

**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, December 16, 2014 - 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  - A. Items to be withdrawn from Consent Agenda.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 Noise Ordinance. (Director of Development Services-Jason Laumer)
  - 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 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. 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. 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.

6. 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. Accept Minutes of the December 2, 2014 Workshop and Regular Meeting. (Town Secretary-Kathy Phillips)

B. Final Plat for Denton ISD High School Addition, Lot 1, Block A, from Teague Nall & Perkins, Inc., generally located on the southeast corner of University Drive and Navo Road, within Little Elm town limits. Community Services Manager-Dusty McAfee)

C. Authorization to procure Meraki equipment from General Data Tech, LP at unit prices listed. (\$104,758.25) (Purchasing Agent-Dawn Berry)

D. Contract for purchase of Shields property in the amount of \$40,000.00 and authorize the Town Manager to execute a contract for the same. (Director of Development Services-Jason Laumer)

E. Final payment to release retainage to Quality Excavation, Ltd. of Aubrey, Texas in the amount of \$143,535.99 for the construction of the FM 423 North-Water and Sewer Line Relocations-Phase II. (Director of Development Services-Jason Laumer)

F. Approve Chapter 380 Economic Development Program and Performance Agreement between the Town of Little Elm and the Little Elm Economic Development Corporation concerning a loan in the amount of \$2,600,000.00 for economic development purposes and authorize the Town Mayor to execute contact for the same. (EDC Director-Jennette Killingsworth)

G. Authorization to procure fuel system upgrade in the amount of \$83,750.00. (Purchasing Agent-Dawn Berry)

7. Annexations:

A. Discussion and Action to adopt Ordinance No. 1246 an Ordinance of the Town of Little Elm, Texas, annexing adjacent and contiguous territory, as described in the attached legal description and as depicted in the attached location map, to the Town of Little Elm, Texas; finding that all necessary and required legal conditions have been satisfied; providing that such area shall become a part of the town and that the owners and inhabitants thereof shall be entitled to the rights and privileges of other citizens and be bound by the Acts, Ordinances, Resolutions and Regulations of the Town of Little Elm now in effect and to be hereafter adopted; approving and adopting a Service Plan for the annexed area; further providing for amending and correcting the official boundaries of the town as heretofore adopted; correcting the official Town Maps; assigning a Council District; providing a saving clause; providing a severability clause; providing a repealer clause; and providing for an effective date. (Sullivan Tract) (Community Services Manager-Dusty McAfee)

B. Discussion and Action to adopt Ordinance No. 1247 an Ordinance of the Town of Little Elm, Texas, annexing adjacent and contiguous territory, as described in the attached legal description and as depicted in the attached location map, to the Town of Little Elm, Texas; finding that all necessary and required legal conditions have been satisfied; providing that such area shall become a part of the town and that the owners and inhabitants thereof shall be entitled to the rights and privileges of other citizens and be bound by the Acts, Ordinances, Resolutions and Regulations of the Town of Little Elm now in effect and to be hereafter adopted; approving and adopting a Service Plan for the annexed area; further providing for amending and correcting the official boundaries of the town as heretofore adopted; correcting the official Town Maps; assigning a Council District; providing a saving clause; providing a severability clause; providing a repealer clause; and providing for an effective date. (Lincoln Park-Tract A&D) (Community Services Manager-Dusty McAfee)

C. Discussion and Action to adopt Ordinance No. 1248 an Ordinance of the Town of Little Elm, Texas, annexing adjacent and contiguous territory, as described in the attached legal description and as depicted in the attached location map, to the Town

of Little Elm, Texas; finding that all necessary and required legal conditions have been satisfied; providing that such area shall become a part of the town and that the owners and inhabitants thereof shall be entitled to the rights and privileges of other citizens and be bound by the Acts, Ordinances, Resolutions and Regulations of the Town of Little Elm now in effect and to be hereafter adopted; approving and adopting a Service Plan for the annexed area; further providing for amending and correcting the official boundaries of the town as heretofore adopted; correcting the official Town Maps; assigning a Council District; providing a savings clause; providing a severability clause; providing a repealer clause; and providing an effective date. (Lincoln Park-Tract B) (Community Services Manager-Dusty McAfee)

