



*Prosper is a place where everyone matters.*

**Agenda**  
**Prosper Town Council Meeting**  
Prosper Town Hall, Council Chambers  
250 W. First Street, Prosper, Texas  
Tuesday, January 10, 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 Town Council 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 of the Town Council. 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.**

**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.

1. Consider and act upon the minutes of the December 13, 2022, Town Council Work Session meeting. (MLS)

2. Consider and act upon the minutes of the December 13, 2022, Town Council meeting. (MLS)
3. Consider and act upon approving Change Order Number 01 for CSP No. 2022-05-B, EDA Award No. 08-79-05522 to Archer Western Construction, related to construction services for the Lower Pressure Plane (LPP) Pump Station and LPP Water Line Phase 2 project; and authorizing the Interim Town Manager to execute Change Order Number 01 for same. (HW)
4. Consider and act upon authorizing the Interim Town Manager to execute a one-year renewal of two Consultant Services Agreements between Avenu Analytics/MuniServices, LLC, and the Town of Prosper, Texas, related to sales tax consulting for the Town's two Special Purpose Districts Investment Advisory services. (RBS)
5. Consider and act upon a Façade Plan for a Residence/Extended Stay Hotel on Lot 16, 2.8± acres, located on the north side of U.S Highway 380, east of FM 1385. This property is zoned Planned Development-94 (PD-94). (D22-0086) (DS)
6. Consider and act upon appointing Bob Scott as the Interim Town Manager until such time as a new Town Manager begins employment with the Town; terminate the service provider agreement with Purefoy & Patterson, LLC, effective January 10, 2023; and to ratify any actions taken by Mr. Scott as Interim Town Manager prior to the date of appointment. (TW)
7. Conduct a public hearing and consider and act upon a request to rezone 13.3± acres from Single Family-15 (SF-15) to Planned Development-Retail (PD-R), generally to allow for an office/retail development, located on the east side of Preston Road, north of St. Peter Lane. (Z21-0003). This is a companion case to CA21-0001. (Request to be tabled) (DS)
8. Conduct a public hearing and consider and act upon a request to amend the Future Land Use Plan from Residential Low Density to Retail and Neighborhood Services, generally located on the east side of Preston Road, north of St. Peter Lane. (CA21-0001) This is a companion case to Z21-0003. (Request to be tabled) (DS)
9. 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 Site Plans and Preliminary Site Plans, including Broadway Retail Phase 2, Westside Lots 15 & 16, Victory at Frontier Lot 7, Legacy Intuitive Health, Rock Creek Church, and Prosper Fire Station #4. (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. 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:**

10. Receive an update regarding the Guaranteed Maximum Price (GMP) for the Fire Station No. 4 project. (SB)
11. Consider and act upon a resolution adopting the Town of Prosper 2023 Legislative Agenda. (RB)

**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, including Town Manager search and selection process, and all matters incident and related thereto.*

*Section 551.071– To discuss possible litigation regarding U.S. 380 siting decisions, including alternate routes and environmental studies 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, January 6, 2023, and remained so posted at least 72 hours before said meeting was convened.

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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.

<p><b>NOTICE OF ASSISTANCE AT PUBLIC MEETINGS:</b> 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.</p>
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