

**MEETING
Town of Little Elm
100 W Eldorado Parkway
Little Elm, Texas 75068-5060**

**214-975-0404
<http://www.littleelmtx.us>**

Workshop, Public Hearings & Regular Council Meeting

Tuesday, September 17, 2013 - 6:00 PM

Town Hall Center---Council Conference Room & Chamber---100 W Eldorado Parkway

1. Call to Order Council Work Shop at 6:00 p.m.
 - A. Items to be withdrawn from Consent Agenda.
 - B. Emergency Items if posted.
 - C. Request by the Town Council for items to be placed on a future agenda for discussion, and recognition of excused absences.
 - D. Presentation: Union Park by Hillwood Communities. (Director of Development Services)
 - E. Presentation of monthly updates from department heads concerning law enforcement activities, municipal court, customer service, emergency medical services, fire department response, fire prevention activities, emergency management, ongoing economic development projects, building permits, code enforcement activities, library activities, human resources updates, information technology report, revenue and expenditure report, street construction status, sanitation services, highway construction status, utility operations, parks and recreation activities, as well as facility and fleet updates.
 - F. Council to highlight items on the agenda needing further discussion or comments prior to the regular session.
2. Roll Call/Call to Order Public Hearings and Regular Town Council Immediately Following Council Workshop.

3. Opening Prayer: Curtis Cornelious-Praise Fellowship Worship Center.
4. Pledge to the Flags:
 - A. United States Flag
 - B. Texas Flag:
Honor the Texas Flag I pledge allegiance to thee Texas,
one state under God, one and indivisible.
5. Presentations:
 - A. Receive "Certificate of Achievement for Planning Excellence" from the Texas Chapter of the American Planning Association. (Planning Manager)
 - B. Proclamation: Mayor Hillock to read and present Proclamation to United Way Representative proclaiming September 2013 as United Way of Denton County Month in the Town of Little Elm.
6. Public Hearing to accept public comments and discuss the petition by Valencia on the Lakes, L.P. to the Town of Little Elm, Texas 75068 for the establishment of a public improvement district to be known as the Valencia on the Lakes Public Improvement District (the "district") as follows:
 - A. General Nature of Improvements- The purposes of the public improvement district will include the design, acquisition, and construction of public improvement projects authorized by Texas Local Government Code Chapter 372 that are necessary for the development of the Property, which public improvements will include, but not limited to, landscaping, entryway features, water, wastewater, sidewalks, streets, roadways, off-street parking, drainage system improvements, trails, parks and open space, and special supplemental services for the improvement and promotion of the public improvement district, and shall include the payment of costs associated with developing and financing the Improvements listed above, including costs of issuing bonds and funding debt service and capitalized interest reserves for such bonds and cost of establishing, administering and operating the District. These Authorized Improvements shall promote the interest of Little Elm and confer a special benefit upon the Land.
 - B. Estimated Costs of Improvements and Apportionment of Costs- The estimated cost to design, acquire and construct the Improvements is \$45,000,000.00. Little Elm will

pay none of the costs of the proposed improvements from funds other than such assessments. The remaining costs of the proposed improvements will be paid from sources other than Little Elm or assessments of property owners.

C. Proposed Boundaries of the Public Improvement District- The District is proposed to include approximately 447.942 acres of land generally located south of Doe Creek, west of Gee Road and on the shore of Lake Lewisville, as more particularly described by a metes and bound description available at the Little Elm Town Hall and available for inspection.

D. Proposed Method of Assessment- Little Elm shall levy an assessment on each parcel of property within the District in a manner that results in imposing equal shares of the costs on property similarly benefited.

During the public hearing, any interested person may speak for or against the establishment of the District and the advisability of the improvements to be made for the benefit of the property within the District.

1. Open Public Hearing.
2. Receive Public comments.
3. Close Public Hearing.
4. Discussion and Action to adopt Resolution No. 09171301 a Resolution of the Town of Little Elm, Texas authorizing and creating the Valencia Public Improvement District in accordance with Chapter 372 of the Texas Local Government Code; providing for related matters; and providing an effective date. (Director of Development Services)
7. Public Hearing to discuss and act on a proposed amendment to the Zoning Ordinance, 106-28 (Use Chart), to require a Specific Use Permit for Auto/Boat Repair-Major, Auto/Boat Repair-Minor, Car Wash–Automated, and Car Wash Self-Serve. All interested citizens are welcome to attend the hearing and participate in same. (Please fill out form on table outside of council chambers if desire to comment and present to the Town Secretary prior to meeting)

