

**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, November 5, 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  - A. Items to be withdrawn from Consent Agenda.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. Update on Eldorado Parkway Construction. (Assistant Town Manager)
  - E. Update on proposed amendment to Section 106 (zoning) Section 86 (screening) of the Code of Ordinances. (Planning Manager)
  - F. Discussion of Town appointment to Union Park MMD. (Town Manager)
  - G. 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.
  - H. 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: Richard Stevens-Living Word Baptist 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. Public Hearing: to discuss and action on proposed amendments to the Zoning Ordinance, 106-86 (Screening), in order to modify screening standards. 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.1180 an Ordinance the Town of Little Elm, Texas amending the Code of Ordinances of the Town, by amending Section 106 (Zoning), by amending Section 86 (Screening), in order to modify screening standards; providing a savings clause; providing a penalty; providing a severability clause; providing a repealer clause; and providing an effective date. (Planning Manager)
6. Public Hearing: to discuss and action on request from Specific Use Permit for an Automated Car Wash on approximately 1.65 acres of land, generally located east of FM 423 and south of Little Elm Parkway, 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.

7. Public Hearing: to discuss and action on request to rezone approximately 33 acres of land from Agricultural district (AG) to Planned Development-Single Family district (PD-SF) to allow for new residential subdivision, generally located east of Witt Road and south of Marina Vista Estates, within the Town Limits of Little Elm, Denton County, Texas. 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.1181 an Ordinance the Town of Little Elm, Texas amending the Comprehensive Zoning Ordinance, herefore amended, by changing the zoning on approximately 33 acres of land from Agricultural District (AG) to Planned Development-Single Family District (PD-SF4), to allow for new residential subdivision, generally located east of Witt Road and south of Marina Vista Estates Subdivision; 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. 1st Public Hearing regarding proposed annexation of approximately 11.195 acres of land generally located north of FM 720 along Edgewood Place, Crestwood Place,

Greenwood Drive and Oakland Place, within the extraterritorial jurisdiction of Little Elm. 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.

9. 2nd Public Hearing regarding proposed annexation of approximately 11.195 acres of land generally located north of FM 720 along Edgewood Place, Crestwood Place, Greenwood Drive and Oakland Place, within the extraterritorial jurisdiction of Little Elm. 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.

10. 1st Public Hearing regarding proposed annexation of approximately 447.942 acres of land, generally located west of FM 423, along Doe Creek Road, between Doe Branch and Panther Creek waterways, within the extraterritorial jurisdiction of Little Elm. 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. Open Public Hearing.

B. Receive Public comments.

C. Close Public Hearing.

11. 2nd Public Hearing regarding proposed annexation of approximately 447.942 acres of land, generally located west of FM 423, along Doe Creek Road, between Doe Branch and Panther Creek waterways, within the extraterritorial jurisdiction of Little Elm. 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. Open Public Hearing.

B. Receive Public comments.

C. Close Public Hearing.

12. 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.

13. 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 October 15, 2013 Workshop, Public Hearings and Regular Meeting.  
(Town Secretary)

B. Authorize Town Staff to complete the purchase of one 2014 CAT CT600S with G&H Roll-Off Hoist from Holt Truck Center for the amount of \$164,929.00. This is a National Joint Powers Alliance purchase. (Public Works Director)

C. Authorize the Town Manager to execute an agreement for a third one-year extension for the Phosphorus Removal Bid Number #81910-7201 with General Chemical in the amount of \$0.7236 per/gal or \$65,124 annually for the estimated annual usage of 90,000 gallons. (Public Works Director)

- D. Authorize Town Staff to purchase Bioxide from Siemens Industry, Inc. on an as needed basis for a total of \$102,000. (Public Works Director)
  
- E. Authorize Town Staff to complete the purchase of the following: 26 Motorola APEX 7000 (700/800 VHF) Digital Portable Radios; 6 Motorola APEX 7500 (700/800 VHF) Digital Mobile Radios, and necessary accessories and programming fees from Motorola Solutions. Phase II in the amount of \$167,728.11. (Fire Chief)
  
- F. Approve re-appointment of Roger Housel, Jeanette Westenhoefer, Cynthia Mayes and Audra Wadsworth as members of CDC Board for two (2) year terms expiring June 2015. (Director of Development Services)
  
