



*Prosper is a place where everyone matters.*

**Agenda**  
**Prosper Town Council Meeting**  
Council Chambers  
Prosper Town Hall  
250 W. First Street, Prosper, Texas  
Tuesday, July 26, 2022  
**6:15 PM**

### **Notice Regarding Public Participation**

Welcome to the Prosper Town Council. Individuals may attend the meeting in person, or access the meeting via videoconference, or telephone conference call.

Join the Zoom Meeting by clicking on the following link: <https://us02web.zoom.us/j/87047432329>

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

Enter Meeting ID:870 4743 2329

### **Addressing the Town Council:**

Those wishing to address the Town Council must complete the [Public Comment Request Form](#) located on the Town website or in Council Chambers.

**If you are attending in person**, please submit this form to the Town Secretary prior to the meeting. When called upon, please come to the podium and state your name and address for the record.

**If you are attending online/virtually**, please submit this form to the Town Secretary prior to 5:00 p.m. on the day of the meeting. Please ensure your full name appears on the screen and you are unmuted so the meeting moderator can recognize you and allow you to speak. The Chat feature is not monitored during the meeting. The Town assumes no responsibility for technical issues that are beyond our control.

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

### **Call to Order/ Roll Call.**

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

### **Announcements of recent and upcoming events.**

### **Presentations.**

1. Recognize the Town Secretary's Office with the Texas Municipal Clerks Achievement of Excellence Award. (MLS)
2. Receive an update from the Town Secretary's Office. (MLS)
3. Receive an update from the Police Department on the recent Active Shooter Training. (DK)

**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 of the June 28, 2022, Town Council meeting. (MLS)
5. Consider and act upon the minutes of the June 28, 2022, Town Council Work Session meeting. (MLS)
6. Consider and act upon the minutes of the July 11, 2022, Town Council Work Session meeting. (MLS)
7. Consider and act upon the minutes of the July 12, 2022, Town Council Budget Work Session meeting. (MLS)
8. Receive the May financial report. (BP)
9. Consider and act upon approving amendments to the Town's Financial Policies. (RBS)
10. Consider and act upon authorizing the Town Manager to execute a Professional Engineering Services Agreement between Freese and Nichols, Inc., and the Town of Prosper, Texas, related to the design of the FM 1461 12-inch Water Line Relocation project. (HW)
11. Consider and act upon authorizing the Town Manager to execute Contract Amendment No. 2 to the Professional Engineering Services Agreement between Garver, LLC., and the Town of Prosper, Texas, related to the design of the First Street (DNT – Coleman) project. (HW)
12. Consider and act upon authorizing the Town Manager to execute a Professional Services Agreement between Lowry Property Advisors, LLC (LPA), and the Town of Prosper, Texas, related to appraisal services for the First Street (DNT – Coleman) project. (HW)
13. Consider and act upon authorizing the Town Manager to execute a Personal Services Contract between McCarthy Right of Way Partners, LLC., and the Town of Prosper, Texas, related to property acquisition services for the First Street (DNT – Coleman) project. (HW)
14. Consider and act upon approving the purchase of pavement and asset data collection services from Infrastructure Management Services (IMS), through the Texas Local Government Purchasing Cooperative; and authorize the Town Manager to execute documents for the same. (FJ)
15. Consider and act upon awarding CSP No. 2022-01-A to CivicPlus, LLC, for website design and development services, and authorizing the Town Manager to execute same. (RB)
16. Consider and act upon a resolution authorizing the Town Manager to execute an Advance Funding Agreement for the TXDOT Green Ribbon Program Project Landscape Improvements On-System between the Texas Department of Transportation and the Town of Prosper, Texas, related to the Green Ribbon Project along US 380 from Lovers Lane to Mahard Parkway. (PN)

