

**MEETING  
Town of Little Elm  
100 W Eldorado Parkway  
Little Elm, Texas 75068-5060**

**214-975-0404  
<http://www.littleelmtx.us>**

**Workshop and Regular Council Meeting**

**Tuesday, July 3, 2012 - 6:00 PM  
Town Council Chambers  
100 West Eldorado Parkway  
Little Elm, TX 75068**

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  - A. Items to be withdrawn from Consent Agenda.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 the next regular council agenda for discussion, and recognition of excused absences.
  - D. Discussion on agreement with Brown advertising regarding billboards on US 380 and FM 720. (Planning Manager) 4
  - E. Discussion regarding Site Plan for Johnny Joe's. (Planning Manager) 9
  - F. Discussion regarding Code of Ordinance Chapter 46 Article II Nuisance and Vegetation. (Fire Marshal) 15
  - G. Information regarding budget procedures with Council. (Finance Director)
  - H. Discussion regarding Budget Calendar. (Finance Director)
  - I. 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.

- J. Council to highlight items on the agenda needing further discussion or comments prior to the regular session.
- 2. Presentations and Announcements:
  - A. Friends of the Library scholarship presentation. (FOL Representative) 26
  - B. Certificate of Recognition to Collyn Cornelious. (Mayor) 27
  - C. Recognition and Presentations to Jennette Killingsworth EDC Executive Director. (Council member Cornelious) 28
- 3. Roll Call/Call to Order Regular Town Council Immediately Following Council Workshop.
- 4. Opening Prayer: Pastor Hugene Purdy-Trinity Resources Coaching Ministry.
- 5. 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.
- 6. 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.
- 7. 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 June 19, 2012 Workshop, Public Hearing and Regular Meeting. (Town Secretary) 30
  - B. Minutes of the June 26, 2012 Special Meeting. (Town Secretary) 34
  - C. Authorize Change Order #1 and a final payment of \$47,276.20 to Central Texas Water Well of Bowie, Texas to close out the Main Street Irrigation Well Construction Contract and authorize the Town Manager to execute the same. (Director of Development Services) 35
- 8. Reports and requests for Town Council consideration and appropriate action:

- A. Discussion and Action to approve Resolution No. 07031201 a Resolution of the Town Council of the Town of Little Elm, Texas appointing a Mayor Pro-tem for a one (1) year term of office, providing for an effective date. (Town Secretary) 46
9. The Town Council will hold a Closed (executive) Session meeting pursuant to Chapter 551, Texas Government Code, Vernon's Texas Code Annotated, in accordance with the authority contained in:
- A. Section 551.074: Discussion and deliberation regarding the interviewing and appointment of applicant for Board of Adjustment vacancy.
10. Reconvene into Open Session: Discussion and consideration to any action necessary as the result of the closed (executive) session :
- A. Section 551.074: Discussion and action regarding appointment to fill vacancy on the Board of Adjustment with an existing term ending 02-28-13.
11. 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 29th day of June 2012.**

# TOWN OF LITTLE ELM

## Town Council

### Staff Report



**PROJECT:** Digital billboard exchange agreement with Brown Outdoor Advertising

**COUNCIL DATES:** **Work Session:** **07-03-12**  
Regular Meeting: 07-17-12

**PLANNING ANALYSIS:** In the past, on three (3) separate occasions, Town Council has entered into agreements with outdoor advertisement companies for a billboard exchange program that has resulted in the contracted elimination of seven (7) billboards along FM 423 and Eldorado Parkway at key intersections (**see attachment**).

Brown Outdoor Advertising's proposal includes the removal of two (2) billboard structures west of Little Elm bridge to allow for the conversion of one (1) *side* of a billboard structure on U.S. Highway 380.

