



Agenda
Prosper Town Council Meeting
Prosper Town Hall, Council Chambers
250 W. First Street, Prosper, Texas
Tuesday, January 23, 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 of a Proclamation to the University of Texas at Dallas Naveen Jindal School of Management recognizing its Capstone Senior Project program. (LJ)
2. Presentation of a Proclamation declaring the week of January 13-28, 2024 as Health for Humanity Yogathon. (MLS)
3. Recognize Frank Jaromin, Public Works Director, for his years of dedicated service to the Town of Prosper upon his retirement. (CE)

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 January 9, 2024, Town Council Work Session meeting. (MLS)
5. Consider and act upon the minutes from the January 9, 2024, Town Council Regular meeting. (MLS)
6. Consider acceptance of the December 2023 monthly financial report. (CL)
7. Consider and act upon ratifying an emergency purchase expenditure to Consolidated Traffic Controls, Inc. related to the Town's emergency repair of a traffic signal pole located at Prosper Trail and the Dallas North Tollway (DNT). (FJ)
8. Consider and act upon an ordinance releasing 19.358 Acres, more or less, generally located west of FM 1385 in Denton County, from the Town's Extraterritorial Jurisdiction. (TW)
9. Consider and authorize the transfer of \$6,102,367.26 in American Rescue Plan Act (ARPA) funds to Upper Trinity Regional Water District (UTRWD) to support the expansion of the Doe Branch Wastewater Treatment Plant. (CE)
10. Consider and act upon an ordinance amending the Town of Prosper Zoning Ordinance by amending conditional development standards for certain location requirements of gas pumps contained in Subpart 3 and Subpart 17 of Subsection 1.4 of Section 1 of Chapter 3. (ZONE-23-0039) (DH)
11. Consider and act upon an ordinance to rezone 26.1± acres from Agricultural (AG) to Planned Development-126 (PD-126), for Prosper School Church Addition, Block A, Lot 2, located north of West First Street and west of South Legacy Drive. (ZONE-23-0030) (DH)
12. Consider and act upon authorizing the Town Manager to execute a Development Agreement between James Riley and the Town of Prosper relative to Rock Creek Church. (DH)
13. Consider and act upon an ordinance to rezone 34.7± acres from Commercial (C) to Planned Development-119 (PD-119), for Collin County School Land Survey, Abstract No. 147, Tract 47, located north of West Prosper Trail and west of North Dallas Parkway. (Z22-0019) (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:

14. Conduct a public hearing to consider and act upon a request for a Specific Use Permit (SUP) for a Wireless Communications and Support Structure, on Lakewood Preserve, Block A, Lot 1, on 0.1± acre, located south of East First Street and east of South Coit Road. (ZONE-23-0036) (DH)
15. Consider and act upon awarding CSP No. 2024-10-B to Zachry Construction Corporation, related to construction services for the Legacy Drive (Prairie – First) – 4 Lanes project; and authorizing the Town Manager to execute a construction agreement for same. (HW)
16. Consider and act upon awarding CSP No. 2024-11-B to Maya Underground Contractors LLC, related to construction services for the Dallas North Tollway (Prosper Trail - Frontier) 12-inch Waterline project; and authorizing the Town Manager to execute a construction agreement for same. (HW)
17. 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, drainage easements, a water easement, a street easement, a sidewalk easement and temporary construction easements for the construction of the Craig Road (Preston - Fifth) 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)
18. 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.

Section 551.071 - To consult with the Town Attorney regarding legal issues associated with Article 1.09 and Article 8.03 of the Town's Code of Ordinances, and Chapter 214 of the Texas Local Government Code, 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 19, 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.