



Welcome to the January 23, 2024,
Prosper Town Council Meeting



Call to Order/Roll Call



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



Pledge to the Texas Flag

Honor the Texas flag; I pledge allegiance to thee,
Texas, one state under God, one and indivisible.

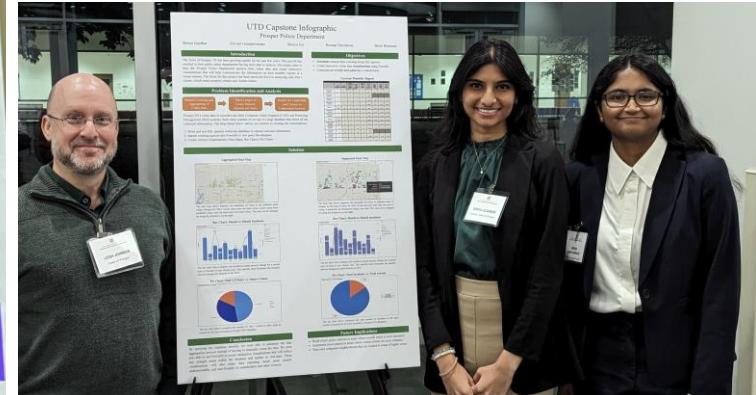


Announcements

Presentations

Agenda Item 1.

Presentation of a Proclamation to the University of Texas at Dallas Naveen Jindal School of Management recognizing its Capstone Senior Project program. (LJ)



**UTD Capstone Seniors
Fall 2023**

Brian Brutocao, Roman Davidsson, David Diaz De Leon, Srivani Ganapavarapu, Shriya Jejurkar, Shreya Joy, Kadelin Nguyen, Dev Patel, Winston Shih, and Bryan Voon

Agenda Item 2.

Presentation of a Proclamation declaring the week of January 13-28, 2024, as Health for Humanity Yogathon. (MLS)

Agenda Item 3.

Recognize Frank Jaromin, Public Works Director, for his years of dedicated service to the Town of Prosper upon his retirement.
(CE)

Consent Agenda

Agenda Item 4.

Consider and act upon the minutes from the January 9, 2024, Town Council Work Session meeting. (MLS)



Agenda Item 5.

Consider and act upon the minutes from the January 9, 2024, Town Council Regular meeting. (MLS)



Agenda Item 6.

Consider acceptance of the December 2023 monthly financial report. (CL)

Agenda Item 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)

Agenda Item 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)

Agenda Item 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)

Transfer of ARPA Funds

- The Town designated approximately \$6.1M of ARPA funds for expansion of Doe Branch Treatment Plant by UTRWD
- Action authorizes transfer of funds to UTRWD for this purpose
- UTRWD currently expending funds towards design
- Currently negotiating contract for remaining amount for total expense

Agenda Item 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)



Agenda Item 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)

Agenda Item 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)



Agenda Item 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



Regular Agenda

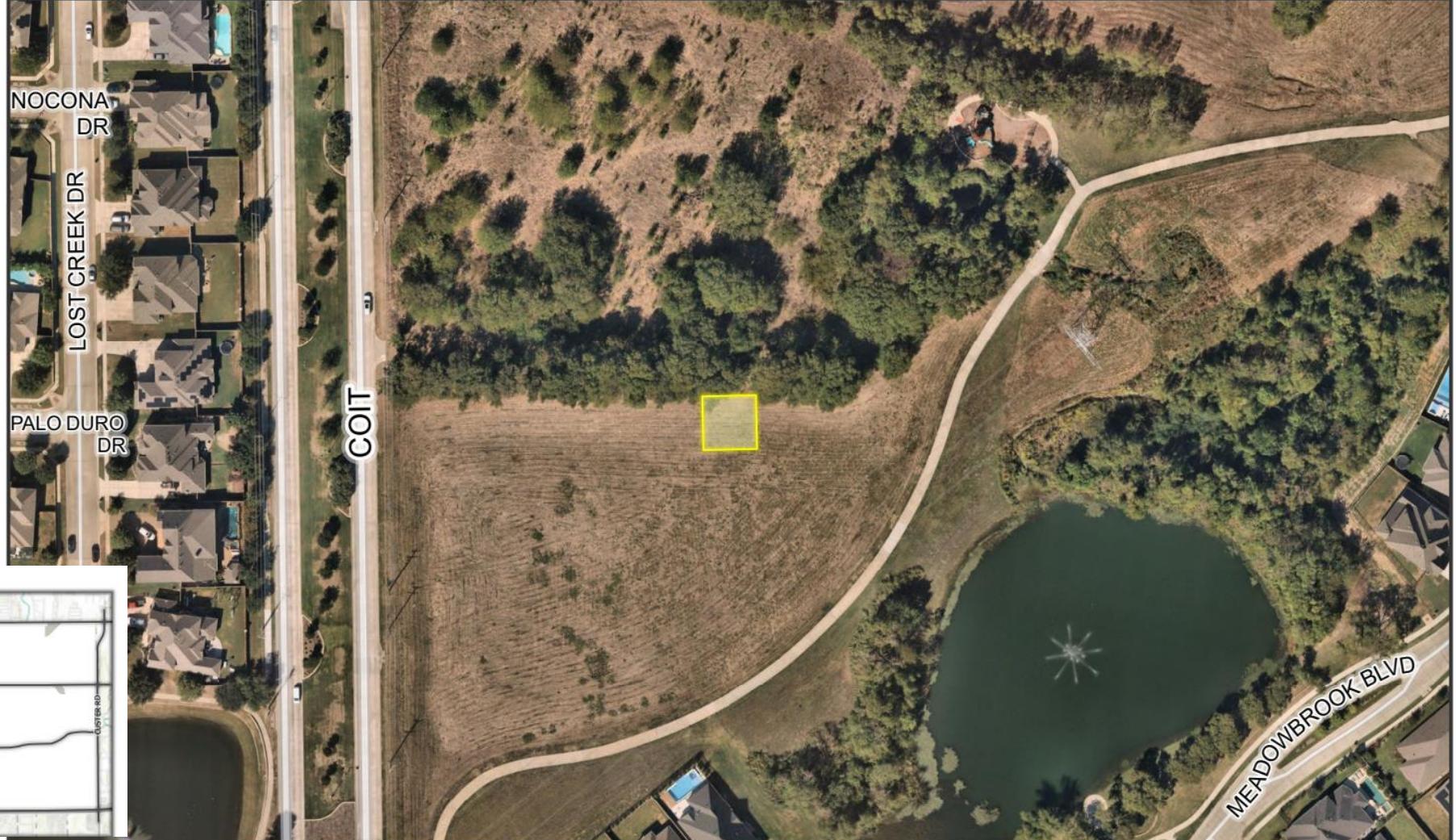
Pursuant to Section 551.007 of the Texas Government Code, individuals wishing to address the Council for items listed as public hearings will be recognized when the public hearing is opened.