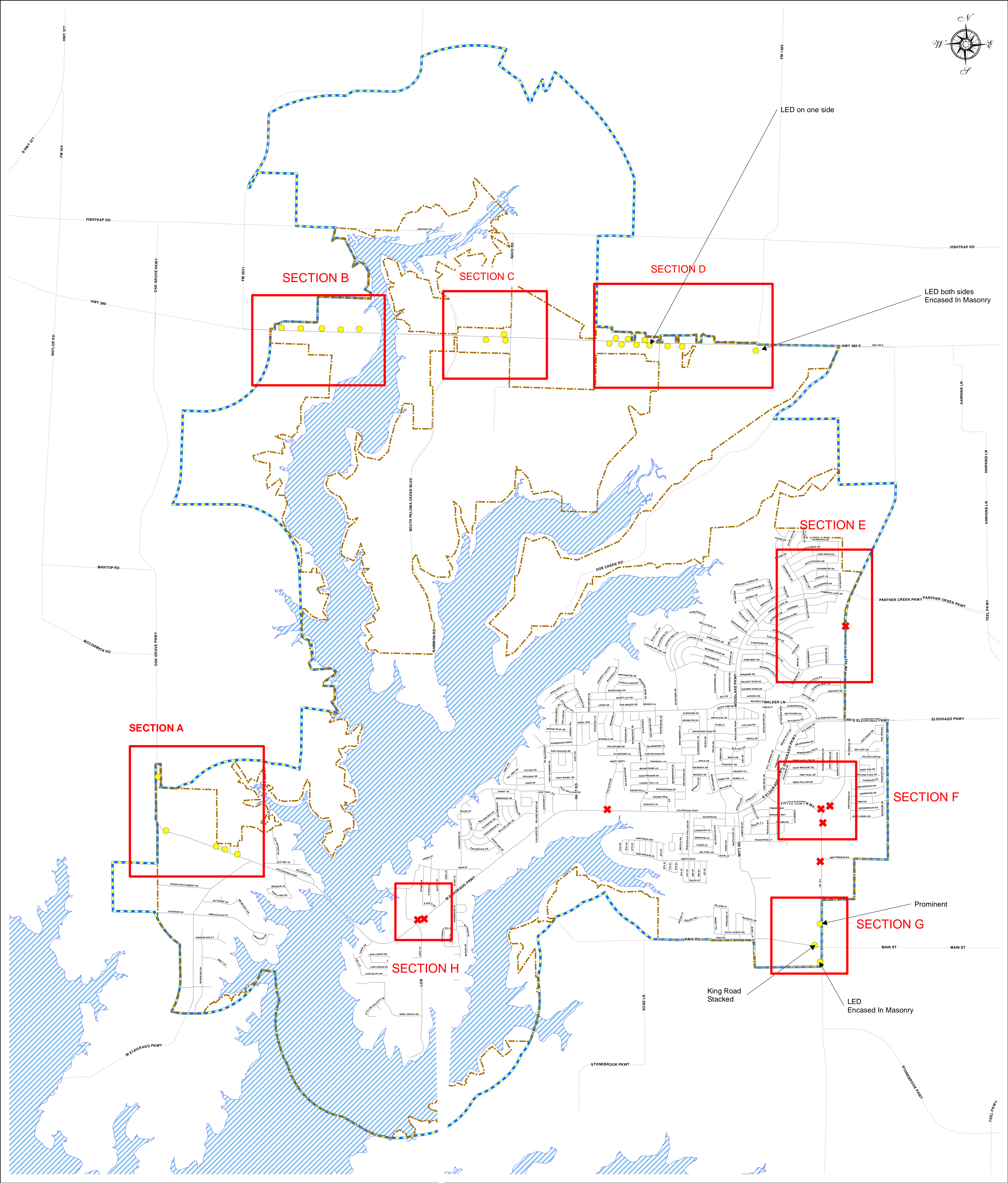
Attached is an inventory of billboards in Little Elm that shows the current location of billboards and the former location of billboards that have been removed through past exchange programs. Staff believes the requested exchange rate is appropriate and that eliminating two (2) billboard structures is important for the image of the area west of Little Elm bridge as roads widen and it begins to develop.

