



Welcome to the August 27, 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

# Consent Agenda

## Agenda Item 1.

Consider and act upon the minutes from the August 13, 2024, Town Council Regular meeting. (MLS)



## Agenda Item 2.

Consider and act upon the minutes from the August 20, 2024, Town Council Special meeting. (MLS)



## Agenda Item 3.

Consider and act upon the minutes from the August 22, 2024, Town Council Special meeting. (MLS)

## Agenda Item 4.

Consider and act upon a resolution approving a negotiated settlement between the Atmos Cities Steering Committee (ACSC) and Atmos Energy Corporation, Mid-Tex Division regarding the company's 2024 rate review request. (CL)

## Agenda Item 5.

Consider and act upon approval of an estimated total spend of \$142,660 for various annual operational purchases for the Information Technology Department during FY 2024 from SHI Government Solutions, Inc. (LJ)

## Agenda Item 6.

Consider and act upon approving the purchase of additional CAD/RMS licenses associated with new positions in the amount of \$72,855 from ICS Public Safety and authorizing the Town Manager to execute documents for the same. (LJ)

## Agenda Item 7.

Consider and act upon approval of Amendment Eighteen to the Interlocal Agreements between Collin County and the Town of Prosper for Animal Sheltering Services and Animal Control Services; and authorizing the Town Manager to execute the same. (DH)

## Agenda Item 8.

Consider and act upon authorizing the Town Manager to execute a Professional Engineering Services Agreement between Halff Associates, Inc., and the Town of Prosper, Texas, related to the design of the Prosper Trail (Coit-Custer) – 2 WB Lanes project for \$763,000. (PA)



**Prosper Trail Improvement Project**  
**Coit Road to Custer Road (2 WB Lanes)**



## Agenda Item 9.

Consider and act upon authorizing the Town Manager to execute a Wastewater Line Construction Costs Reimbursement Agreement between H-E-B, LP, and the Town of Prosper, Texas, related to the construction of a portion of the Upper Doe Branch Wastewater Line on the H-E-B property for \$186,996. (HW)

**Wastewater Line Reimbursement**

**Agreement:**

**\$186,996**

**Upper Doe Branch Wastewater Line**



## Agenda Item 10.

Consider and act upon approval of an amendment to a professional services agreement with Peak Program Value, LLC, for additional project controls services related to the development of Raymond Community Park in the amount of \$64,390. (DB)

## Peak Program Value (PPV) Contract Amendment #1

• Preconstruction Project Controls – October 2023-Feb 2024	\$23,450
• Preconstruction Project Controls – For \$2M added funding	3,140
• Additional 4 months of Construction Project Controls	<u>37,800</u>
	\$64,390

## Agenda Item 11.

Consider and act upon approval of an amendment to a professional services agreement with Dunaway Associates, LLC, for additional design and construction administration services related to the development of Raymond Community Park in the amount of \$61,000. (DB)

## **Dunaway Associates Contract Amendment #2**

• Multi-Use Field Irrigation Design	\$ 9,000
• Additional Construction Administration (Weekly Meetings)	18,000
• Separate Bid Packages, Additional Bid Alternatives	30,000
• Electrical Easement Preparation	<u>4,000</u>
	\$61,000



# 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 12.

Conduct a public hearing to consider and act upon an ordinance amending Article 2, Division 13 – Multifamily District; Article 4, Division 4, Section 4.4.3 – Non-Residential and Multifamily Parking Provisions; and Article 4, Division 8 - Non-Residential & Multifamily Design and Development of the Town of Prosper Zoning Ordinance to modify Multifamily development standards. (ZONE-24-0019) (DH)

# History

## Previous Multifamily Ordinance Amendment:

- November 7, 2023 – The Planning & Zoning Commission unanimously recommended approval case to modify the multifamily standards.
- November 14, 2023 – Town Council tabled the case to December 12, 2023.
- December 12, 2023 – Town Council tabled the case to January 9, 2024.
- January 9, 2024 – Town Council tabled the case indefinitely.

At a subsequent workshop, the Council requested that a revised version of the ordinance be brought forward for consideration.

