



Prosper is a place where everyone matters.

AGENDA

Regular Meeting of the Prosper Town Council

Council Chambers

Prosper Town Hall

200 S. Main Street, Prosper, Texas

Tuesday, May 14, 2019

5:45 p.m.

1. Call to Order/Roll Call.
2. Invocation, Pledge of Allegiance and Pledge to the Texas Flag.
3. Presentations.
 - Administration of Oaths-of-Office and Presentation of Certificates of Election **(RB)**
 - Present a Plaque of Appreciation to Councilmember Michael Korbuly. **(RB)**
4. Consider and act upon approving a resolution strongly supporting the TxDOT Recommended Alignment presented by TxDOT at the May 6, 2019, Public Meeting for U.S. Highway 380 within the corporate limits of the Town of Prosper and acknowledging that the future expansion of U.S. Highway 380 will remain in its current alignment within the corporate limits of the Town, consistent with the Town's Thoroughfare Plan. **(HW)**
5. Conduct a Public Hearing and consider and act upon an ordinance amending the Thoroughfare Plan to designate US 380 from FM 1385 to FM 2478 (Custer Road) as a Controlled Access Highway, where typical right-of-way is 330 feet in width, and to identify intersections where a grade separation is intended. (CA19-0002). **(AG)**
6. Town Council Reception. **(RB)**

The Town Council will take a brief recess for the reception and reconvene the Regular Meeting thereafter.
7. Announcements of recent and upcoming events.
8. Proclamations.
 - Presentation of a Proclamation declaring May 2019 as *Prosper Bike Month*, and the third week of May as *Prosper Bike to Work Week*. **(RB)**
 - Presentation of a Proclamation to members of the Prosper Police Department declaring May 12-18, 2019, as *Police Week*, and declaring May 15, 2019, as *Peace Officers Memorial Day*. **(RB)**

9. **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 complete a "Public Meeting Appearance Card" and present it to the Town Secretary prior to the meeting.

- 9a. Consider and act upon minutes from the following Town Council meeting. **(RB)**
 - Regular Meeting – April 23, 2019
- 9b. Receive the February Financial Report **(KN)**
- 9c. Consider and act upon a resolution authorizing the Town Manager to execute an application to the Collin County Parks & Open Space Project Funding Assistance Program for the construction of Whitley Place Trail (Power line Easement). **(DR)**
- 9d. Consider and act upon authorizing the Town Manager to execute an agreement between the North Central Texas Council of Governments (NCTCOG) and the Town of Prosper, Texas, concerning the Clean Fleets North Texas grant awarded to the town in March of 2019. **(SB)**
- 9e. Consider and act upon approving the purchase and installation of furniture for the Engineering Services Department, from Office Depot, Inc., through the National Intergovernmental Purchasing Alliance (National IPA) Cooperative; and authorizing the Town Manager to execute the Proposal and Terms and Conditions of Purchase for same. **(HW)**
- 9f. Consider and act upon authorizing the Town Manager to execute an Advance Funding Agreement for Voluntary Local Government Contributions to Transportation Improvement Projects with No Required Match between the Texas Department of Transportation, and the Town of Prosper, Texas, for the construction of additional turn lanes on FM 2478 between US 380 and FM 1461. **(HW)**
- 9g. Consider and act upon authorizing the Town Manager to execute an Escrow Agreement between Lowe's Home Centers, LLC, and the Town of Prosper, Texas, concerning the design and construction of a Northbound Left Turn Lane on FM 2478 (Custer Road) to serve the Prosper Lowe's Site. **(HW)**
- 9h. Consider and act upon an ordinance rezoning 6.2± acres from Single Family-15 (SF-15) to Planned Development-Downtown Retail (PD-DTR), located on the southwest corner of Coleman Street and future McKinley Street. (Z19-0001). **(AG)**
- 9i. Consider and act upon authorizing the Town Manager to execute a Development Agreement between the Town of Prosper, Texas, and Goodwill Industries of Northeast Texas, related to onsite security personnel and unauthorized drop-offs of donated goods and materials. **(AG)**

- 9j. Consider and act upon an ordinance amending the Future Land Use Plan from Medium Density Single Family to Retail & Neighborhood Services, generally located on the north side of Fishtrap Road, west of Legacy Drive. (CA19-0001). *[Companion Case Z19-0002]*. **(AG)**
- 9k. Consider and act upon an ordinance rezoning 9.1± acres from Agricultural (A) to Office (O), located on the north side of Fishtrap Road, west of Legacy Drive. (Z19-0002). *[Companion Case CA19-0001]* **(AG)**
- 9l. 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)**

10. **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 present it to the Town Secretary prior to the meeting.

REGULAR AGENDA:

If you wish to address the Council during the regular agenda portion of the meeting, please fill out a "Public Meeting Appearance Card" and present it to the Town Secretary prior to the meeting. Citizens wishing to address the Council for items listed as public hearings will be recognized by the Mayor. Those wishing to speak on a non-public hearing related item will be recognized on a case-by-case basis, at the discretion of the Mayor and Town Council.

ITEMS FOR INDIVIDUAL CONSIDERATION:

- 11. Conduct a Public Hearing and consider and act upon an ordinance rezoning 10.6± acres from Planned Development-23-Single Family (PD-23-SF) and Agricultural (A) to Planned Development-66 (PD-66), generally to incorporate the property and modify the PD-66 development standards, located on the north side of First Street, west of the Dallas Parkway. (Z19-0004). **(AG)**
- 12. Consider and act upon a request for a Sign Waiver for the Windsong Ranch development, located on the northwest corner of Teel Parkway and Fishtrap Road to allow for an increase in the number and size of Subdivision Entry Signs. (MD19-0005).
- 13. Consider and act upon a request for a Sign Waiver for the Windsong Ranch development, located on the southeast corner of Gee Road and Fishtrap Road to allow for an increase in the number and size of Subdivision Entry Signs. (MD19-0004). **(AG)**
- 14. Consider and act upon amending Ordinance No. 18-71 (FY 2018-2019 Budget) and Capital Improvement Plan. **(KN)**

15. 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, park improvements, design and construction of a public safety facility, water infrastructure, including water distribution lines, and elevated storage tank in the Town. **(KN)**
16. Consider and act upon awarding CSP No. 2019-37-B to North Rock Construction, LLC. related to construction services for the State Highway 289 Gateway Monument Project, and authorizing the Town Manager to execute a construction agreement for same. **(DR)**
17. Consider and act upon awarding Bid No. 2019-52-B to McKee Utility Contractors, Inc., related to construction services for the Lower Pressure Plane Water Line Phase 1B Project; and authorizing the Town Manager to execute a Construction Agreement for the same. **(PA)**
18. Consider and act upon authorizing the Town Manager to execute a Professional Services Agreement between Stantec Consultant Services, Inc., and the Town of Prosper, Texas, related to the design of a Traffic Signal at Teel Parkway and Fishtrap Road. **(PA)**
19. **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:
 - 19a. *Section 551.087 – To discuss and consider economic development incentives.*
 - 19b. *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.*
20. Reconvene in Regular Session and take any action necessary as a result of the Closed Session.
21. Possibly direct Town staff to schedule topic(s) for discussion at a future meeting.
22. Adjourn.

CERTIFICATION

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted at Prosper Town Hall, located at 200 S. Main 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 May 10, 2019, and remained so posted at least 72 hours before said meeting was convened.

 Khara Sherrill, Administrative Assistant

 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.