A. Staff Comments.

B. Open Public Hearing.

- C. Receive Public comments.
 - D. Close Public Hearing.
 - E. Discussion and Action to adopt Ordinance No. 1162 an Ordinance of the Town of Little Elm, Texas, amending the Code of Ordinances of the Town, by amending Chapter 106 (Zoning), by amending Section 28 (Use Chart), in order to require a Specific Use Permit for Car Washes and Auto Repair; providing a saving clause; providing a penalty; providing a severability clause; providing a repealer clause; and providing an effective date. (Planning Manager)
8. Public Comments: Persons may address the Town Council on any issue. This is the appropriate time for citizens to address the Council on any concern whether on this agenda or not. Please observe the time limit of three (3) minutes. In accordance with the State of Texas Open Meeting Act, the council may not comment or deliberate such statements during this period, except as authorized by Section 551.072, Texas Government Code.
9. Consent Agenda: All matters listed under the Consent Agenda are considered to be routine by the Town Council and require little or no deliberation. There will not be a separate discussion of these items and the agenda will be enacted by one vote. If the Council expresses a desire to discuss a matter listed, that item will be removed from the consent agenda and considered separately:
- A. Minutes of the September 3, 2013 Workshop, Public Hearings and Regular Meeting. (Town Secretary)
 - B. Acknowledge Ground Lease Purchase Agreement between the Town of Little Elm Economic Development Corporation and Hula Hut Little Elm, Ltd. (EDC Director)
 - C. Approve final payment to release retainage to Quality Excavation, Ltd. of Aubrey, Texas in the amount of \$34,537.97 for construction of the Riney Road Improvements. (Director of Development Services)
 - D. Approve final payment to release retainage to Quality Excavation, Ltd. of Aubrey, Texas in the amount of \$42,836.63 for the construction of the 2013 Street Maintenance Improvements. (Director of Development Services)
 - E. Approve final payment to release retainage to Quality Excavation, Ltd. of Aubrey,

Texas in the amount of \$161,916.35 for construction of the WWTP Interceptor and Lift Station #4 and #6 Improvements. (Director of Development Services)

F. Approve final payment to release retainage to Quality Excavation, Ltd. of Aubrey, Texas in the amount of \$311,575.53 for construction of the Witt Road Bridge Improvements. (Director of Development Services)

G. Approve EDC Executive Director Employment Agreement dated September 9, 2013. (EDC Director)

10. Reports and requests for Town Council consideration and appropriate action:

A. Discussion and Action to approve Contract with ImageNet Consulting, LLC for the Town of Little Elm Manage Print Services. (Fire Chief)

B. Discussion and Action to adopt Ordinance No. 1164 an Ordinance of the Town Council of the Town of Little Elm, Denton County, Texas, setting and levy the Municipal Ad Valorem Taxes for the Fiscal Year 2013-2014 beginning October 1, 2013 and ending September 30, 2014 at a rate of \$0.664971 per one hundred dollars (\$100) assessed valuation on all taxable property within the corporate limits of the Town of Little Elm as of January 1, 2013; to provide revenue for the payment of current expenses; providing for an Interest and Sinking Fund for all outstanding debt of the Town of Little Elm; providing for due and delinquent dates together with penalties and interest; providing a severability clause; providing a repealing clause; and providing for an effective date. (Finance Director)

C. Discussion and Action to adopt Ordinance No. 1163 an Ordinance of the Town of Little Elm, Texas, approving and adopting the Budget for the Fiscal Year beginning October 1, 2013 and ending September 30, 2014; providing that expenditures for said fiscal year shall be made in accordance with said budget; appropriating and setting aside the necessary funds out of the general and other revenues for said fiscal year for Maintenance and Operation of the various funds and departments for various activities and improvements in the Town; amending the current budget as revised; authorizing the Town Manager to make Interfund Transfers as appropriated; authorizing the Town Manager to make purchase; providing for a repealing clause; providing for a severability clause; and providing for an effective date. (Finance Director)

D. Discussion and Action to approve Chapter 380 Economic Development Program and Agreement between the Town of Little Elm and Hula Hut, Little Elm, Ltd. and authorize the Town Manager to execute agreement for same. (EDC Director)

