

**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, May 5, 2015 - 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. Opening Prayer: Evangelist Dedra Harrell - Praise Fellowship Worship Center.
  - B. Items to be withdrawn from Consent Agenda.
  - C. Emergency Items if posted.
  - D. Request by the Town Council for items to be placed on a future agenda for discussion, and recognition of excused absences.
  - E. Discussion regarding Town of Little Elm and Palladium USA International, Inc. 380 Economic Development Program and Agreement Amendment #1. (Director of Development Services – Jason Laumer)
  - F. Discussion regarding Development Agreement between the Town of Little Elm and Meritage Homes of Texas, LLC. (Director of Development Services – Jason Laumer)
  - 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 Regular Town Council Immediately Following Council Workshop.
- 3. 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.
- 4. Presentations:
  - A. Mayor Hillock to read "Motorcycle Safety and Awareness Month" Proclamation and present to Joann York –Denton ABATE Chapter.
  - B. a. Mayor Hillock to read "Building Safety Month" Proclamation and present to Cruz Hernandez Building Manager.
  - C. Mayor Hillock to read "National Public Works Week" Proclamation and present to Public Works Director Kevin Mattingly.
- 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 April 21, 2015 Workshop and Regular Meeting. (Town

Secretary-Kathy Phillips)

- B. Final Plat Cottonwood Creek from JBI Partners, generally located 2,400 feet east of FM 423, north of Smotherman Road, within Little Elm town limits. (Community Services Manager – Dusty McAfee)
- C. Interlocal Agreement between the Town of Little Elm and LEISD for facilities use. (Assistant Town Manager – Doug Peach)
- D. Award construction contract for the 2015 Annual Street Maintenance Project in the amount of \$568,447.38 to KT Contracting-Concrete Series, LLC of McKinney, Texas, and authorize the Town Manager to execute a contract for the same. (Director of Development Services – Jason Laumer)
- E. Task Order for Construction Material Testing on the Annual Street Maintenance 2015 between the Town of Little Elm and Alliance Geotechnical Group for the estimated amount of \$10,389.00 and authorize the Town Manager to execute a contract for the same. (Director of Development Services – Jason Laumer)
- F. Final Acceptance of water, sewer, drainage, and street improvement for Union Park, Phase 1C. (Director of Development Services – Jason Laumer)

7. Annexations:

- A. Discussion and Action to adopt Ordinance No. 1276 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 an effective date. (TEC Area) (Community Services Manager – Dusty McAfee)
- B. Discussion and Action to adopt Ordinance No. 1277 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 an effective date. (Little Elm Cemetery) (Community Services Manager – Dusty McAfee)

8. Public Hearing: regarding Town-initiated request to zone 7.51 acres of land from Light Commercial district (LC) and Extra-Territorial Jurisdiction (ETJ) to Office district (O), approximately 1.38 acres of land from Extra Territorial Jurisdiction (ETJ) to Light Commercial district (LC) and approximately 5.48 acres of land from Light Commercial District (LC), and Extra Territorial Jurisdiction (ETJ) to Single Family district (SF4), generally located north of FM 720 along Edgewood Place, Crestwood Place, Greenwood Drive, and Oakland Place, partly with Little Elm town limits and partly in Little Elm's ETJ. (TEC area) 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. 1278 an Ordinance of the Town of Little Elm, Texas, amending the Future Land Use Plan (FLUP) of the 2008 Comprehensive Plan to re-categorize approximately 5.18 acres of land from Medium Density Residential to Retail/Office and approximately .042 acres of land from Retail/Office to Low Density Residential, generally located north of FM 720, south of Oakland Place, and between Edgewood Place and Greenwood Drive; amending the Comprehensive Zoning Ordinance of the Town of Little Elm, Texas, by zoning approximately 7.51 acres of land from Light Commercial District (LC) and Extra-territorial Jurisdiction (ETJ) to Office District (O), approximately 1.38 acres of land from ETJ to Light Commercial District (LC); and approximately 5.48 acres of land from Light Commercial District (LC) and ETJ to Single Family District (SF4),

generally located north of FM 720 along Edgewood Place, Crestwood Place, Greenwood Drive, and Oakland Place, partly within Little Elm Town Limits and partly within Little Elm's ETJ; providing a savings clause; correcting the Official Zoning Map and FLUP; providing a penalty; providing a severability clause; providing a repealer clause; and providing for an effective date. (Community Service Manager-Dusty McAfee)

9. Public Hearing: regarding Town initiated request to zone approximately 24.58 acres of land to Agricultural district (AG), generally located north of King Road, east of Lewisville Lake, with Little Elm's ETJ. All interested citizens are welcome to attend the hearing and participate in same. (LE Cemetery) (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. 1279 an Ordinance of the Town of Little Elm, Texas, amending the Comprehensive Zoning Ordinance of the Town of Little Elm, Texas, by zoning approximately 24.58 acres of land Agricultural district (AG), generally located north of King Road, east of Lewisville Lake, within Little Elm's ETJ; providing a savings clause; correcting the Official Zoning Map; providing a penalty; providing a severability clause; providing a repealer clause; and providing for an effective date. (Community Service Manager-Dusty McAfee)