Agenda Item 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)

Aerial Location





TOWN OF
PROSPER

Zoning



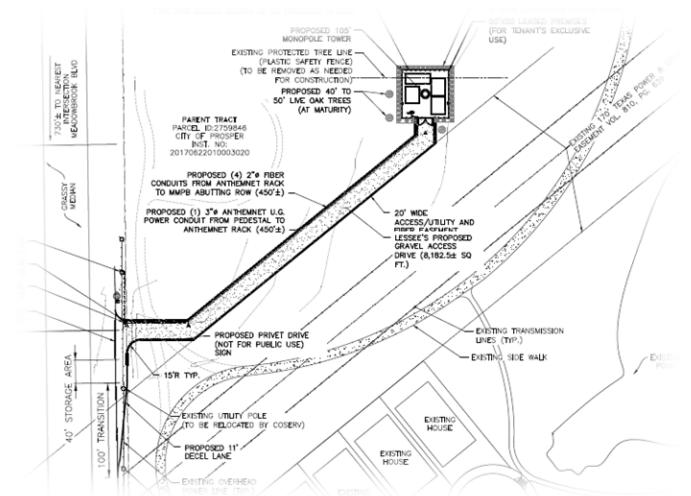
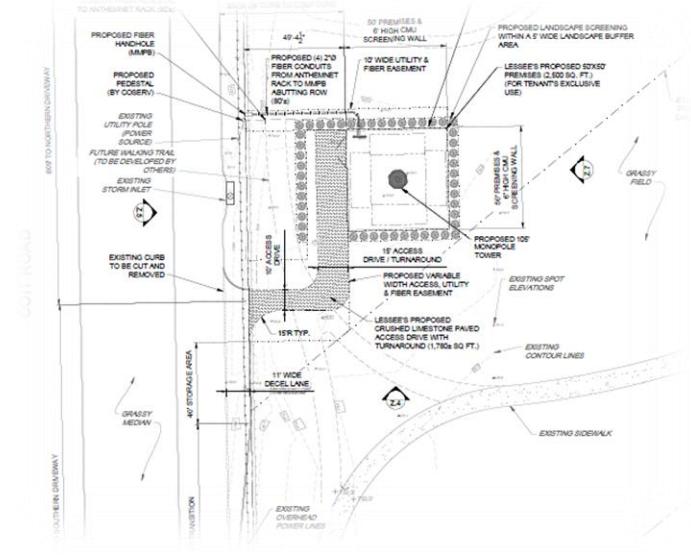


Previous Location



Current Location

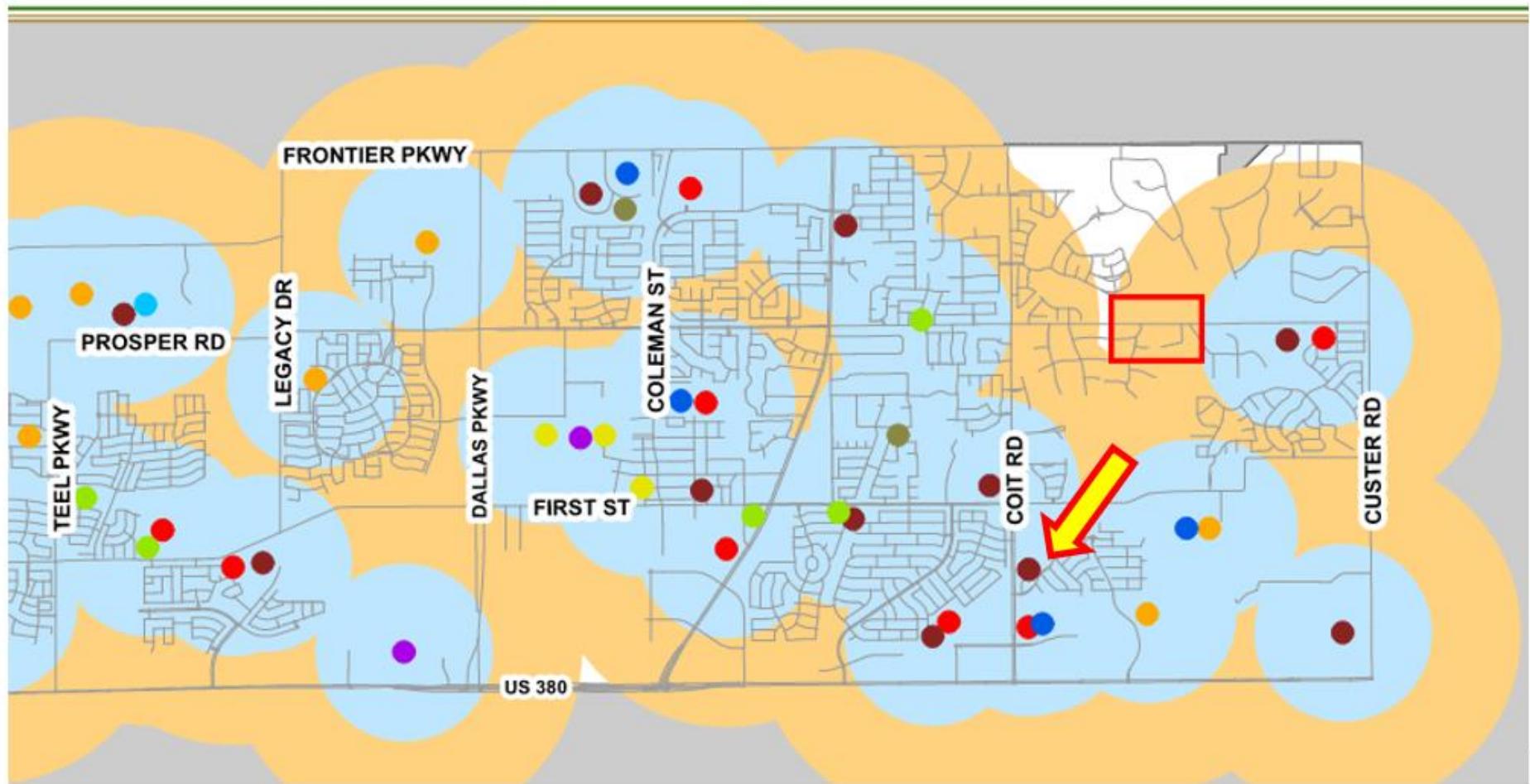
The tower site shifted approximately 450 feet to the east.





TOWN OF
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Wireless Communication Exhibit



Legend

● Existing & Proposed Stadium Lights

● Existing Wireless Communication & Support Structure

● Proposed Wireless Communication & Support Structure

● ISD Existing School

● ISD Future School Site

● Town Property

● Town Facility

● Existing Water Tower

● Proposed Water Tower

● 1/2 Mile Coverage

● 1 Mile Coverage



Updated March 29, 2021



Exhibit A

Survey

SURVEYOR'S NOTES

1. This is a Zoning Site survey, made on the ground under the supervision of a Texas Registered Land Surveyor. Date of field survey is November 27, 2023.
2. The following surveying instruments were used at time of field visit: Topcon GM-55 and Topcon Hiper SR G.P.S. receiver, (R.T.K. network capable).
3. Bearings are based on Texas North Central State Plane Coordinates NAD 83 by GPS observation.
4. No underground utilities, underground encroachments or building foundations were measured or located as a part of this survey, unless otherwise shown. Trees and shrubs not located, unless otherwise shown.
5. Benchmark used is a GPS Continuously Operating Reference Station, PID DFB982. Onsite benchmark is as shown herein. Elevations shown are in feet and refer to NAVD 88.
6. This survey was conducted for the purpose of a Zoning Site survey only, and is not intended to delineate the regulatory jurisdiction of any federal, state, regional or local agency, board, commission, or other similar entity.
7. Attention is directed to the fact that this survey may have been reduced or enlarged in size due to reproduction. This should be taken into consideration when obtaining scaled data.
8. This Survey was conducted without the benefit of an Abstract Title search.
9. Surveyor hereby states the Geodetic Coordinates and the elevation shown for the proposed centerline of the tower are accurate to within \pm 20 feet horizontally and to within \pm 3 feet vertically (FAA Accuracy Code 1A).
10. Survey shown herein conforms to the Minimum Requirements as set forth by the State Board for a Class "A" Survey.
11. Field data upon which this map or plot is based has a closure precision of not less than one-foot in 15,000 feet ("1:15,000") and an angular error that does not exceed 10 seconds times the square root of the number of angles turned. Field traverse was not adjusted.
12. This survey is not valid without the original signature and the original seal of a state licensed surveyor.
13. This survey does not constitute a boundary survey of the Parent Tract. Any parent tract property lines shown herein are from supplied information and may not be field verified.

