

**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

Tuesday, October 15, 2013 - 6:00 PM

Town Hall Center---Conference Room & Council 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 - A. Items to be withdrawn from Consent Agenda.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. Discussion regarding Town of Little Elm and Hackberry ETJ and CCN Agreement (joined by DR Horton-Texas, Ltd.) (Director of Development Services)
 - E. Discussion of Community Center Renovation. (Town Manager)
 - F. 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.
 - G. 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: Pastor James M. Hutchins-New Life Community Church.
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 Legislative Session Briefing from Representative Pat Fallon.
 - B. State of Texas Resolution: to Little Elm Library on a significant milestone with the opening of the newly expanded public library. (Rep. Pat Fallon)
 - C. Mayor Hillock to present awards in recognition of the amazing job and hard work of the students and staff of the special schools that helped to promote literacy all summer long.
6. Public Hearing regarding a request for a Specific Use Permit for a Temporary Concrete Batch Plant on approximately 1.15 acres of land, generally located at the southeast corner of Woodlake Parkway and Canyon Drive, currently zoned PD-SF (Single Family). All interested citizens are welcome to attend the hearing and participate is 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 Resolution No. 10151303 a Resolution by the Town of Little Elm allowing for a temporary concrete batch plant on approximately 1.15 acres of land, currently zoned Single Family (PD-SF), generally located at the southeast corner of Woodlake Parkway and Canyon Lake Drive, Little Elm, Denton County, Texas; providing an effective date. (Planning Manager)

- 7. Public Hearing regarding request for a Specific Use Permit for a Private School (Montessori) on approximately 1.2 acres of land, generally located at the northeast corner of Smotherman Road and McCord Way, currently zoned Light Commercial District (LC). All interested citizens are welcome to attend the hearing and participate is 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. 1172 an Ordinance of the Town of Little Elm, Texas, amending the Comprehensive Zoning Ordinance of the Town of Little Elm, Texas, herefore amended, by issuing a Specific Use Permit for Private School (Montessori) use on property current zoned Light Commercial District (LC), generally located at the northeast corner of Smotherman Road and McCord Way, providing that this specific use permit is established subject to certain conditions as set forth herein; providing a saving clause; correcting the official zoning map; 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 17, 2013 Workshop, Public Hearings and Regular Meeting. (Town Secretary)
- B. Minutes of the September 30, 2103 Workshop. (Town Secretary)
- C. Authorize Town Staff to complete the purchase of the following from Silsbee Ford of Silsbee, Texas one (1) Ford F-150, one (1) Ford F-250 and one (1) Ford Explorer in the amount of \$67,758.00. This is a TPASS purchase. (Public Works Director/Fleet Manager)

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

- A. Discussion and Action to adopt Ordinance No. 1170 an Ordinance of the Town Council of the Town of Little Elm, Texas approving a negotiated resolution between the ATMOS Cities Steering Committee and ATMOS Energy Corp., Mid-Tex Division regarding the Company's 2013 Annual Rate Review Mechanism Filing in all cities exercising original jurisdiction; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding that rates to be set by the attached tariffs to be just and reasonable; requiring the Company to reimburse Cities' reasonable ratemaking expenses; repealing conflicting Resolutions and Ordinances; determining that this Ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; providing a most favored nations clause; and requiring delivery of this Ordinance to the Company and the Steering Committee's Legal Counsel. (Finance Director)
- B. Presentation by Dan Jackson, Rate Analyst with Economist.com regarding the water and sewer rate plan for the current year and beyond that supports cost recovery of the Town's utility system.
- C. Discussion and Action to adopt Ordinance No. 1171 an Ordinance of the Town of Little Elm, Texas, providing for residential and commercial water and wastewater fees and rates; providing for a repealing clause; providing for a severability clause; and providing an effective date. (Finance Director)
- D. Discussion and Action to adopt Ordinance No. 1173 an Ordinance of the Town

Council of the Town of Little Elm, Texas, terminating Tax Increment Zone Number One, Town of Little Elm, pursuant to Chapter 311 of the Texas Tax Code; providing a severability clause; and providing for an effective date. (EDC Director)

E. Discussion and Action to adopt Ordinance No. 1174 an Ordinance of the Town of Little Elm, Texas, approving a Preliminary Reinvestment Zone Financing Plan for Tax Increment Reinvestment Zone Number Three, Town of Little Elm, Texas; providing a severability clause, and providing for an immediate effective date. (EDC Director)

F. Public Hearing: on the creation of a Reinvestment Zone and its benefits to the Town of Little Elm, and to property within the proposed Reinvestment Zone, which consist of approximately 847 acres generally located along Eldorado Parkway from Little Elm Bridge eastward to include Beard Park, also to include the east side of Lobo Lane and Cottonwood Park area, also to include Little Elm Park and areas around Main Street, in the Town of Little Elm, Denton County, Texas, and more particularly described by metes and bounds below. Any interested person may speak for or against the creation of the Reinvestment Zone, its boundaries, or the concept of Tax Increment Financing. (Please fill out form on table outside of council chambers if desire to comment and present to the Town Secretary prior to meeting) Following the Public Hearing, Little Elm Town Council will consider adoption of an Ordinance creating the Reinvestment Zone. (EDC Director)