Planning staff has not received any negative feedback regarding the digital boards that have been upgraded, and State law requires outdoor advertisers to provide free public service announcements on digital boards, in addition to requiring compliance with strict electronic regulations governing illumination, flashes, and display.

**RECOMMENDATION:** Provide direction to staff.

**TOWN CONTACT:** Dusty McAfee, AICP - Planning Manager

**ATTACHMENTS:** Billboard Inventory Map  
Brown Proposal  
Billboard Pictures



# LITTLE ELM

Billboards Within Little Elm

Date: 6/12/2012

## Legend

### Billboards

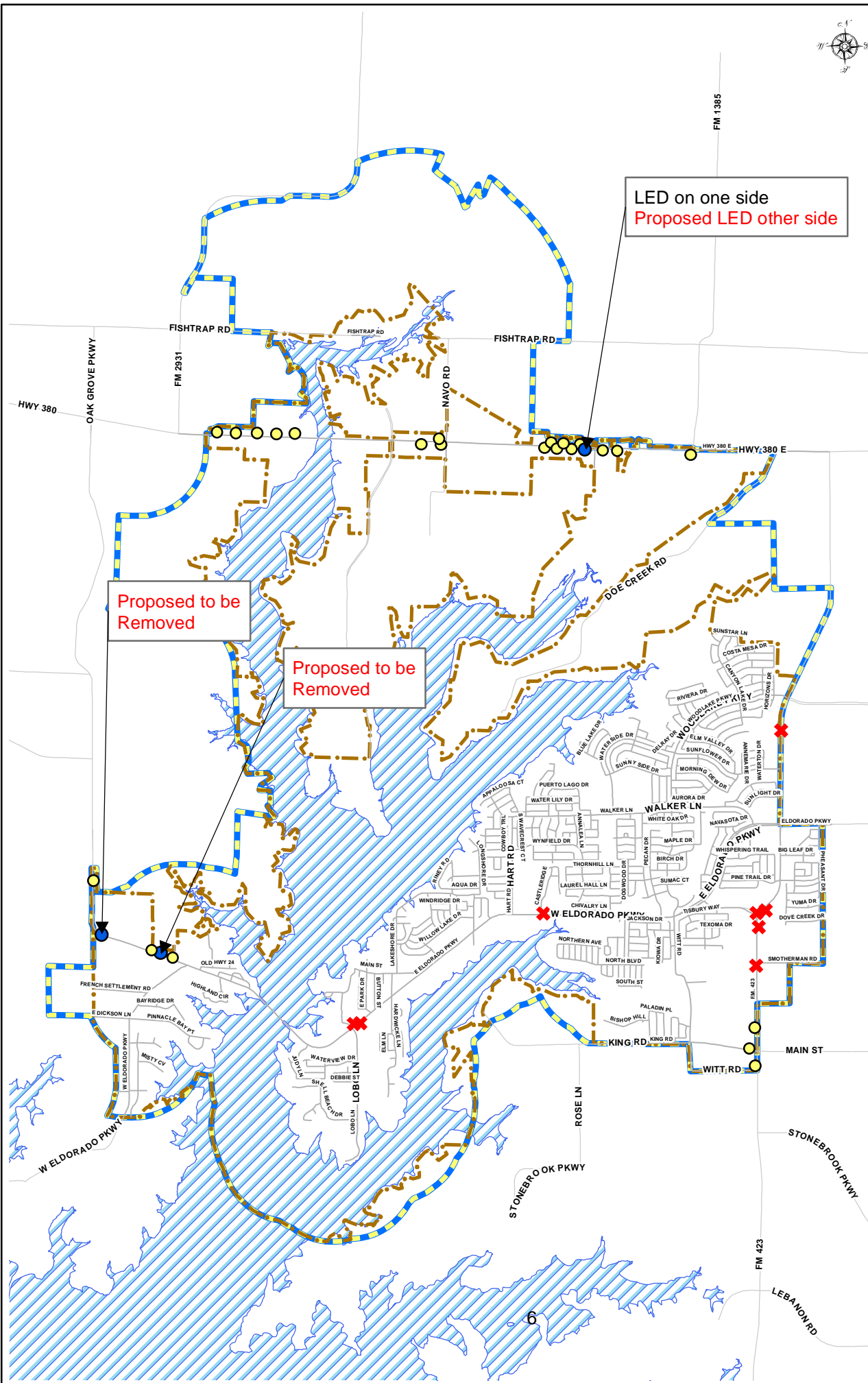
- Removed Billboards
- Billboard
- Town Limits
- ETJ
- Lakes