- G. Approve final payment to release retainage to Starling Richardson in the amount of \$54,500.00 for construction on the Animal Shelter. (Director of Development Services)
  
- H. Approve contract for purchase of Public Alley for FM 720 Project by TxDot in the amount of \$1,958.00 and authorize the Town Manager to execute a contract for the same. (Director of Development Services)

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

- A. Discussion and Action to adopt Ordinance No. 1182 authorizing the issuance of “Town of Little Elm, Texas, Combination Tax and Limited Pledge Revenue Certificate of Obligation, Series 2013A”; in the amount of Three Million Dollars (\$3,000,000.00) providing for the payment of said certificate of obligation by the levy of an ad valorem tax upon all taxable property within the Town and a limited pledge of the net revenues derived from the operation of the Town’s Waterworks and Sewer System; providing terms and conditions of such certificates and resolving other matter incident and relating to the issuance, payment, security, sale and delivery of said certificates; including the approval and execution of a Paying Agent/Registrar Agreement; the approval and distribution of a Preliminary Official Statement and Official Statement; and providing an effective date. (Finance Director)
  
- B. Discussion and Action to approve Resolution No.11051301 a Resolution of the Town Council of the Town of Little Elm, Texas, approving and adopting an Amendment to the Articles of Incorporation of the Little Elm Economic Development Corporation, a Type A Economic Development Corporation, operating pursuant to Chapter 504 of the Texas Local Government Code, as amended;

providing for a Seven (7) Member Board of Directors; making certain findings in connection therewith; and providing for an immediate effective date. (EDC President)

- C. Discussion and Action to approve re-appointment of Michael Blazer, Marc Matney, Neil Blais as members to the EDC Board for a three (3) year term expiring September 2016. Appoint Michael McClellan and Robert Anderson as members of the EDC Board for a three (3) year term expiring September 2016. (EDC President)
  
- D. Discussion and Action to approve Development & Performance Agreement between the Town of Little Elm, Little Elm Economic Development Corporation, and Little Elm Consolidated, Inc. and authorize the Town Manager to execute agreement for the same. (EDC Director)
  
- E. Discussion and Action to approve Resolution No. 11051303 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. (Hillwood-Union Park) (Planning Manager)
  
- F. Discussion and Action to adopt Ordinance No. 1179 an Ordinance of the Town Council of the Town of Little Elm, Texas terminating Tax Increment Financing Reinvestment Zone Number Two, Town of Little Elm, pursuant to Chapter 311 of the Texas Tax Code; providing a severability clause; and providing for an effective date. (Director of Development Services)
  
- G. Discussion and Action to award construction contract for Walker Lane and Hart Road Lighting Improvements in the amount of \$539,772.00 to Groves Electrical and authorize the Town Manager to execute contract for the same. (Director of Development Services)
  
- H. Discussion and Action to adopt Resolution No. 11051302 A Resolution of the Town of Little Elm, Texas determining the total cost of certain public improvements; accepting a Preliminary Service Plan and Assessment Plan; assigning responsibility for the preparation of a Final Service Plan and Assessment Plan; directing Town Staff to prepare a proposed Assessment Roll; directing the filing of the proposed Assessment Roll with the Town Secretary; calling a Public Hearing to consider proposed Assessments; directing the Town Staff to publish notice of the Public Hearing; directing Town Staff to mail notice of the Public Hearing to the property owners and authorize the Town Mayor to execute for the same. (Director of

Development Services)

I. Discussion and Action to approve Revised Valencia on the Lake Pre-Annexation Agreement, Development Agreement, Public Improvement District Agreement and Tax Increment Reinvestment Zone Agreement between the Town of Little Elm and Valencia on the Lake L.P. and authorized Town Manager to execute amendment of the same. (Director of Development Services)

J. Discussion and Action to approve capital lease with HP Financial Services and authorize the Town Manager to execute any and all document pertaining to the lease agreement. (Finance Director)

15. FYI: (All matters are provided to the Town Council for informational purposes only)

A. Thank You-Lisa Routt & Family.

16. 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.

17. 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.

18. 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,

A handwritten signature in cursive script, appearing to read "Arthur Phillips".

Town Secretary

**This is to certify that the above notice was posted on the bulletin board at the Town Hall Center this 1st day of November 2013.**