



*Prosper is a place where everyone matters.*

**Agenda**  
**Prosper Town Council Meeting**  
Tuesday, May 12, 2020  
5:45 PM

**Notice Regarding Public Participation**

Governor Greg Abbott has granted a temporary suspension of certain rules to allow for telephone or videoconference public meetings in an effort to reduce in-person meetings that assemble large groups of people, due to the COVID-19 public health emergency.

Individuals may access the Prosper Town Council meeting videoconference, or telephone conference call.

**Join the Zoom Meeting** by clicking on the following link:

<https://us02web.zoom.us/j/87189889684>

Enter Meeting ID: 87189889684

To request to speak, click on “Participants” at the bottom of the screen, and click “Raise Hand.” The meeting moderator will acknowledge your request and allow you to speak.

**To join the meeting by phone, dial (346) 248-7799**

Enter Meeting ID: 87189889684

To request to speak, enter \*9, and \*6 to mute/unmute yourself. The meeting moderator will acknowledge your request and allow you to speak.

**If you encounter any problems joining or participating in the meeting, please call our help line at 972-569-1191 for assistance.**

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.

**Call to Order/ Roll Call.**

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

**Announcements of recent and upcoming events.**

**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. Zoning-related Public Hearing items on the Consent Agenda have received a unanimous recommendation for approval by the Planning & Zoning Commission, and no written opposition was received prior to the posting of this agenda.

Those wishing to speak on a Public Hearing item on the Consent Agenda should click on "Participants" at the bottom of the screen, and click "Raise Hand." The meeting moderator will acknowledge your request and allow you to speak.

1. Consider and act upon the minutes from the April 28, 2020, Town Council meeting. **(ML)**
2. Consider and act upon authorizing the Town Manager to execute an Interlocal Cooperation Agreement between Collin County and the Town of Prosper related to the Coronavirus Aid, Relief, and Economic Security (CARES) Act. **(HJ)**
3. Consider and act upon a resolution of the Town of Prosper, Texas, authorizing the Town Attorney to bring a condemnation action for the purpose of obtaining approximately 0.0155 acres of real property for right-of-way, situated generally in the Spencer Graham Survey, Abstract No. 359, in the Town of Prosper, Collin County, Texas and being part of a called 15.75-acre tract of land as recorded in Volume 1804, Page 100 of the Deed Records of Collin County, Texas (D.R.C.C.T.), Town of Prosper, Collin County, Texas, necessary for the construction of the Prosper Trail Improvements, Coit Road to Custer Road Project and for other public purposes permitted by law. **(PA)**
4. Consider and act upon a resolution of the Town of Prosper, Texas, authorizing the Town Attorney to bring a condemnation action for the purpose of obtaining approximately 0.0938 acres of real property for right-of-way and 0.0416 acres of real property for grading easement, situated generally in the Larkin McCarty Survey, Abstract No. 600, in the Town of Prosper, Collin County, Texas and being part of Lot 1 of Preston Country Estates as recorded in Volume F, Page 595 of the Plat Records of Collin County, Texas (P.R.C.C.T.) and as recorded in Instrument Number 92-0054135 of the Deed Records of Collin County, Texas (D.R.C.C.T.), Town of Prosper, Collin County, Texas, necessary for the construction of the Prosper Trail Improvements, Coit Road to Custer Road Project and for other public purposes permitted by law. **(PA)**
5. Consider and act upon a resolution of the Town of Prosper, Texas, authorizing the Town Attorney to bring a condemnation action for the purpose of obtaining approximately 0.0767 acres of real property for grading easement, situated generally in the Larkin McCarty Survey, Abstract No. 600, in the Town of Prosper, Collin County, Texas and being part of Lot 6 of Preston Country Estates as recorded in Volume F, Page 595 of the Plat Records of Collin County, Texas (P.R.C.C.T.) and as recoded in Instrument Number 20130611000803820 of the Deed Records of Collin County, Texas (D.R.C.C.T.), Town of Prosper, Collin County, Texas, necessary for the construction of the Prosper Trail Improvements, Coit Road to Custer Road Project and for other public purposes permitted by law. **(PA)**
6. Consider and act upon a resolution of the Town of Prosper, Texas, authorizing the Town Attorney to bring a condemnation action for the purpose of obtaining approximately 0.1299 acres of real property for grading easement, situated generally in the Larkin McCarty Survey, Abstract No. 600, in the Town of Prosper, Collin County, Texas and being part of a larger tract as recorded in Volume 3992, Page 1165 of the Deed Records of Collin County, Texas (D.R.C.C.T.), Town of Prosper, Collin County, Texas, necessary for the construction of the Prosper Trail Improvements, Coit Road to Custer Road Project and for other public purposes permitted by law. **(PA)**

7. Consider and act upon an ordinance amending Subsection (6), "Fences or Low Walls in the Required Front Yard of a Residential District," and Subsection (13) of Section 3.19.001, "General Regulations," of Article 3.19, "Fence Regulations," of Chapter 3, "Building Regulations," of the Town's Code of Ordinances, by authorizing the Town Manager to approve alternate materials for fences and low walls. (MD20-0007) **(JW)**
8. Consider and act upon an ordinance amending Subsections 7.01(b), "Definitions," and 7.01(c), "Decision-Maker," of Subsection 7.01, "Petition for Subdivision Waiver," of Section 7, "Subdivision Relief Procedures," of the Town's Subdivision Ordinance, an exhibit to Article 10.03, "Subdivision Ordinance," of Chapter 10, "Subdivision Regulation," of the Code of Ordinances, by authorizing the Town Manager to approve minor waivers of subdivision design standards. (MD20-0008) **(JW)**
9. Conduct a Public Hearing, and consider and act upon an ordinance amending Chapter 4 (Development Requirements), Section 1 (Site Plan Process), of the Zoning Ordinance, generally allowing for waiver of certain development regulations by the Town Manager. (Z20-0008) **(JW)**
10. 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 Plan or Preliminary Site Plan. **(AG)**

#### **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 Meeting Appearance Card" and submit it to the Town Secretary prior to the meeting, or request to address the Council via videoconference or telephone.

#### **REGULAR AGENDA:**

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

11. Conduct a Public Hearing, and consider and act upon an amendment to the Thoroughfare Plan to designate anticipated roadway overpasses on US 380 at Gee Road, Teel Parkway, and Legacy Drive and an overpass at First Street and the BNSF railroad. (CA20-0001). **(AG)**
12. Conduct a Public Hearing, and consider and act upon an ordinance rezoning 5.4± acres from Planned Development-40 (PD-40) to Planned Development-Office (PD-O), located east of Good Hope Road, south of Parvin Road. (Z20-0006). **(AG)**
13. Consider and act upon a request to waive the Town's Drainage System Design Requirements for a wet or underground detention pond for the detention pond on the proposed Prosper Retail Addition Tract located within Town's ETJ. **(DH)**
14. Consider and act upon a resolution directing publication of notice of intention to issue Combination Tax and Surplus Revenue Certificates of Obligation for the purpose of funding costs associated with the construction of street improvements and park improvements in the Town **(CS)**.

#### **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.*

*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 and review the Town Manager's performance evaluation.*

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

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

**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, May 8, 2020, and remained so posted at least 72 hours before said meeting was convened.

\_\_\_\_\_  
Melissa Lee, 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.