

**MINUTES**  
**Town of Little Elm**  
**214-975-0404**  
<http://www.littleelm.org>

**WORKSHOP AND REGULAR TOWN COUNCIL MEETING**

**Tuesday March 20, 2012**

**Present:** Charles Platt Mayor, Curtis Cornelious Mayor Pro-tem, Council members Richard Stevens, Brandon Gerard, and Bill Roebken. **Absent:** Council member Stephanie Shoemaker. **Staff:** Robert Brown, Doug Peach, Kathy Phillips, Alan Dickerson, Dianne Lawson, Robin Bromiley, Jason Laumer, Dusty McAfee, Dee Dee Hale, Kevin Mattingly, Lynn Tompkins, and Joe Florentino.

1. **Called to Order Council Work Shop at 6:00 p.m.**

- a. Items to be withdrawn from Consent Agenda. **NONE**
- b. Emergency Items if posted. **NONE**
- c. Request by the Town Council for items to be placed on the next regular council agenda for discussion, and recognition of excused absences. Upon motion by Council member Roebken and second by Council member Cornelious the members **voted 4-1** (opposed Council member Stevens) to approve the absence of Council member Stephanie Shoemaker from the March 20<sup>th</sup> meeting.
- d. Receive the Town's Auditors Report and Opinion from Rylander, Clay & Optiz, LLP on the audited financial statements of the Town at fiscal year-end September 30, 2011: **Finance Director Alan Dickerson** informed council that representatives were present to give the report and respond to questions. The audited financial statements (Comprehensive Annual Financial Report) has been provided in electronic format and a hard copy of the report is available. In compliance with Texas Local Government Code, Chapter 103- Financial Audis whereby financial statements are audited within 120 days of the close of the fiscal year and filed with the Town Secretary and available for public inspection.
- e. Receive 2011 Planning and Zoning Annual Report: **Planning Manager Dusty McAfee**-each year in March a written progress report is given to the Town Council summarizing the Planning and Zoning Commission activities, major accomplishments for the past year, and proposed work program for the coming year. The report contains the attendance records of members and the identity of the Commissions Officers. (Little Elm Code of Ordinances-106-23(A)(15). Inside the report you will find; the Town's Mission and Vision Statement, Executive Summary, Awards/Honors, Commission Roster, Attendance Record, Case Summary, Case History, and Behind the Scenes: Development Services Department.
- f. Presentation of monthly updates from department heads: **Public Works Director Kevin Mattingly** informed the Council that the Town would be hosting a "Water is Life Expo" on April 7<sup>th</sup> at Town Hall from 9:30 a.m. to 12:00 noon. This seminar is to teach how to implement water saving

techniques, demos for changing your existing spray irrigation heads to more efficient drip irrigation, and vendors with supplies you would need will be in attendance. Seminars are: Irrigation for Conservation at 9:30 by Dotty Woodson Ed. D; Texas Tough Plant at 10:15 by Janet Laminack CEA-Horticulture; and Rainwater Harvesting at 11:00 by Dotty Woodson Ed D. Our quest speaker Dotty Woodson, a Program Specialist for the Texas AgriLife Research & Extension Center at Dallas, appears weekly on NBC Channel 5 Sunday Morning News and writes a weekly column for the Fort Worth Star Telegram. She has also won two national awards for water programs in Tarrant County. On Saturday March 24<sup>th</sup> Keep Little Elm Beautiful will be conducting a clean-up along the trails of Shell Beach from 9 am to 1 pm. This project is in conjunction with Keep America Beautiful Great American Clean-Up this is the nation's largest annual community improvement program, brings the power of 3.8 million volunteers and participates to create local change. Volunteers donated more than 5.2 million hours in 2011 to clean, beautify, and improve more than 16,500 communities during more than 30,600 events in all 50 states and beyond. Activities included beautifying parks and recreation areas, cleaning seashores and waterways, handling recycling collections, picking up litter, planting trees and flowers, and conducting educational programs and litter-free events. Volunteers from Little Elm and Lewisville will be participating in the event. Geocaching is being done during this event. A marker is placed at a specific location and then is search for by geocachers. **Interim Town Manager Doug Peach** asked Council to table item 8-B regarding Solicitors/Vendors Ordinance in order to complete further work on verbiage. Also that Staff will present Warrant/Collections report at the April 3<sup>rd</sup> meeting and Municipal Development District/EDC report at the April 17<sup>th</sup> meeting as requested by Council member Stevens. He also reported that the Town Manager Profile was received and staff was ready to move forward. The Grand Opening of the Public Safety Building would be held within the next 30-40 days.