- E. Discussion and Action to approve Resolution No. 09171302 considering all matters incident and related to approving and authorizing publication of notice of intention to issue certificate of obligation up to Three Million Dollars (\$3,000,000.00) for public works improvements and declaring expectation to reimburse expenditures with proceeds of future debt, including the adoption of a resolution pertaining thereto. (Finance Director)
- F. Discussion and Action to authorize the Town Manager to execute any and all contract documents associated with the Town's employee group healthcare benefits with Cigna Health and Life Insurance Company effective November 1, 2013. (HR Director)
- G. Discussion and Action to adopt Ordinance No. 1165 an Ordinance of the Town of Little Elm, Texas amending Ordinance No. 1083 and the existing Code of Ordinances by amending the comprehensive listing of School Zones for the Town of Little Elm, Texas, established by Ordinance No. 1083; establishing school zones near or adjacent to certain public school located in the Town of Little Elm, Denton County, Texas, per revised chart in Exhibit "A"; establishing a procedure for amending revised chart in Exhibit "A"; establishing prima facie maximum speed limits during school hours in such zone(s); providing for notification of the maximum speed limit(s) by installation of signs and markers to regulate vehicular speed on the designated street(s); providing for penalty for the violation of this Ordinance; providing a repealing clause, savings and severability clauses; providing for an effective date of the Ordinance; and providing for the publication of the caption hereof. (Public Works Director)
- H. Discussion and Action to adopt Ordinance No. 1167 an Ordinance of the Town of Little Elm, Texas amending the Code of Ordinances by adding Section 901.11 to the International Fire Code, 2009 Edition as adopted by Ordinance No. 1042; providing a severability clause; providing a repealing clause; providing a saving clause; providing for a penalty clause; and providing for an effective date. (Fire Marshal)
- I. Discussion and Action to adopt the proposed 2013-2014 Community Development Corporation Fiscal Year Budget as presented. (Director of Development Services)
- J. Discussion and Action to adopt Ordinance No. 1168 an Ordinance of the Town of Little Elm, Texas, creating a construction work zone for traffic and temporarily reducing the rate of speed therein, on FM 423 between Woodlake Parkway and Little Elm Parkway in the town limits of the Town of Little Elm defining the speed limit, requiring the placement of signs; declaring what may be a sufficient complaint in prosecutions hereunder and fixing a penalty therefor; with a saving clause and effective date. (Director of Development Services)

- K. Discussion and Action to adopt Ordinance No. 1169 an Ordinance altering the Prima Facie speed limits established for vehicles under the provisions of Transportation Code, Section 545.356 upon Witt Road between Eldorado Parkway and King Road, with the incorporated limits of the Town of Little Elm as set out in this Ordinance; and repealing all ordinances in conflict herewith; providing a penalty of fine not to exceed \$200.00 for the violation thereof; providing a severability clause; providing for publication and effective date of this Ordinance. (Director of Development Services)

 - L. Discussion and Action to approve Master Service Agreement for Consulting Services and Task Order for FM 423 signals between the Town of Little Elm and Lee Engineering, LLC for the amount of \$55,500.00 and authorize the Town Manager to execute contract for same. (Director of Development Services)

 - M. Discussion and Action to approve Resolution No. 09171303 to provide funding for certain street and roadway improvements (Witt Road Project) within the Town and authorize the Town Manager to execute the Denton County Interlocal Agreement to provide up to \$500,000 in funding for same. (Director of Development Services)

 - N. Discussion and Action to approve a Design Task Order for Witt Road Improvements between the Town of Little Elm and TRC Engineers, Inc. for the amount of \$159,830.00 and authorize the Town Manager to execute a contract for the same. (Director of Development Services)
11. FYI: (All matters are provided to the Town Council for informational purposes only)
- A. Town Secretary Monthly Report for August.

 - B. Fire Department Monthly Report for August.

 - C. Development Services Monthly Report for August.

 - D. Public Works Monthly Report for August.

 - E. Parks, Rec and Library Monthly Report for September.

 - F. Thank You-Gonzalez Family.

G. Thank You-DeLa Garza Family.

12. Council will convene in Executive Session pursuant to Texas Government Code:

A. Section 551.071 for private consultation with the Town Attorney to seek legal advice with respect to pending and contemplated litigation and including all matters on this agenda to which the Town Attorney has a duty under the Texas Rules of Discipline and Professional conduct regarding confidential communication with the Town Council.

B. Section 551.072 to discuss certain matters regarding real property.

1. Land acquisition in the vicinity of Main Street.

C. Section 551.076 to discuss security matters.

D. Section 551.087 to discuss Economic Development.

1. Development Agreement on property located on Hart Road.

13. Reconvene into Open Session: Discussion and consideration to take any action necessary as the result of the Executive Session.

A. Section 551.071 for private consultation with the Town Attorney to seek legal advice with respect to pending and contemplated litigation and including all matters on this agenda to which the Town Attorney has a duty under the Texas Rules of Discipline and Professional conduct regarding confidential communication with the Town Council.

B. Section 551.072 to discuss certain matters regarding real property.

1. Land acquisition in the vicinity of Main Street.

C. Section 551.076 to discuss security matters.

D. Section 551.087 to discuss Economic Development.

1. Development Agreement on property located on Hart Road.

14. Adjourn Work Shop and Regular Meeting.

Pursuant to the Texas Open Meeting Act, (Chapter 551, Texas Government Code), one or more of the above items will be taken or conducted in open session following the conclusion of the executive closed session.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aide of service such as interpreters for the hearing impaired, reader or large print are requested to contact the secretary at 214-975-0404 two days prior to the meeting so appropriate arrangements can be made. **BRILLE IS NOT PROVIDED.**

Respectfully,

A handwritten signature in cursive script, appearing to read "Cathy Miller", is written over the word "Respectfully,".

Town Secretary

This is to certify that the above notice was posted on the bulletin board at the Town Hall Center this 13th day of September 2013.