## Modifications

The primary modifications to the previously considered ordinance are:

1. Removal of a specific density requirement; and
2. The addition of a statement that for any Planned Development District approved by the Town prior to the adoption of this Ordinance, and for which there is no number of multifamily units stated therein, then the permitted number of multifamily units is the number of multifamily units authorized by the Town's Zoning Ordinance on the date of adoption of said Planned Development District.



## Planning & Zoning Commission Recommendation

On August 20, 2024, the Planning & Zoning Commission voted unanimously to recommend approval of the ordinance with a modification of Article 2, Division 13, Section 2.13.2(H) to allow cladding the garage to match the façade of the attached multifamily when the garage is not fully wrapped by residential units and a similar modification to the language in Article 4, Division 4, Section 4.4.3(U).

These changes have been made and are reflected in the proposed Ordinance.

# Overview of Modifications

Summary of 12 modifications to the current Zoning Ordinance:

1. Limits Multifamily developments to the areas designated for this use in the Comprehensive Plan and as identified on the Future Land Use Plan.
2. Requires that Multifamily development can only be approved within a Planned Development.
3. Removes a density requirement, as this can be determined on a case-by-case basis.
4. Removes setbacks and lot area requirements, as these can be determined on a case-by-case basis.
5. Requires compliance with the Dallas North Tollway Design Guidelines.
6. Increases the maximum height allowance from three stories and 50 feet to eight stories and 110 feet.
7. Establishes a building configuration for Multifamily structures with a wrapped garage or attached garage that is cladded to match the residential building.

8. Creates a mixed-use opportunity by allowing the first floor of the building to be used for residential or retail uses. A minimum fourteen feet ceiling height for the first floor will accommodate retail uses.
9. Limits the height of the interior garage so that it will not exceed the height of the exterior building, and all associated appurtenances, such as an elevator shaft or mechanical equipment, shall be completely screened.
10. Modifies parking stall dimensions for structured parking garages from 18 feet by 8.5 feet to 20 feet by 9 feet.
11. Modifies Multifamily parking standards to reflect the updated parking garage requirement from individual unit parking garages.
12. Removes Multifamily design and development standards. These criteria will be addressed in Planned Development standards.

## Agenda Item 13.

Consider and act upon the approval of a budget transfer in the amount of \$2,007,000 to amend Raymond Community Park GMP 2 to construct an irrigation well, expand the park irrigation system, and fund additional prioritized bid alternate items. (DB)

# Parks & Recreation Request to Approve Bid Alternate Item Prioritization for Raymond Community Park

## CIP Subcommittee Direction

- Approved Town Staff to find funding independent of project funds to construct an irrigation well in the amount of \$1.2M



## Finance Committee Approval

- On June 20, approved the reallocation of \$1.9M for future trail projects to the Raymond Community Park project for an irrigation well (\$1.2M) and the purchase of unfunded bid alternate items

## CIP Subcommittee Approval Request

- Prioritize and approve list of remaining bid alternate items that can be purchased utilizing the additional \$700,000.
- Allocation to RCP of an additional \$107,000 of unallocated 2020 Bond funds.

## Possible Contingency / Alternate Funding Use

Pedestrian lighting	\$ 204,000
Restroom @ Tennis & PB	258,000
Park Monument Sign @ First St.	17,000
<i>*Multipurpose Fields Irrigation (new)</i>	TBD
Tennis courts (2)	557,000
Shade structures @ Tennis & PB	35,000
Other amenities (site furnishings)	146,000

These items have already been approved and prioritized by Town Council, CIP Sub and P&R Board

Playground Pavilion	91,000
Additional Trees / Landscape	114,000
Batting Cages w/ trail & furnishings	239,000
<i>*Dam Repair (new)</i>	TBD

Total cost of both lists amounts to \$1,661,000, excluding MP irrigation





## Agenda Item 14.

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 the 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 551.089 - Deliberation of security information collected, assembled, or maintained by or for a governmental entity to prevent, detect, or investigate criminal activity, pursuant to Section 2059.055 of the Texas Government Code, and all matters incident and related thereto.

Section 551.071 - To consult with the Town Attorney regarding BFS Real Estate LLC, et al., v. Town of Prosper, et al., pending in the 471st Judicial District Court of Collin County, Texas, and all matters incident and related thereto; and discuss and consider anticipated litigation regarding contractual obligations.

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, Community Engagement Committee, Downtown Advisory Committee, and the Bond Committee, 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