NE	BEARING	DISTANCE
	N 57°0'52" E	356.75'
	S 89°52'14" W	50.00'
	N 00°0'45" E	50.00'
	N 89°52'14" E	50.00'
	S 00°0'45" E	50.00'
	S 89°52'14" W	25.00'
	S 00°06'47" E	22.34'
	S 50°55'15" W	319.57'
	N 89°46'17" W	66.91±

PARENT TRACT
PARCEL ID:2759846
CITY OF PROSPER
INST. NO.
170622010003020

Survey plan showing a right-of-way for a new road segment. The plan includes a north arrow, a scale bar, and two sets of coordinates for the proposed centerline (POC) and the proposed outer edge (POE).

POC (AS-SURVEYED)
MAGNAIL
N:7134081.97
E:2498290.56

POE (AS-SURVEYED)
ACCESS, UTILITY &
FIBER EASEMENT
N:7134051.85
E:2498300.17

4" CURB (TYP.)

0 50' 100'

SCALE: 1" = 50'

50 X 50 LEASE AREA (AS-SURVEYED)
Being a certain portion of that certain tract of land owned now or formerly by City of Prosper, having a Collin County Assessor Parcel ID: 2758486, being part of the James Stone Survey, Abstract No. 847, said Collin County, Texas, and being more particularly described as follows: Containing at 4 magnell found in concrete head the East side of Coit Road, having Texas North Central State Plane Coordinates of N 7134081.97 E 2489289.56; thence N 570752.5 E leaving said right-of-way line a distance of 356.75 feet to a 5/8" rebar set and the Point of Beginning; thence N 007°45' W a distance of 50.00 feet to a 5/8" rebar set; thence N 89°52'14" E a distance of 50.00 feet to a 5/8" rebar set; thence S 007°45' E a distance of 50.00 feet to a 5/8" rebar set; thence S 89°52'14" W a distance of 50.00 feet to the Point of Beginning. Said lease-area described, Lease Area contains 2,500.00 square feet or .06 acres, more or less.

5 LANDSCAPE BUFFER (AS-SURVEYED)
Being a certain portion of that certain tract of land owned now or formerly by City of Prosper, having a Collin County Assessor Parcel ID: 2759846, being part of the James Stone Survey, Abstract No. 847, said Collin County, Texas, and being more particularly described as follows: Commencing at a magnail found in concrete near the East side of Cox Road, having Texas North Central State Plane Coordinates of N7134081.97 E2075829.00, thence N 570732'E leading said right-of-way line a distance of 356.00 feet to a 5/8" rebar set and the Point of Beginning of a Landscape Buffer, thence N 570732'E leading said right-of-way line a distance of 50.00 feet and parallel to the above-described boundary, thence N 00746'W a distance of 50.00 feet to a 5/8" rebar set; thence N 895212'E a distance of 50.00 feet to a 5/8" rebar set; thence S 00746'E a distance of 50.00 feet to a 5/8" rebar set; thence S 895214'W a distance of 50.00 feet to the Point of Beginning. Said above-described Landscape Buffer, containing 3,600.00 square feet or 0.08 acres, more or less.

ACCESS, UTILITY & FIBER EASEMENT (AS-SURVEYED)
Being a certain portion of that certain tract of land owned now or formerly by City of Prosper, having a Collin County Assessor Parcel ID: 275846, being part of the James Stone Survey, Abstract No. 847, said Collin County, Texas, and being more particularly described as follows: Commencing at a magnail found in concrete near the East side of Colt Road, having Texas North Central State Plane Coordinates of N 7134081.97 488290.56; thence N 55°09'04" E leaving said right-of-way line a distance of 365.08 feet to a 5/8" rebar set; thence N 00°07'45" W a distance of 10.00 feet to a 5/8" rebar set; thence S 00°07'45" E a distance of 50.00 feet to a point of Beginning of a 50.00 foot wide easement; thence S 09°52'14" W a distance of 25.00 feet to the Point of Beginning of an easement, Utility & Fiber Easement being 20 feet in width lying 10 feet each side of the following described centerline; thence S 00°06'47" E a distance of 22.54 feet to a point; thence S 55°15'15" W a distance of 319.57 feet to a point; thence N 59°41'17" W a distance of 65.91 feet, more or less, to a point on the east right-of-way line of said Colt Road and the Point of Ending. Said above-described Easement contains 8,182.5 square feet or 0.19 acres, more or less.

SURVEYOR'S CERTIFICATION

I certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Texas to the best of my knowledge, information, and belief.

William H. Sommerville, III

William H. Sommerville, III
Texas License No. 8094

◆ PARENT TRACT
PARCEL ID: 2759846
CITY OF PROSPER
INSTRUMENT NO: 20170622010003020

◆ PARCEL ID: 2619467
PROSPER SE FIRST & COIT LLC
INSTRUMENT NO: 20220418000612720

◆ PARCEL ID: 2619468
55 PROSPER LP
INSTRUMENT NUMBER: 184370

◆ PARCEL ID: 2811287
LAKEWOOD HOA INC,
INSTRUMENT NUMBER: 20200303000300280

◆ PARCEL ID: 2811269
NO INFORMATION
AVAILABLE

◆ PARCEL ID: 2811268
SAIN, MICHAEL A. & BRANDI C.
INSTRUMENT NUMBER: 20210209000277440

◆ PARCEL ID: 2811267
ARCUETA, ALEJANDRO
& BRITTANY ERIN GLASS
INSTRUMENT NUMBER: 20210311000484370

◆ PARCEL ID: 2811266
GOHEEN, CHRISTOPHER & ELIZABETH
INSTRUMENT NUMBER: 20210208000264460

◆ PARCEL ID: 28111265
SANDERSON, BRANT CHRISTOPHER
& MICHELLE LOUISE
INSTRUMENT NUMBER: 20211119002378600

NOT TO SCALE

LEGEND

- - 5/8" REBAR SET
- - FOUND PROPERTY MARKER
- POB - POINT OF BEGINNING
- POC - POINT OF COMMENCEMENT
- POE - POINT OF ENDING
- ▲ - CALCULATED POINT
- (R) - REFERENCED INFORMATION
- MD - MEASURED
- ◊ - POWER POLE
- ↓ - GUY ANCHOR
- [] - POWER BOX
- [] - TELEPHONE PEDESTAL
- (S) - SANITARY SEWER MANHOLE
- - TEMPORARY BENCHMARK
- 5/8" REBAR SET
- ELEVATION 729.62'
- ROW = RIGHT-OF-WAY
- OP = OVERHEAD POWER

FLOOD NOTE
By graphic plotting only, the subject property appears to lie in Zone "X" of the Flood Insurance Rate Map Community Panel No. 480B5C035J, which bears an effective date of June 2, 2009 and IS NOT in a special flood hazard area.

