's Zoning Ordinance, by Amending Subpart (E) of Subsection 7.11, "Amortization of Nonconforming Uses or Structures," of Section 7, "Nonconforming Uses and Structures," by Providing for Amortization Procedures consistent with Senate Bill 929, and Subpart (A), "Zoning Changes," of Subsection 8.2, "Public Hearing and Notice," of Section 8, "Changes and Amendments to all Zoning Ordinances and Districts and Administrative Procedures," by Providing for Notices relative to a Change in a Zoning Regulation that Could Result in a Nonconforming Use, Consistent with Senate Bill 929. (TW)
18. 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 any Site Plans including Prosper Business Park. (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:**

19. Conduct a public hearing and consider and act upon a request to rezone 0.2± acres from Single Family-15 (SF-15) to Downtown Retail (DTR), for Mitchell Addition, Block 3, Lot

3D, located on the southwest corner of West Seventh Street and North Coleman Road. (ZONE-23-0016) (DH)

20. Consider and act upon a resolution establishing loan terms between the Utility Fund and the Solid Waste Fund for financing the purchase of solid waste and recycling carts. (RBS)
21. Receive an update on the Lakewood Preserve Park project. (DB)
22. Consider and act upon Contract Amendment #1 to a Professional Services Agreement with Dunaway Associates, LLC, for additional design services related to the development of Raymond Community Park. (DB)
23. Consider and act upon an agreement with Nancy Lieberman Charities (NLC) for the installation of a Dream Court at Tanner's Mill Park and authorize the Town Manager to execute the same. (DB)
24. 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 551.074 - 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, September 22, 2023, and remained so posted at least 72 hours before said meeting was convened.

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Michelle Lewis Sirianni, Town Secretary

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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.