- g. Council to highlight items on the agenda needing further discussion or comments prior to the regular session. **NONE**

2. Presentations and Announcements: **NONE**

3. **Roll Call/Call to Order Regular Town Council Immediately Following Council Workshop.**

4. **Opening Prayer:** Richard Stevens Living Word Baptist Church.

5. **Pledge to the Flags:**

- a. United States Flag
- b. Texas Flag

6. Public Comments: **NONE**

7. Upon motion by Council member Roebken and second by Council member Cornelious the members **voted 5-0** to approve the Consent Agenda as presented:

- a. **Minutes** of the March 6, 2012 Workshop and Regular Meeting.
- b. **Authorize** final payment of \$62,853.70 to Quality Excavation, Ltd. of Aubrey, Texas for close out the Town's Lewisville Lake-Water and Sewer Bore Construction Contract, and authorize the Town Manager to execute the same.
- c. **Authorize** final payment of \$44,943.75 to Quality Excavation, Ltd. of Aubrey, Texas for close out the Town's Witt-Woodlake Construction Contract, and authorize the Town Manager to execute the same.
- d. **Authorize** partial retainage release payment of \$144,567.71 to Quality Excavation, Ltd. of Aubrey, Texas for the Town's Lobo Lane Construction Contract, and authorize the Town Manager to execute the same. Development
- e. **Approve** Final Plat Paloma Creek South, Phase 7A from Pettitt Barraza, LLC generally located along the eastern portion of Villa Paloma Boulevard in Paloma Creek South.
- f. **Receive** and Accept the CAFR and the Town Auditors Report for fiscal year ended 09-30-11.
- g. **Approve** Resolution No. 03201201 authorizing the publication of Notice of Intent to issue certificates of obligation in a principal amount not to exceed \$6,000,000 for the purpose of paying contractual obligations and other costs to be incurred for the construction of improvements and extensions to the Town's Waterworks and Sewer System.

8. **Reports and requests for Town Council consideration and appropriate action:**

- a. Upon motion by Council member Stevens and second by Council member Roebken the members **voted 5-0** to adopt Ordinance No. 1096 an Ordinance authorizing the issuance of Town of Little Elm, Texas, General Obligation Refunding Bonds, Series 2012; levying a continuing direct annual ad valorem tax for payment of said Bonds; and resolving other matters incident and related to the issuance, sale, payment, and delivery of said Bonds; establishing procedures for the sale and delivery of said Bonds; and delegating matters relating to the sale and issuance of the Bonds to an authorized Town official(s).
- b. Upon motion by Council member Gerard and second by Council member Cornelious the members **voted 5-0** to **TABLE** Ordinance No. 1097 an Ordinance of the Town of Little Elm, Texas, amending the Code of Ordinances of the Town, by amending Chapter 26 (Businesses and Business Regulations), by amending Article VI (Vendors, Peddlers, and Solicitors) to clarify existing policy; providing a savings clause; providing a penalty; providing a severability clause; providing a repealer clause; and providing an effective date.

- c. Upon motion by Council member Roebken and second by Council member Gerard the members **voted 5-0** to approve Revised Frisco Hills, Frisco Ranch, and The Preserve Development Agreement, Interlocal Agreement, and Compromise and Settlement Agreement between the Town of Little Elm and Frisco Hills, L.P. and authorize the Town Manager to execute amendment for same.
- d. Upon motion by Council member Cornelious and second by Council member Roebken the members **voted 5-0** to approve the Exchange Agreement between the Town and Elmwood Estates, Ltd. and authorize the Town Manager to execute the same.
- e. Upon motion by Council member Cornelious and second by Council member Roebken the members **voted 5-0** to approve the selection of Starling Richardson for Construction Manager at Risk on the Animal Shelter, Water Utility Billing and Town Hall Reconfiguration, Library Expansion, and Various Remodel Projects.
- f. Upon motion by Council member Roebken and second by Council member Gerard the members **voted 5-0** to approve the Construction Project Change Order #4 in the amount of \$182,772.00 for the Town's Lobo Lane Improvement Project to Quality Excavation, Ltd. of Aubrey, Texas and authorize the Town Manager to execute the same.

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

- a. Town Secretary Monthly Report for February 2012.
- b. Development Services Monthly Report for February 2012.

10. Adjourned Work Shop and Regular Meeting **at 6:49 p.m.**

Respectfully,

  
Town Secretary

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_ 2012.