1. Staff Comments.

2. Open Public Hearing.

3. Receive Public comments.

4. Close Public Hearing.

5. Discussion and Action to adopt Ordinance No. 1175 an Ordinance of the Town Council of the Town of Little Elm, Texas, designating a geographic area within the Town as a Tax Increment Reinvestment Zone pursuant to Chapter 311 of the Texas Tax Code, to be known as Tax Increment Reinvestment Zone Number Three, Town of Little Elm, Texas; describing the boundaries of the Zone; creating a Board of Directors for the Zone and appointing members of the Board; establishing a Tax Increment Fund for the Zone; containing findings related to the creation of the Zone; providing a date for the termination of the Zone; providing the Zone take effect immediately upon passage of the Ordinance; providing a

severability clause; and providing an effective date. (EDC Director)

- G. Discussion and Action to adopt Ordinance No. 1176 an Ordinance of the Town of Little Elm Texas, governing placement of “Do Not Block Intersection” signs in the Town of Little Elm and establishing a comprehensive listing of “Do Not Block Intersection: locations for the Town of Little Elm, Texas, per exhibit “A” Chart; establishing a procedure for amending the Exhibit “A” Chart; establishing a procedure for a penalty for the violation of this Ordinance; providing for repealing, savings and severability clauses; providing for an effective date of this Ordinance; and providing for the publication of the caption hereof. (Public Works Director)

- H. Discussion and Action on staff recommendation to waive all fees associated with the review, building permit, and building inspection, and reimburse any previously paid fee for an estimated total of \$3,200.00 for the construction of the Operation Finally Home project being built by Tim Jackson Custom Homes at 1816 Shoebill Drive, Paloma Creek Subdivision. (Assistant Town Manager)

- I. Discussion and Action to approve Resolution No. 10151301 for a Courtesy Dock Grant Application and authorize the Town Manager to execute agreement for same. (Director of Development Services)

- J. Discussion and Action to approve ETJ and CCN Agreement between the Town of Little Elm and Hackberry, joined by D.R. Horton-Texas ltd. and authorize the Town Manager to execute agreement for same. (Director of Development Services)

- K. Discussion and Action to approve a Design Task Order for Beard Park Site Work Improvements between the Town of Little Elm and TRC Engineers, Inc. for the amount of \$179,560.00 and authorize Town Manager to execute a contract for the same. (Director of Development Services)

- L. Discussion and Action to approve a Master Service Agreement for Consulting Services and Task Order for Misc. Side Streets between the Town of Little Elm and Pacheco Koch, LLC for the amount of \$155,621.00 and authorize the Town Manager to execute contract for the same. (Director of Development Services)

- M. Discussion and Action to adopt Ordinance No. 1077 an Ordinance of the Town of Little Elm, Texas expanding the Extraterritorial Jurisdiction of the Town; providing for saving and severability clause; and providing an effective date. (Director of Development Services)

- N. Discussion and Action to approve Development Agreement between the Town of Little Elm and H4 Little Elm L.P. and authorized the Town Manager to execute agreement for same. (Director of Development Services)

 - O. Discussion and Action to approve Resolution No. 10151306 a Resolution of the Town of Little Elm, Texas to create Highway 380 Municipal Management District (MMD) and authorize Town Manager to execute agreement for the same. (Director of Development Services)

 - P. Discussion and Action to adopt Ordinance No. 1178 an Ordinance approving a “Public Improvements Agreement and Chapter 380 Economic Development Program and Agreement” by and between the Town of Little Elm, H4 Little Elm, LP, and Highway 380 Municipal Management District No.1; and providing an effective date. (Director of Development Services)

 - Q. Discussion and Action to approve Resolution No. 10151307 a Resolution of the Town of Little Elm, Texas to expand Highway 380 Municipal Management District (MMD) and authorize the Town Manager to execute agreement for the same. (Director of Development Services)

 - R. Discussion and Action to approve Resolution No. 10151304 a Resolution setting a date, time and place, for two public hearings on the proposed annexation of certain property by the Town of Little Elm, Texas, authorizing and directing the Planning Director to publish notices of such public hearings and direct staff to develop a Service Plan. (Planning Manager)

 - S. Discussion and Action to approve Resolution No. 10151305 a Resolution setting a date, time and place, for two public hearings on the proposed annexation of certain property by the Town of Little Elm, Texas, authorizing and directing the Planning Director to publish notices of such public hearings and direct staff to develop a Service Plan. (Planning Manager)
11. FYI: (All matters are provided to the Town Council for informational purposes only)
- A. Town Secretary Monthly Report for September.

 - B. Fire Department Monthly Report for September.

 - C. Development Services Monthly Report for September.

D. Public Works Monthly Report for September.

E. Parks, Rec and Library Monthly Report for October.

F. Thank You-Fire Department Central C-Shift.

G. Denco 9-1-1 Board Appointment.

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.

C. Section 551.076 to discuss security matters.

D. Section 551.087 to discuss Economic Development.

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.

C. Section 551.076 to discuss security matters.

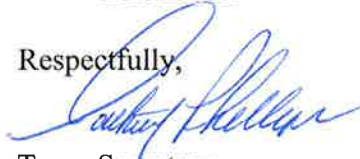
D. Section 551.087 to discuss Economic Development.

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. **BRaille IS NOT PROVIDED.**

Respectfully,



Town Secretary

This is to certify that the above notice was posted on the bulletin board at the Town Hall Center this 11th day of October 2013.