PROJECT NAME & SHEET DESCRIPTION
EXHIBIT A
ZONE-23-0036

PROSPER COIT
JAMES STONE SURVEY, ABSTRACT NO. 847
COLLIN COUNTY, TEXAS

PROJECT NAME & SHEET DESCRIPTION

SURVEY

LEGAL DESCRIPTION: LAKEWOOD-PRESERVE, B.
A. LOT 1,
GROSS ACREAGE: 22.840-ACRE TRACT (0.654 AC
POWER ADDITION)
SURVEY ABSTRACT NAME: JAMES STONE SURV.
ABSTRACT BY:

SHEET 8 1

POWER INFO
POWER
28667
9.766236
ELEVATION: 729'
SEA LEVEL (NAVD88)

AS 7507B

UNITY MAP
SURVEY

NORTH CENTRAL
 RD NORTH
 0 TRUE NORTH
 GENCE
 .10850°
 NORTH TO MAGNETIC
 ICTION
 ED SCALE FACTOR
 77377
 Engineering Group, Inc.
 Center Drive
 Alabama 350244

LEGEND
 REBAR SET
 PROPERTY MARKER
 OF BEGINNING
 OF COMMENCEMENT
 OF ENDING
 RELATED POINT
 ENCLOSED INFORMATION
 ARED
 POLE
 ANCHOR
 BOX
 PHONE PEDESTAL
 MARY SEWER MANHOLE
 MARY BENCHMARK
 REBAR SET
 TION 729.62'
 — RIGHT-OF-WAY
 OVERHEAD POWER

PROJECT NAME & SHEET DESCRIPTION
EXHIBIT A
ZONE-23-0036

SURVEY

LEGAL DESCRIPTION: LAKEWOOD-PRESERVE, B.
A. LOT 1,
GROSS ACREAGE: 22.840-ACRE TRACT (0.654 AC
POWER ADDITION)
SURVEY ABSTRACT NAME: JAMES STONE SURV.
ABSTRACT BY:

SHEET 8 1

Exhibit B

Overall Site Plan

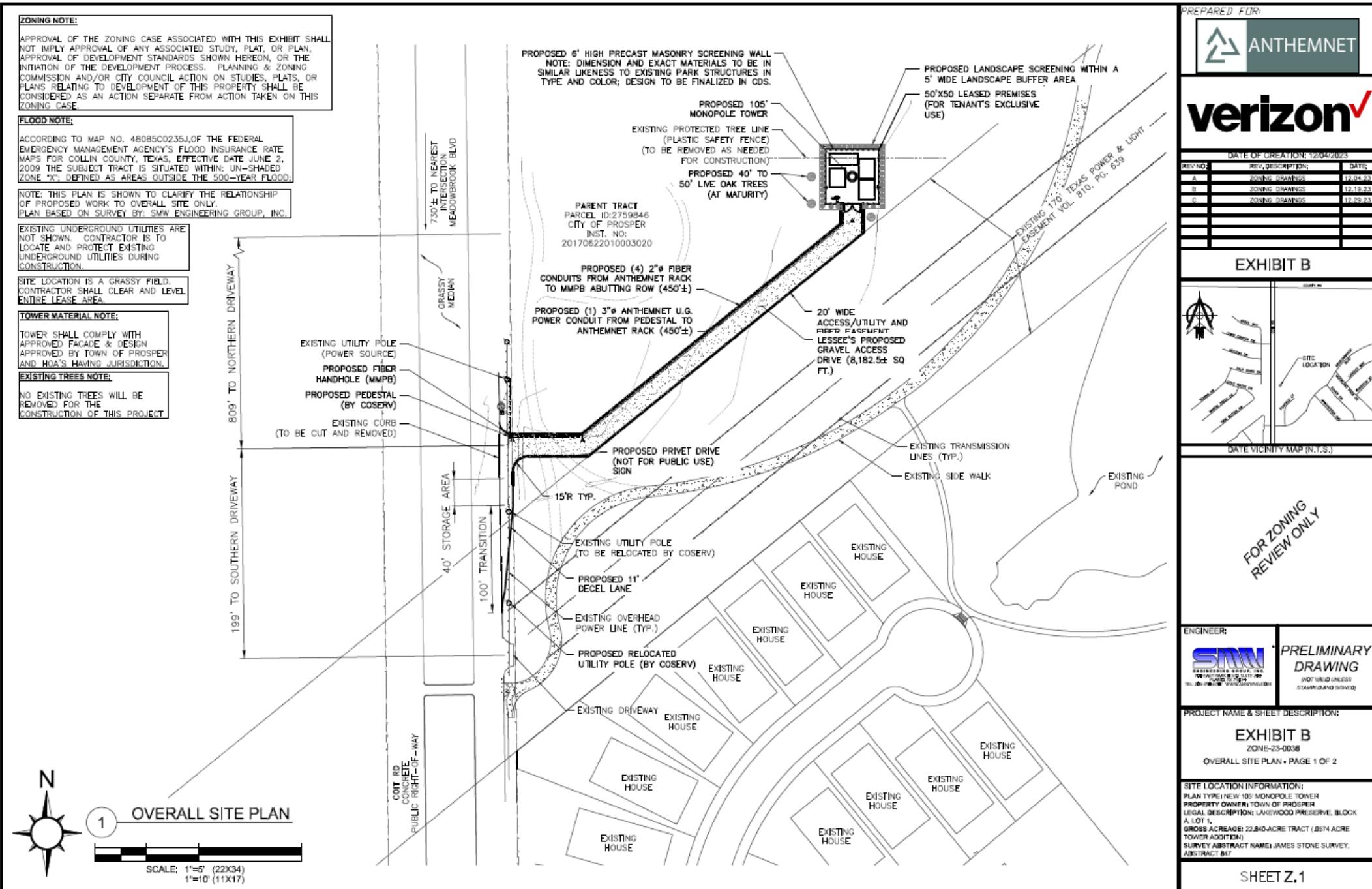


Exhibit B

Enlarged Site Plan

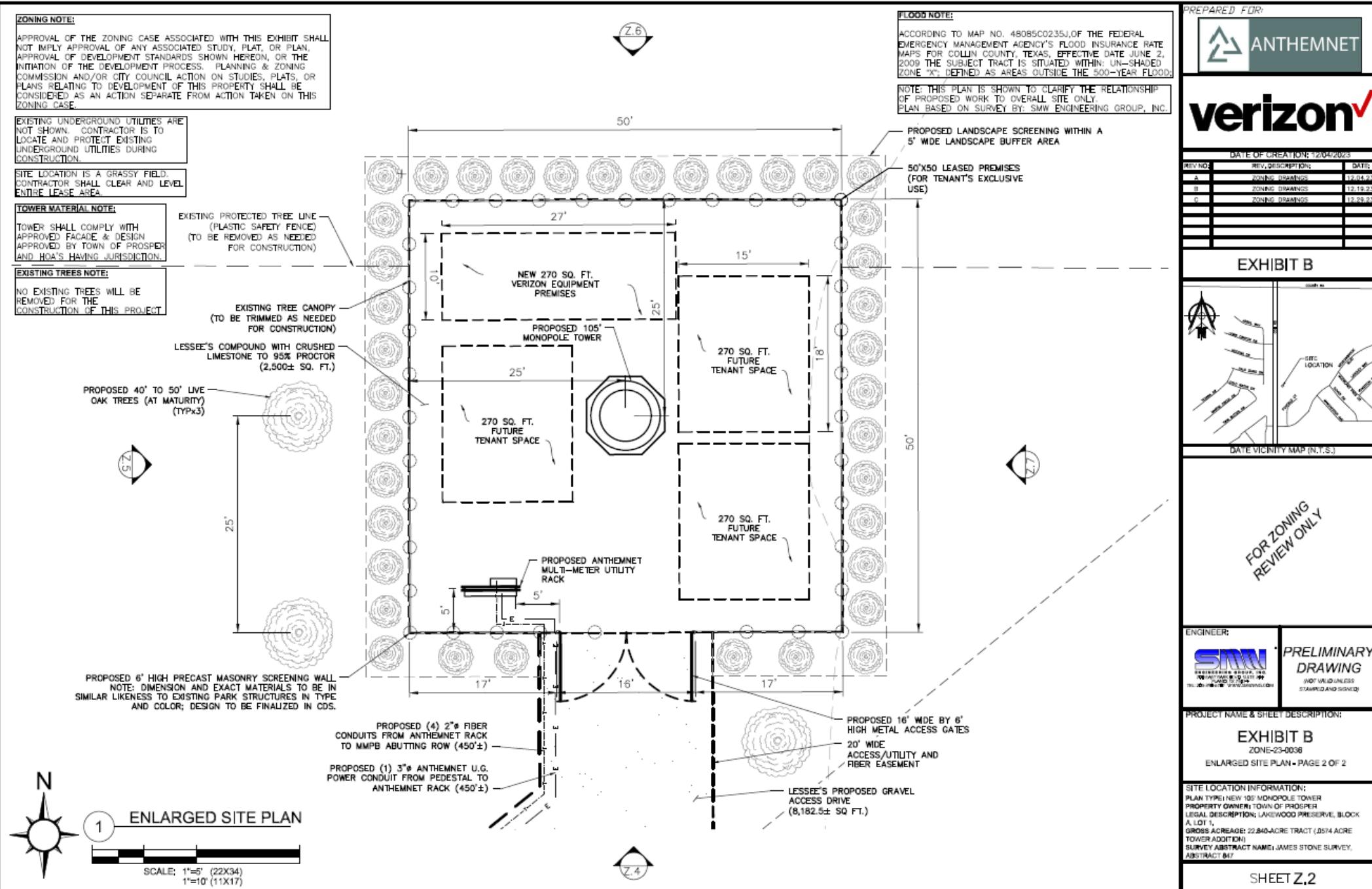


Exhibit C

Landscape and Screening Plan

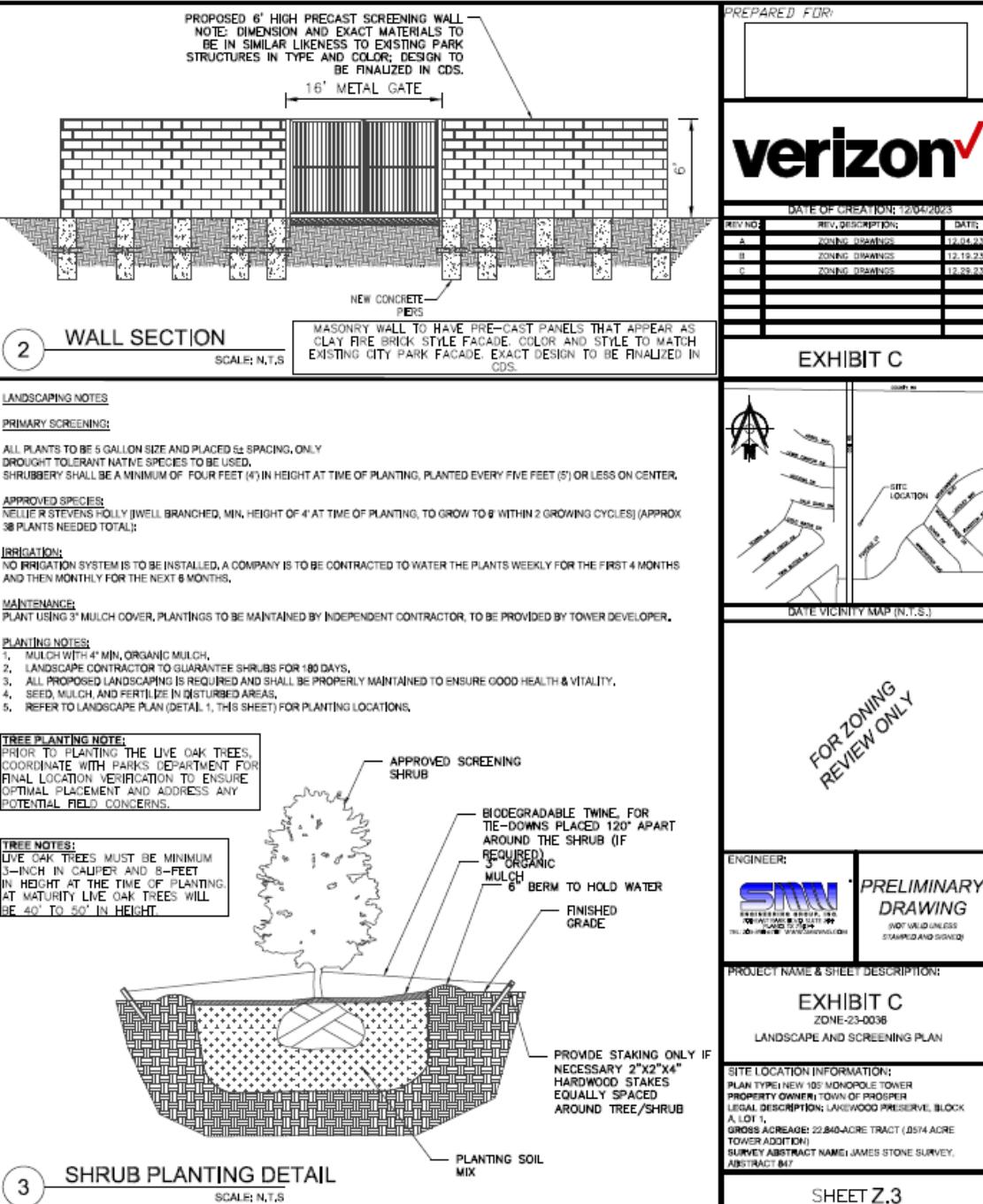
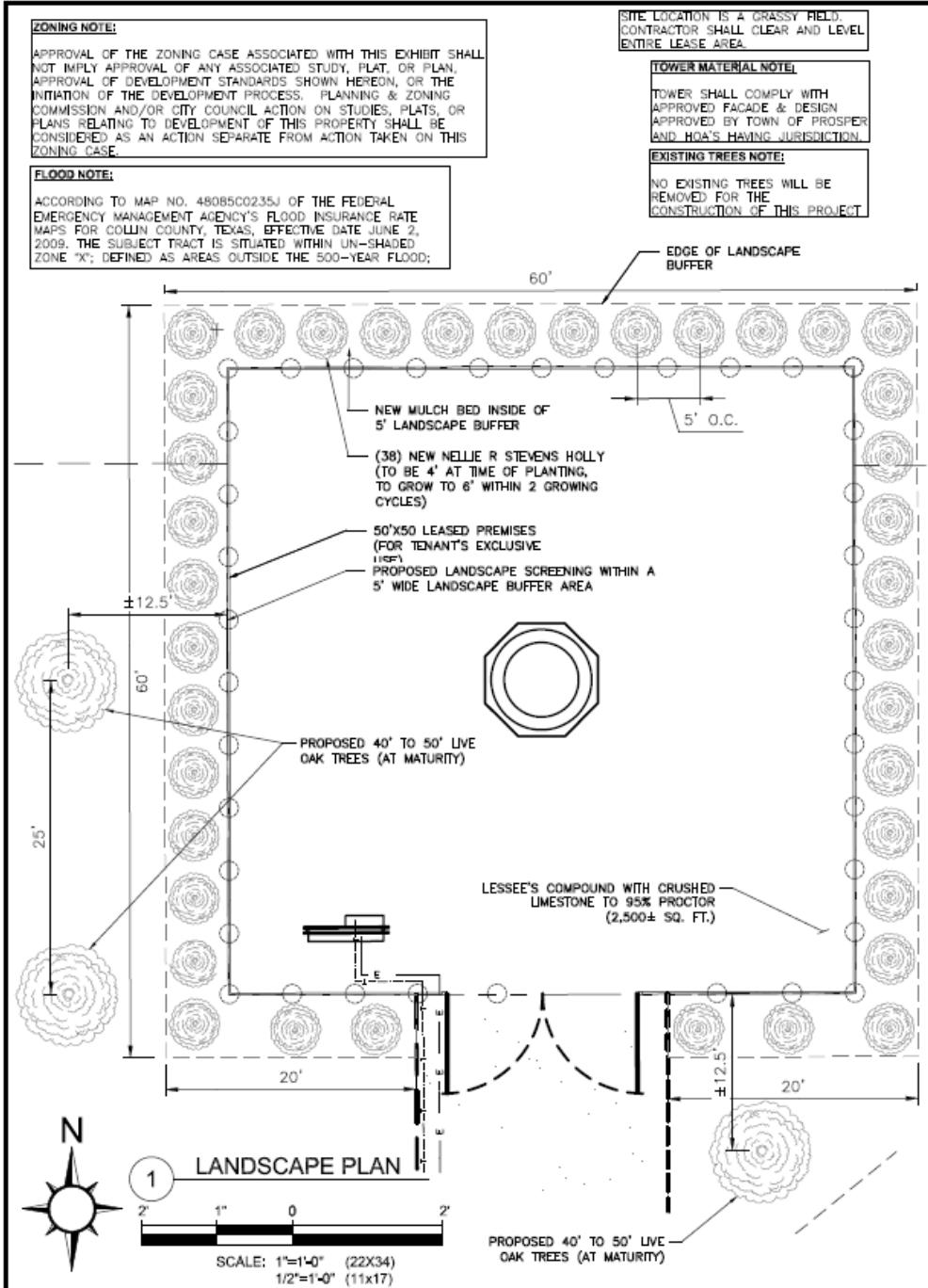