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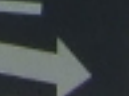
**Brown  
2012  
Agreement**  
Date: 6/12/2012



AVAILABLE

214-544-8668

**ALPHA FENCE**  
(972)625-9874



AVAILABLE  
214-544-8668



BOAT & RV OFFICE/WHSE  
STORAGE SPACE  
← LEFT ON HILL ROAD  
Metal Building-Storage Units-Barns-Arenas  
**214 227 9590**  
[www.thevininggroup.com](http://www.thevininggroup.com)



# TOWN OF LITTLE ELM

## Town Council

### STAFF REPORT



**PROJECT:** 12-SP-006 (Conceptual Site Plan - Johnny Joe's)

**COUNCIL DATES:** **Work Session:** **07/03/12**  
Regular Meeting: 07/17/12

**REQUEST:** A request for Council to review and approve a conceptual site plan for Johnny Joe's located at the southeast corner of Eldorado Parkway and Lobo Lane.

**CURRENT ZONING:** Light Commercial (LC)

**EXISTING USE:** Convenience Store / Fuel Sales

**APPLICANT:** Kacy Kim

**PLANNING ANALYSIS:** **Little Elm Policy Discussion**

On October 8, 2008, Town Council adopted Ordinance #918 establishing a legal framework for the Town to follow as it relates to properties being made non-conforming or more non-conforming due to a TXDOT taking.

The ordinance exempts a property if it becomes non-compliant due to the ROW taking, there are no payments made to the property owner for damages to the remainder, and the violations do not create a safety hazard.

However, if the property owner is paid any damages to the remainder or a safety hazard is created, then the elements of the property which are made non-conforming or more non-conforming must be brought up to code before the property can continue to be used.

Ordinance #954 was adopted in May, 2009 to modify the policy to provide a variance process in which a property owner can petition Council to waive certain requirements if it believes the payments made by TXDOT are insufficient to pay for the modifications to the property. Life safety hazards have not been waived in the past.

### **The Subject Property**

The existing convenience store and gas station facility was constructed prior to modern development regulations. Thus, multiple aspects of the site are legal non-conforming, and due to TXDOT's

expansion of Eldorado Parkway, the site has been made even more non-conforming.

In addition to the non-conforming elements of the site, one (1) item was considered to constitute a life-safety hazard. The new right-of-way resulted in the existing fuel pumps being located in close proximity to future Eldorado Parkway, in the middle of the fire lane and vehicular maneuverable area of the site, and created a traffic hazard for delivery by fuel trucks.

The old fuel canopy structure was removed by TXDOT because it was located in the expanded right-of-way. The fuel pumps barely escaped the new right-of-way line; however, their present location constitutes a life-safety hazard.

### **TXDOT Settlement**

TXDOT damages in the amount of \$900,000 have been established in this case and are filed with Denton County for the 3,218 square feet of land the State condemned and for damages to the remainder.

In a May 2<sup>nd</sup>, 2012 meeting with the applicant, it was affirmed that the settlement included payment to terminate and remove the fuel storage and delivery system. Per Town ordinance, the fuel pumps and storage tank must abide by the TXDOT settlement.

Following the meeting, the Fire Marshal mailed a certified letter to the applicant to provide notice that the fuel pumps would need to cease operation no later than August 1<sup>st</sup>, 2012. The Fire Marshal has authority to shut down the fuel pumps through the 2009 International Fire Code in addition to Town ordinance.