D. Discussion and Action to adopt Ordinance No. 1249 an Ordinance of the Town of Little Elm, Texas, annexing adjacent and contiguous territory, as described in the attached legal description and as depicted in the attached location map, to the Town of Little Elm, Texas; finding that all necessary and required legal conditions have been satisfied; providing that such area shall become a part of the town and that the owners and inhabitants thereof shall be entitled to the rights and privileges of other citizens and be bound by the Acts, Ordinances, Resolutions and Regulations of the Town of Little Elm now in effect and to be hereafter adopted; approving and adopting a Service Plan for the annexed area; further providing for amending and correcting the official boundaries of the town as heretofore adopted; correcting the official Town Maps; assigning a Council District; providing a savings clause; providing a severability clause; providing a repealer clause; and providing for an effective date. (Lincoln Park-Tract C) (Community Services Manager-Dusty McAfee)

E. Discussion and Action to adopt Ordinance No. 1250 an Ordinance of the Town of Little Elm, Texas, annexing adjacent and contiguous territory, as described in the attached legal description and as depicted in the attached location map, to the Town of Little Elm, Texas; finding that all necessary and required legal conditions have been satisfied; providing that such area shall become a part of the town and that the owners and inhabitants thereof shall be entitled to the rights and privileges of other citizens and be bound by the Acts, Ordinances, Resolutions and Regulations of the Town of Little Elm now in effect and to be hereafter adopted; approving and adopting a Service Plan for the annexed area; further providing for amending and correcting the official boundaries of the town as heretofore adopted; correcting the official Town Maps; assigning a Council District; providing a savings clause; providing a severability clause; providing a repealer clause; and providing an effective date. (Lincoln Park-Tract F) (Community Services Manager-Dusty McAfee)

8. Discussion and Action to adopt Ordinance No. 1254 an Ordinance of the Town Council of the Town of Little Elm, Texas approving a Preliminary Reinvestment Zone

Financing Plan for Tax Increment Reinvestment Zone Number Five, Town of Little Elm, Texas; providing a severability clause; and providing for an immediate effective date. (Director of Development Services-Jason Laumer)

9. Public Hearing to discuss rezoning of approximately 4.033 acres of land, from Extra-Territorial Jurisdiction (ETJ) to Agricultural district (AG), generally located east of Lloyds Road, west of Lewisville Lake, within Little Elm's ETJ. 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 Report.

B. Open Public Hearing.

C. Receive Public Comments.

D. Close Public Hearing.

E. Discussion and Action to approve Ordinance No. 1251 an Ordinance of the Town of Little Elm, Texas, amending the Comprehensive Zoning Ordinance of the Town of Little Elm, Texas, by Zoning approximately 4.033 acres of land to Agricultural District (AG), generally located east of Lloyds Road, west of Lewisville Lake; providing a saving clause; correcting the official Zoning Map; providing a penalty; providing a severability clause; providing a repealer clause; and providing for an effective date. (Sullivan Tract) (Community Services Manager-Dusty McAfee)

10. Public Hearing to discuss rezoning of approximately 555.98 acres of land to Agricultural district (LC), generally located around the intersection of University Drive and Oak Grove Parkway outside of Little Elm town limits. 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 Report.

B. Open Public Hearing.

C. Receive Public Comments.

D. Close Public Hearing.

E. Discussion and Action to approve Ordinance No. 1252 an Ordinance of the Town of Little Elm, Texas, amending the Comprehensive Zoning Ordinance of the Town of Little Elm, Texas, by Zoning approximately 555.98 acres of land to Agricultural District (AG), generally located around the intersection of University Drive and Oak Grove Parkway, providing for a saving clause; correcting the official zoning map; providing a penalty; providing a severability clause; providing a repealer clause; and providing an effective date. (Tracts A&D, B, C, and F) (Community Services Manager-Dusty McAfee)

11. Public Hearing regarding request for a Specific Use Permit for a Charter School on approximately 21.429 acres of land, generally located north of Smotherman Road and 870 feet east of McCord Way, currently zoned Light Commercial district (LC). 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 Report.