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

A. Discussion and Action to adopt Ordinance No. 1275 an Ordinance of the Town Council of Little Elm, Texas ("Town"), authorizing certain Budget Amendments pertaining to the Fiscal Year 2014-2015 Budget; and providing an effective date. (Assistant Finance Director- Dianne Lawson)

B. Discussion and Action to approve 380 Economic Development Program and Agreement Amendment #1 between the Town of Little Elm and Palladium USA International, Inc. and authorize the Town Manager to execute agreement for the

same. (Director of Development Services – Jason Laumer)

- C. Discussion and Action to approve Development Agreement for the Cottonwood Creek Subdivision between the Town of Little Elm and Meritage Homes of Texas, LLC and authorize the Town Manager to execute agreement for the same. (Director of Development Services – Jason Laumer)
  
  - D. Discussion and Action to approve Revised Frisco Hills, Frisco Ranch, and The Preserve Development Agreement, Interlocal Agreement, and Compromise and Settlement Agreement-Amendment #2 between the Town of Little Elm and FH 295, LLC and authorize the Town Manager to execute amendment for the same. (Director of Development Services – Jason Laumer)
  
  - E. Discussion and Action to adopt Resolution No. 05051501 approving the Second Amendment to the 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 Valenica on the Lake, L.P. and authorize the Town Manager to execute for the same. (Director of Development Services)
  
  - F. Discussion and Action to approve Development Agreement between the Town of Little Elm and WRPS III, L.P. and authorize the Town Manager to execute agreement for the same. (Director of Development Services-Jason Laumer)
  
  - G. Discussion and Action to approve Change Order #1 of the Construction contract for Beard Park Site Work Improvements in the amount of \$150,000.00 to Quality Excavation, Ltd. and authorize the Town Manager to execute a contract for the same. (Director of Development Services – Jason Laumer)
  
  - H. Discussion and Action to accept Assignment and Assumption of Lincoln Park’s Legal Claims, as set forth in Lincoln Park Ordinance No. 08-15 and authorize Town Mayor to sign acceptance for the same. (EDC Executive Director – Jennette Killingsworth)
  
  - I. Discussion and Action to accept Assignment and Assumption of Regional Water Contract and Regional Wastewater Contract, as set forth in Lincoln Park Ordinance No. 04-15 and authorize the Town Mayor to sign acceptance for the same. (EDC Executive Director – Jennette Killingsworth)
11. Announcement: Council will now recess and convene into meeting for the TIRZ #5 Board. Will reconvene Regular Council meeting immediately follow the adjournment of

the TIRZ #5 Board.

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

A. 2014 Annual Development Report. (Community Services Manager –Dusty McAfee)

13. 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.

1. Consideration of Boundary and Extraterritorial Jurisdiction Adjustment Agreement between the Town of Little Elm and Town of Providence Village, and related matter.

B. Section 551.071 to consult with and provide direction to the Town's attorneys under Tex. Gov't Code Section 551.071 regarding pending litigation styled Ex Parte Town of Little Elm, now pending before the 53rd Judicial District, District Court of Travis County, cause no. D-1-GN-15-000980, and Town of Cross Roads, Texas and City of Oak Point, Texas vs. Town of Little Elm, Texas and Town of Lincoln Park, Texas, cause no. 15-02716-158, now pending in the 158th Judicial District, District Court of Denton County, Texas.

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

D. Section 551.076 to discuss security matters.

E. Section 551.087 to discuss Economic Development.

14. 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

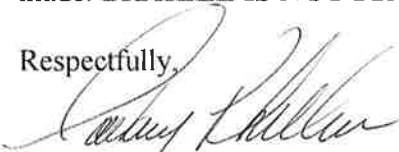
Council.

1. Discussion and Action to approve Boundary and Extraterritorial Jurisdiction Adjustment Agreement between the Town of Little Elm and the Town of Providence Village, and related matters.
  
  - B. Section 551.071: Discussion and Action to authorize the Town's attorneys to take all actions necessary to secure or recover the Town's corporate and extraterritorial jurisdiction boundaries at issue in the lawsuits Ex Parte Town of Little Elm and Town of Cross Roads Texas et al v Town of Little Elm, Texas et al, including without limitation the filing of counterclaims against the municipalities of Cross Roads Texas and Oak Point, Texas.
  
  - C. Section 551.072 to discuss certain matters regarding real property.
  
  - D. Section 551.076 to discuss security matters.
  
  - E. Section 551.087 to discuss Economic Development.
15. 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,



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 May 2015.**