Exhibit D

Façade Plan (South Elevation)

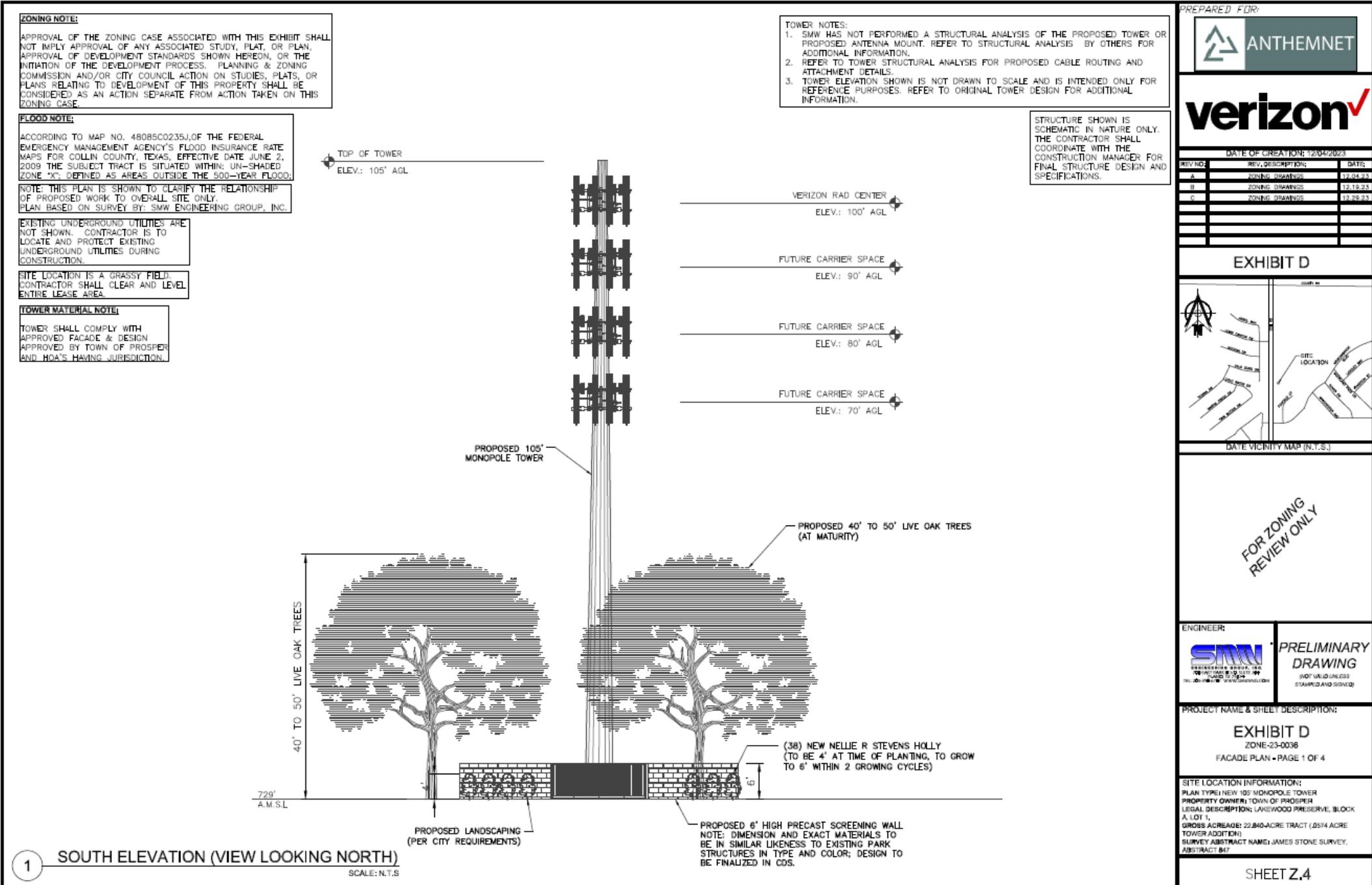


Exhibit D

Façade Plan (West Elevation)

