



Agenda

Prosper Town Council Meeting
Prosper Town Hall, Council Chambers
250 W. First Street, Prosper, Texas
Tuesday, February 28, 2023
6:15 PM

Prosper is a place where everyone matters.

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.

Presentations.

1. Presentation of a Proclamation declaring February 28, 2023, as Prosper Community Library Day. (LS)

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.

2. Consider and act upon the minutes from the February 14, 2023, Town Council Work Session meeting. (MLS)
3. Consider and act upon the minutes from the February 14, 2023, Town Council Regular meeting. (MLS)
4. Consider and act upon the minutes from the February 18, 2023, Town Council Work Session meeting. (MLS)
5. Consider and act upon an ordinance canceling the May 6, 2023 General Election. (MLS)
6. Receive the Quarterly Investment Report. (CL)
7. Consider and act upon a resolution authorizing various individuals as signers of specific accounts and certain investment matters. (CL)
8. Consider and act upon approval of annual software maintenance and operational open purchase orders with MCCi, for the Information Technology Department during FY 2023. (LJ)
9. Consider and act upon awarding RFP No. 2023-09-A for Benefits and Risk Management Consultant services for the Town of Prosper, effective February 28, 2023, and authorizing the Town Manager to execute all documents for the same. (JE)
10. Consider and act upon approving an update to the Library Policies. (LS)
11. Receive the 2022 Annual Racial Profiling Report for the Prosper Police Department as required by state law. (DK)
12. Consider and act upon an ordinance to rezone for a Specific Use Permit for a Restaurant with Drive-Through Service on 1.12± acres, located on the north side of US 380, west of Custer Road. (S22-0002) (DS)
13. Consider and act upon authorizing the Town Manager to execute a Development Agreement between Eric Walker, and the Town of Prosper, Texas, related to the Prosper Plaza development, located on the north side of US 380, west of Custer Road. (DS)
14. Consider and act upon an ordinance to amend a Specific Use Permit-19 (S-19) for a Child Care Center, licensed on 2.3± acres, located on the north side of Prairie Drive, west of Legacy Drive. (S22-0010) (DS)
15. Consider and act upon authorizing the Town Manager to execute a Development Agreement between Srkmer Real Estate Holding 2 LLC, and the Town of Prosper, Texas, related to the Prosper Center development, located on the north side of Prairie Drive, west of Legacy Drive. (DS)
16. Consider and act upon an ordinance for a Specific Use Permit for a new Wireless Communications and Support Structure, on .05± acre, located on the north side of Prosper Trail, west of Legacy Drive. (S22-0011) (DS)

17. Consider and act upon authorizing the Town Manager to execute a Development Agreement between Anthemnet Inc, and the Town of Prosper, Texas, related to the Legacy Tower, located on the north side of Prosper Trail, west of Legacy Drive. (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:

18. Conduct a public hearing and consider and act upon a request to amend Planned Development-94 (PD-94), for the Westside Development, on 63.7± acres., located northside of University Drive and east of FM 1385. (Z22-0020) (DS)
19. Conduct a public hearing and consider and act upon a request to rezone 34.7± acres from Commercial District (C) to a new Planned Development for Mixed Use, located northside of Prosper Trail and west of Dallas Parkway. (Z22-0019) (DS)

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 551.071 - Raphael Sanseverino v. Town of Prosper, Case No. 429-00932-2020, pending in the 429th Judicial District Court of Collin County.

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.

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, February 24, 2023, 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.