B. Open Public Hearing.

C. Receive Public Comments.

D. Close Public Hearing.

E. Discussion and Action to approve Ordinance No. 1253 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 Charter School use on approximately 21.429 acres of land currently zoned Light Commercial District (LC), generally located north of Smotherman Road and 870 east of 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. (Community Service Manager-Dusty McAfee)

12. Public Hearing to consider the advisability of the Creation of Reinvestment Zone Number Five, Town of Little Elm, for Tax Increment Financing Purposes pursuant to Chapter 311, Texas Tax Code. The proposed Tax Increment Reinvestment Zone Number Fire is 553 acres of land, more or less, and is located in the western portion of

the Town of Little Elm near the intersection of US 380 and FM 2931. 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 Report.

B. Open Public Hearing.

C. Receive Public Comments.

D. Close Public Hearing.

E. Discussion and Action to adopt Ordinance No. 1255 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 Zone Number Five, 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 that the Zone take effect immediately upon passage of the Ordinance; providing a severability clause; and providing an effective date. (Director of Development Services-Jason Laumer)

13. Announcement: Council will now recess and convene into meeting for the TIRZ # 5 Board. Will reconvene Regular Council meeting immediately following the adjournment of the TIRZ #5 Board.

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

A. Discussion and Action to adopt Ordinance No. 1256 an Ordinance of the Town Council of the Town of Little Elm, Texas, approving the Final Project and Financing Plan for Tax Increment Reinvestment Zone Number Five, Town of Little Elm, Texas; providing a severability clause; and providing for an effective date. (Director of Development Services-Jason Laumer)

B. Discussion and Action to adopt Resolution No. 12161401 a Resolution of the Town Council of the Town of Little Elm, Texas, approving a Tax Increment Payment Agreement by and between the Town of Little Elm, Texas; Reinvestment Zone Number Five, Town of Little Elm, Texas; and The Parker Corporation, a Texas

- Corporation; providing a severability clause; and providing an effective date. (Director of Development Services-Jason Laumer)
  - C. Discussion and Action to adopt Ordinance No. 1245 an Ordinance of the Town Council of the Town of Little Elm, Texas, repealing Chapter 30 (“Civil Emergencies”) of the Little Elm Code and replacing Chapter 30 with a new Chapter 30 (“Emergency Management”), which sets forth a Comprehensive Emergency Management Plan; providing for penalties for the violation of this Ordinance; repealing conflicting ordinances; providing a severability clause; and providing an effective date. (Fire Chief-Joe Florentino)
  - D. Discussion and Action to approve Contract renewal with National Sign Plaza (NSP) for 18 months. (Community Development Manager Dusty McAfee)
  - E. Discussion and Action to adopt Ordinance No. 1257 an Ordinance of the Town of Little Elm, Texas, providing for Refuse Rates; providing for a repealing clause; providing for a severability clause; and providing an effective date. (Finance Director –Alan Dickerson)
  - F. Discussion and Action to approve the selection of the Fain Group, Inc. for Construction Manager at Risk on the Beard Park Project and approve the Construction Manager at Risk contract for Beard Park Construction and authorize the Town Manager to execute a contract for the same. (Director of Development Services-Jason Laumer)
  - G. Discussion and Action to approve Amended and Restated Chapter 380 Economic Development Program and Performance Agreement with the Town of Little Elm, Little Elm Economic Development Corporation, and GCRE/TX Main Marketplace, LLC and authorize the Town Mayor to execute a contract for same. (EDC Director-Jennette Killingsworth)
15. FYI: (All matters are provided to the Town Council for informational purposes only)
- A. Town Secretary Monthly Report for November 2014.
  - B. Development Services Monthly Report for November 2014.
  - C. Parks, Recreation and Library Monthly Report for November 2014.
  - D. Fire Department Monthly Report for November 2014.



- E. Police Department Monthly Report for November 2014.
  - F. Public Works Monthly Report for November 2014.
  - G. CWD Report on X-treme Green Event October 18, 2014.
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. **BRILLE IS NOT PROVIDED.**

Respectfully,

A handwritten signature in cursive script, appearing to read "Carter Phallen".

Town Secretary

**This is to certify that the above notice was posted on the bulletin board at the Town Hall Center this 12th day of December 2014.**