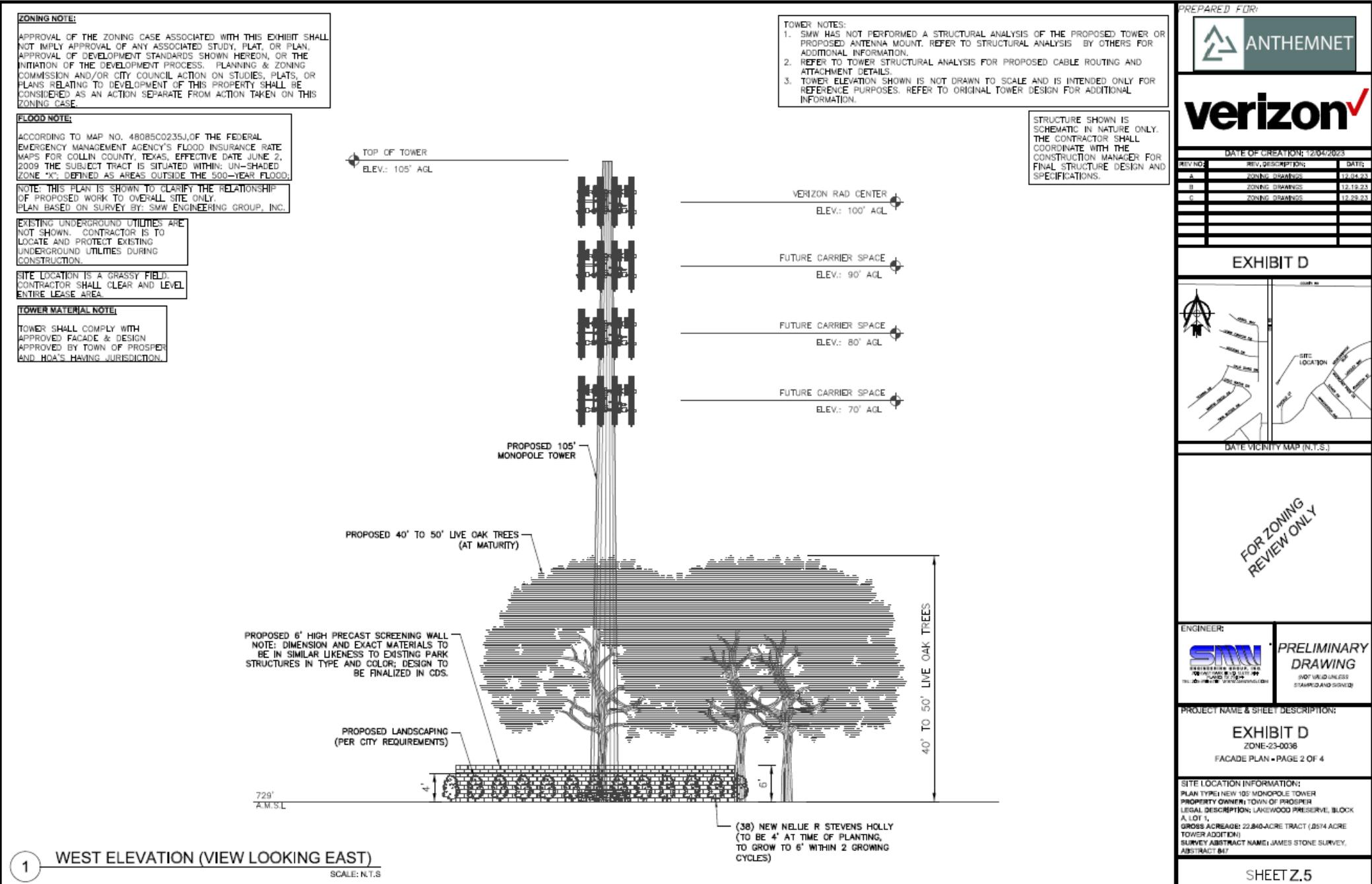


Exhibit D

Façade Plan (North Elevation)

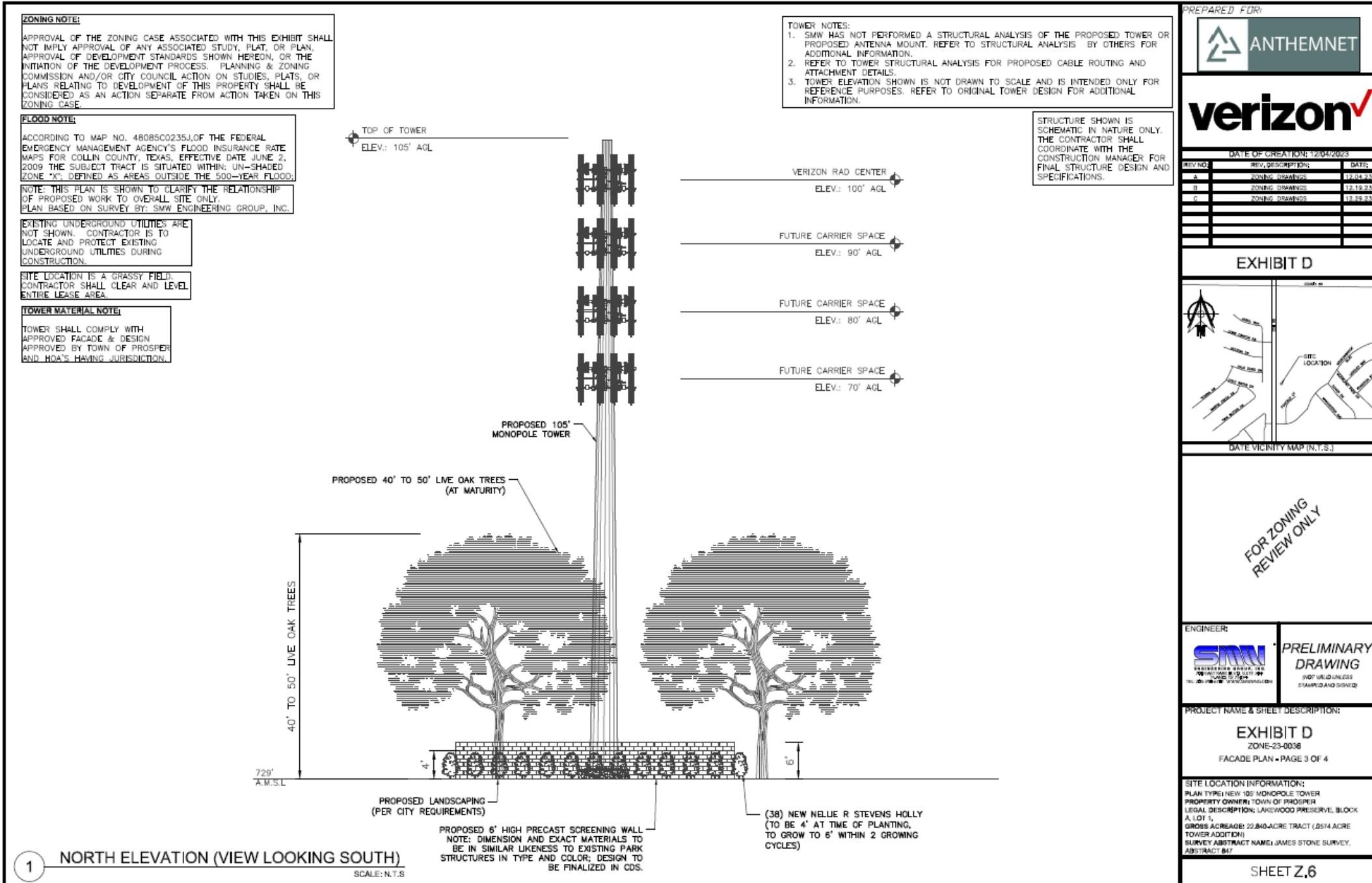
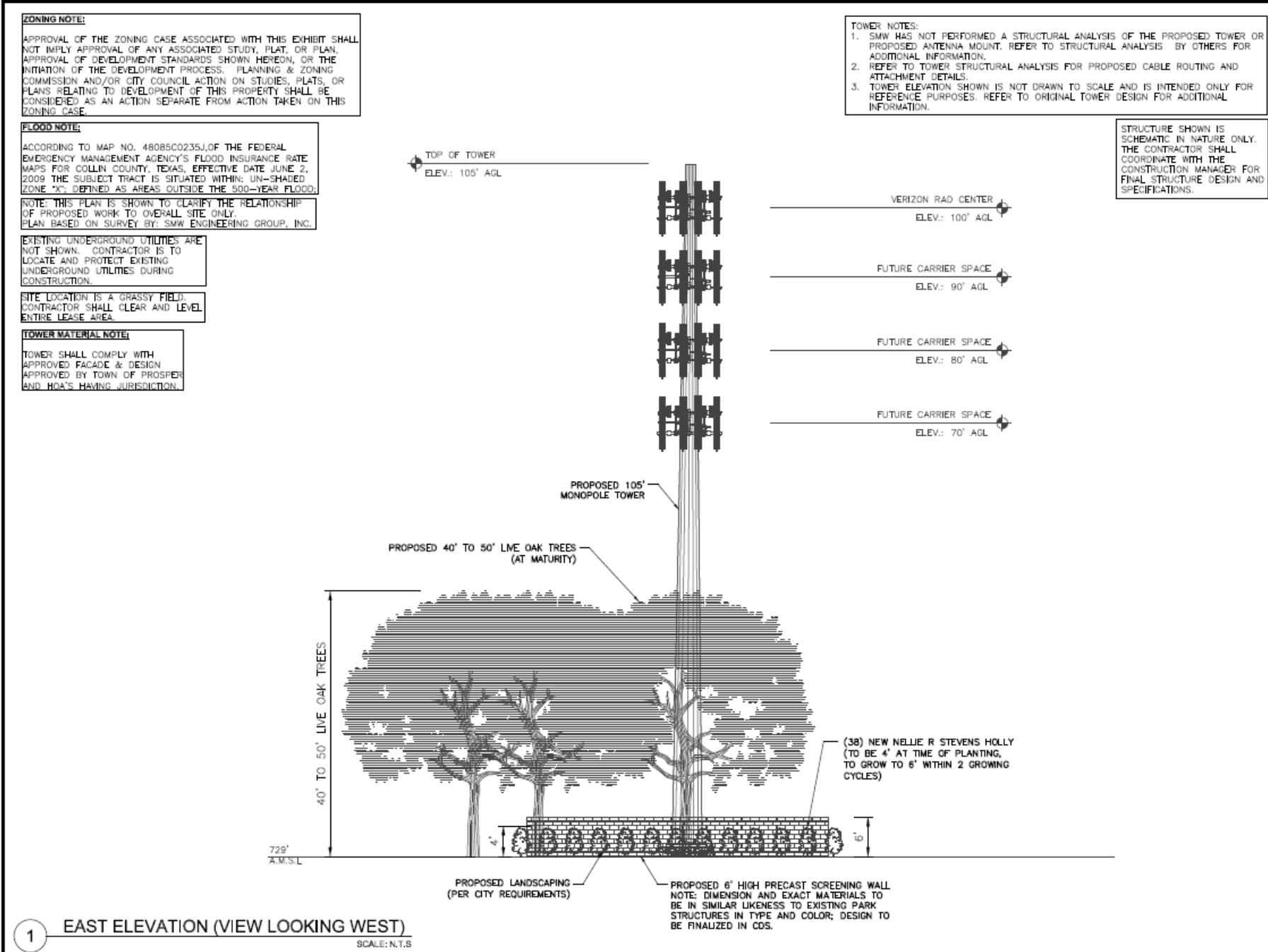


