



Agenda
Prosper Town Council Meeting
Prosper Town Hall, Council Chambers
250 W. First Street, Prosper, Texas
Tuesday, June 27, 2023
6:15 PM

Welcome to the Prosper Town Council Meeting.

Citizens may watch the meeting live by using the following link:

<https://prospertx.new.swagit.com/views/378/>

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. Receive an update regarding the road construction project located at First Street and Coit Road. (MC)
2. Receive an update on Parks and Recreation projects. (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 June 13, 2023, Town Council Work Session meeting. (MLS)
4. Consider and act upon the minutes from the June 13, 2023, Town Council Regular meeting. (MLS)
5. Consider acceptance of the October, November, and December 2022 monthly financial reports and quarterly financial summary. (CL)
6. Consider adoption of a resolution directing publication of notice of intention to issue certificates of obligation for the purpose of funding costs associated with the construction of water and wastewater improvements. (CL)
7. Consider and act upon approving the purchase of miscellaneous water and wastewater materials from Fortiline Waterworks, utilizing NCPA Contract Number 02-76; and authorizing the Town Manager to execute documents for the same. (FJ)
8. Consider and act upon authorizing the Town Manager to execute a Relocation Agreement between Atmos Energy Corporation, and the Town of Prosper, Texas, related to the relocation of approximately 650-feet of 6-inch Steel Gas Pipeline Crossing Gee Road to serve the Gee Road (Fishtrap – Windsong Retail) project. (HW)
9. Consider and act upon authorizing the Town Manager to execute a Professional Engineering Services Agreement between Kimley-Horn and Associates, Inc., and the Town of Prosper, Texas, related to the design of the Gee Road (US 380 – FM 1385) project. (HW)
10. Consider and act upon authorizing the Town Manager to execute an Interlocal Cooperation Agreement between Denton County, Texas, and the Town of Prosper, Texas, related to the engineering, right-of-way acquisition, utility relocations, inspections, and construction of Gee Road (FM 1385) as a six-lane divided urban roadway between US 380 and FM 1385. (HW)
11. Conduct a public hearing and consider and act upon a request for a Specific Use Permit (SUP) for a new Wireless Communications and Support Structure, on .1± acre, located on the south side of Frontier Parkway, west of Talon Lane. (ZONE-23-0008) (DS)
12. Conduct a public hearing and consider and act upon a request to rezone 0.3± acres from Single Family-15 (SF-15) to Downtown Retail (DTR), on Lots 3-5, located south of Fifth Street and East of Main Street. (ZONE-23-0001) (DS)
13. Consider and act upon an ordinance to rezone 5.7± acres from Office (O) to Planned Development-Office (PD-O), located on the west side of Mahard Parkway, south of Prairie Drive, specifically to allow for a limited-service hotel. (Z22-0002) (DS)
14. Consider and act upon authorizing the Town Manager to execute a Development Agreement between Prosper Premier Hotel LLC and the Town of Prosper, related to the Prosper Center Development, located on the west side of Mahard Parkway, south of Prairie Drive, specifically to allow for a limited-service hotel. (DEVAGRE-23-0010) (DS)
15. 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 Preliminary Site Plans and Site Plans including Ladera Phase 2, Richland Parkway Retail Development, Frontier Retail, Toyota Expansion, PISD High School, and One Community Church. (DS)

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:

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. 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.

Items for Individual Consideration:

16. Consider authorizing the Town Manager to enter into a contract with Republic Services including purchase and distribution of carts for the period February 1, 2024 ending January 31, 2031 with an option of three, one-year renewals, declaring an exclusive franchise in the Town for all solid waste services which include residential, commercial, industrial and construction disposal as allowed by state law and to provide for transition services by either its current provider, Republic or both in the intervening period until February 1, 2024. (RBS)
17. Conduct a public hearing and consider and act upon a request to rezone 69.9± 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 and retirement housing development, located on the southeast corner of Prosper Trail and Teel Parkway. (Z21-0010) (DS)
18. Conduct a public hearing and consider and act upon a request for a Specific Use Permit (SUP) for a new Wireless Communications and Support Structure, on .1± acre, located on the south side of Prosper Trail, west of Preston Country Lane. (ZONE-22-0001) (DS)
19. Consider and act upon an ordinance establishing a Homestead Tax Exemption. (CL)
20. Consider all matters incident and related to the issuance and sale of "Town of Prosper, Texas, General Obligation Refunding and Improvement Bonds, Series 2023", including the adoption of an ordinance authorizing the issuance of such bonds and establishing procedures and delegating authority for the sale and delivery of such bonds. (CL)
21. Consider and act upon a resolution of the Town Council of the Town of Prosper, Texas, declaring the public necessity to acquire certain properties for right-of-way, temporary construction easements, drainage easements, and water easement for the construction of the Legacy (Prairie – Fishtrap) – 4 lanes project; determining the public use and necessity for such acquisition; authorizing the acquisition of property rights

necessary for said Project; appointing an appraiser and negotiator as necessary; authorizing the Town Manager to establish just compensation for the property rights to be acquired; authorizing the Town Manager to take all steps necessary to acquire the needed property rights in compliance with all applicable laws and resolutions; and authorizing the Town Attorney to institute condemnation proceedings to acquire the property if purchase negotiations are not successful. (HW)

22. Discuss and consider Town Council Subcommittee reports. (DB)

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.

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, June 23 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.