17. Consider and act upon approving the purchase of one (1) Winsted Custom Conference and Emergency Operations Center Table from Ford AV, through the Texas Local Government Purchasing Cooperative. (SB)
18. Consider and act upon the purchase of Fire Hose Nozzles and Fittings for two new fire apparatus (Pumper Engine & Quint) from Metro Fire Apparatus Specialist, Inc. through the Texas Local Government Purchasing Cooperative. (SB)
19. Consider and act upon an ordinance establishing a no parking zone on Prince William Lane from Coleman Street to Highbridge Lane. (HW)
20. Consider and act upon an ordinance establishing a no parking zone on Meadowbrook Boulevard from Coit Road to Foxfield Court. (HW)
21. Consider and act upon an ordinance amending Section 12.09.004 "School Traffic Zones" of Chapter 12 "Traffic and Vehicles" of the Town's Code of Ordinances by modifying the limits and hours of operation of such zones. (HW)
22. Consider and act upon an ordinance to amend the Zoning Ordinance, Chapter 3, Section 1.3 Schedule of Uses, Chapter 3, Section 1.4 Conditional Development Standards, and Chapter 3, Section 2.2 Definitions, to include "Food Pantry", in the Agricultural, "A," zoning district. (MD22-0005). (DS)
23. Consider and act upon a Site Plan and Façade Plan for a Limited Service Hotel, on 1.8± acres, located on the west side of Mahard Parkway, south of Prairie Drive. The property is zoned Planned Development-101 (PD-101). (D22-0031). (DS)
24. Consider and act upon an ordinance to rezone a portion of Planned Development-36, and a portion of Planned Development-63, to Planned Development (PD) for Legacy Gardens, on 121.4± acres, in order to modify the residential development standards, including but not limited to reducing permitted lot sizes, located on the south side of Frontier Parkway, west of Dallas Parkway. (Z20-0019). (DS)
25. Consider and act upon authorizing the Town Manager to execute a Development Agreement between Risland Prosper 221 LLC and the Town of Prosper, Texas, related to the Legacy Gardens development, located on the south side of Frontier Parkway, west of Dallas Parkway. (DS)
26. 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 Plans and Preliminary Site Plans, including Ladera Amenity Center, DISD Middle School, Windsong Vet Clinic, 102 E. Broadway, Gates of Prosper Phase 3, Prosper Counseling, and Star Trail Amenity Center. (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.

### **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. 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.

**Items for Individual Consideration:**

27. Conduct a public hearing and consider and act upon a request 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)
28. Conduct a public hearing and consider and act upon a request to amend Planned Development-93 (PD-93), on 0.8± acres, located on the southwest corner of Broadway Street and Preston Road, in order to allow for a restaurant with drive-through services. (Z22-0006) (DS)
29. Conduct a public hearing and consider and act upon a request for a Specific Use Permit (SUP) for a Restaurant with Drive-Through Service, on 1.2± acres, in the Victory at Frontier development. The property is zoned Planned Development-10 & Specific Use Permit 38 (PD-10 & S-38). (S22-0006). (DS)
30. Conduct a public hearing and consider and act upon a request to rezone 42.3± acres from Planned Development-38 (PD-38) to Planned Development-Mixed Use, located on the north side of 380, west of Lakewood Drive, in order to allow for a mixed-use development, including multifamily, hotel, office, retail and related uses. (Z22-0004) (DS)
31. Consider and act upon a resolution of the Town Council of the Town of Prosper, Texas, declaring the necessity to acquire certain properties for right-of-way, street easements, water easements, and drainage easements for the construction of the First Street (DNT – Coleman) 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)
32. Consider all matters incident and related to the issuance and sale of “Town of Prosper, Texas General Obligation Bonds, Series 2022”, 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. (BP)
33. 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 in the Town. (BP)
34. Consider and act upon adopting the Downtown Master Plan. (MM)

**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, July 22, 2022, and remained so posted at least 72 hours before said meeting was convened.

\_\_\_\_\_  
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.