Exhibit D

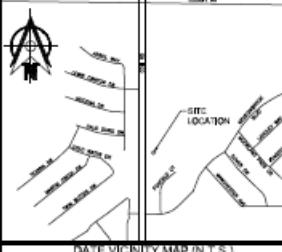
Façade Plan (East Elevation)



verizon

DATE OF CREATION: 12/04/2023
REV. DESCRIPTION: DATE
A ZONING DRAWINGS 12.04.23
B ZONING DRAWINGS 12.19.23
C ZONING DRAWINGS 12.29.23

EXHIBIT D



**FOR ZONING
REVIEW ONLY**

Agenda Item 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)

Bids Received:

Four (4) – December 15, 2023

Updated CSP Percentages:

- Cost Proposal = 65%
- Project Timeline = 25%
- Qualifications/Exp = 10%

Range of Proposals (Cost):

\$9,146,215.80 - \$10,734,386.85

Engineer's Estimate:

\$9,700,000

Budget:

\$10,000,000

Range of Proposals (Time):

205 days – 395 days

Recommendation:

Zachary Construction Corp.

\$9,146,215.80

243 days



Agenda Item 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)



TOWN OF
PROSPER

Bids Received:

Nine (9) – December 14, 2023

Updated CSP Percentages:

- Cost Proposal = 65%
- Project Timeline = 25%
- Qualifications/Exp = 10%

Range of Proposals (Cost):

\$1,114,647 - \$2,307,344

Engineer's Estimate:

\$2,539,748

Budget:

\$2,500,000

Range of Proposals (Time):

60 days - 210 days

Recommendation:

Maya Underground Contractors

\$1,198,943.50

60 days



Agenda Item 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)



Craig Road (Preston-Fifth) Right-of-way and Easement Acquisition

Overall Location Map



PARCEL #	OWNER	Right-of-way (acres)	Drainage Easement (acres)	Temporary Construction Easement (acres)	Water Easement (acres)	Street Easement (acres)	Sidewalk Easement (acres)
1	EASTERN HEIGHTS SUBDIVISION		0.0180	0.0268			
2	PROSPER TEXAS CAPITAL, LLC		0.0545				
3	TOWSON ADDITION, LOT 2		0.0265				
4	TOWSON ADDITION, LOT 1		0.0188				
5	CRAIG SERIES		0.0172				
6	PAUL A. BASDEN	0.0072	0.0126				
7	THE MAHARD 2003 PARTNERSHIP, LP	0.1262	0.0087				
8	CLAYTON WALWOOD & MEGAN WALVOORD	0.069		0.0144			
9	JIM C. SPRADLEY & CAROL SPRADLEY	0.0557		0.0278			
10	BOBBY D. JONES & WANDA L. JONES	0.0727					
11	TEXAS BANK			0.0476		0.0352	
12	VILLAGE OF PROSPER			0.0168	0.0260		
13	STANTON ADDITION			0.0211	0.0119		

- # Right-of-way (Yellow circle)
- # Right-of-way & Easement (Pink circle)
- # Easement (White circle)

LOT 1, BLOCK A
THE VILLAGE OF
PROSPER
(VOL. Q, PG. 413)

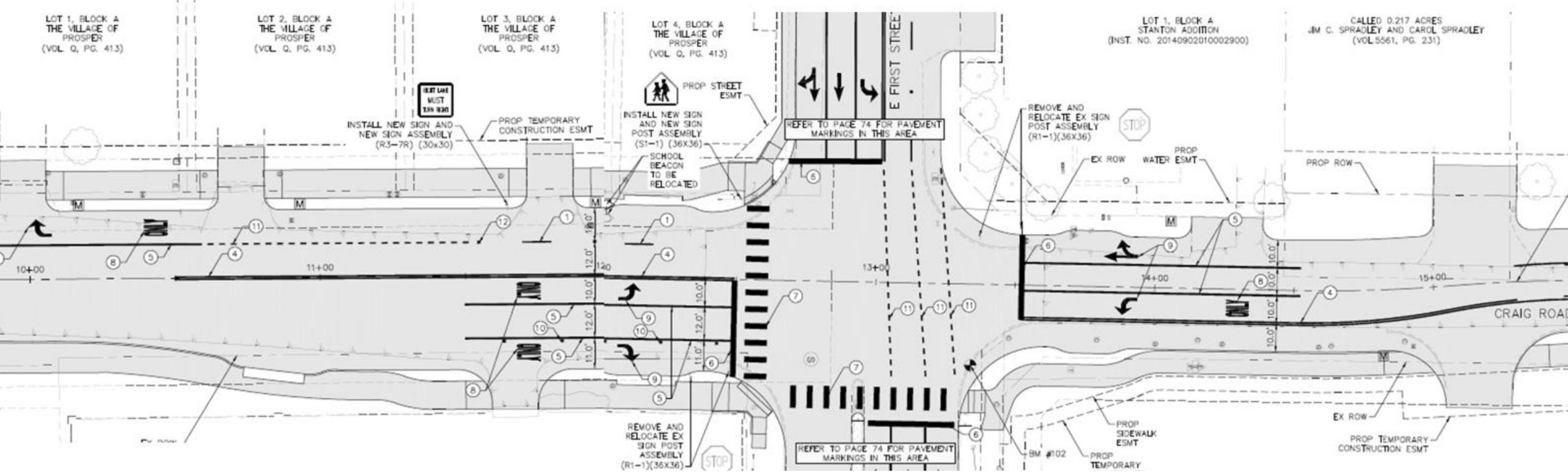
LOT 2, BLOCK A
THE VILLAGE OF
PROSPER
(VOL. Q, PG. 413)

LOT 3, BLOCK A
THE VILLAGE OF
PROSPER
(VOL. Q, PG. 413)

LOT 4, BLOCK A
THE VILLAGE OF
PROSPER
(VOL. B, PG. 413)

LOT 1, BLOCK A
STANTON ADDITION
(INST. NO. 20140902010002900)

CALLED 0.217 ACRES
JIM C. SPRADLEY AND CAROL SPRADLEY
(VOL 5561, PG. 231)





Agenda Item 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

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.



The Town Council will reconvene after Executive Session.



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



TOWN OF
PROSPER

Adjourn