### **Zoning**

The subject property currently has two (2) independent and primary uses – convenience store and fuel sales. Being zoned Light Commercial (LC) district, the subject property is entitled to a wide variety of retail uses including restaurant, office, and service uses.

If the life-safety hazards (fuel pumps and storage tanks) are cured by the applicant, then the existing convenience store may continue operation if Town Council approves the conceptual site plan, as conditioned by staff.

If the applicant desires to expand the site and operation beyond the grandfathered convenience store operation, then the expansion would have to adhere to modern development regulations, which include an SUP (Specific Use Permit) for fuel sales.

It should be noted that approval of this conceptual site plan will not



negate the requirement for completion of the building permit process upon reconstruction.

### **Precedent**

In the past 30 months, Town Council has approved five (5) different conceptual site plans for properties impacted by TXDOT right-of-way expansion and governed by Town policy. In none of the cases did Council waive standards or allow requests that were considered life-safety issues.

### **Applicant Request**

The applicant is requesting the submitted conceptual site plan, attached, be approved by Council. The proposal revises the existing condition so that only 1 drive cut exists on Eldorado, removes parking on the west side of the building that required backing onto Lobo Lane and interfered with its access drive, provides landscape buffers and trees along the rights-of-way, allows for the monument sign to be relocated, and shifts the internal drive aisle accordingly.

Staff believes that those elements of the proposed conceptual site plan are appropriate for the existing convenience store, do not create any known life-safety hazards, and would be generally aligned with precedent even if the plan does not fully meet modern ordinance.

However, the applicant also requests that one of the existing two fuel pumps be relocated on-site and that a median cut be installed on Lobo Lane. These two items are considered to be life-safety issue, and Staff recommends that both be denied.

Staff believes the existing fuel pumps, damaged and settled by TXDOT, are life-safety hazards, and the Fire Marshal will suspend their operation on August 1<sup>st</sup> unless the applicant voluntarily complies prior.

Additionally, the requested median break on Lobo Lane is considered to be a life-safety hazard. Important to note, this is not an existing condition. It is a new request that does not meet distance separation requirements of the Town and poses a traffic hazard to motorists on Lobo Lane.

### **RECOMMENDED ACTION:**

Staff recommends approval of the proposed conceptual site plan with the following conditions:

1. The applicant shall, per the Fire Marshal's directive, terminate and remove the fuel delivery system in compliance with all applicable State and Town regulations and per the May letter.
2. The applicant shall revise the site plan to remove the

proposed median cut on Lobo Lane. Right-of-way requests are governed by a separate process, and those established policies govern here to prevent unsafe installations.

3. The applicant shall have all signage, civil, and building permit plans approved, subject to review and approval by the Building Official, Town Engineer, and Fire Marshal.
4. Sidewalks, internal drive curbs, and landscaping shall be provided in compliance with Town ordinance, generally to conform with the conceptual site plan.
5. Cross access to the east shall be stubbed out to the property line. An amending plat shall be submitted to dedicate the proposed fire lane and cross access route.
6. A site development permit for the approved improvements shall be applied for by October 1<sup>st</sup> of 2012 and completed by March 1<sup>st</sup> of 2013.
7. Failure to perform by the timeline established by the Fire Marshal's May letter and the condition stated in #6 above will result in revocation of the subject property's CO. The conceptual site plan, as approved conditionally, is a requirement for the site to continue operation.

**TOWN CONTACT:**

Dusty McAfee, AICP – Planning Manager  
Jason Laumer, P.E. – Director of Development Services

**ATTACHMENTS:**

Location Map  
Conceptual Site Plan








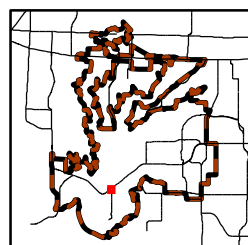
## Location Map

**Town of Little Elm**  
**Denton County, Tx**  
**Date: 6/12/2012**

0 50 100  
 Feet

### Legend

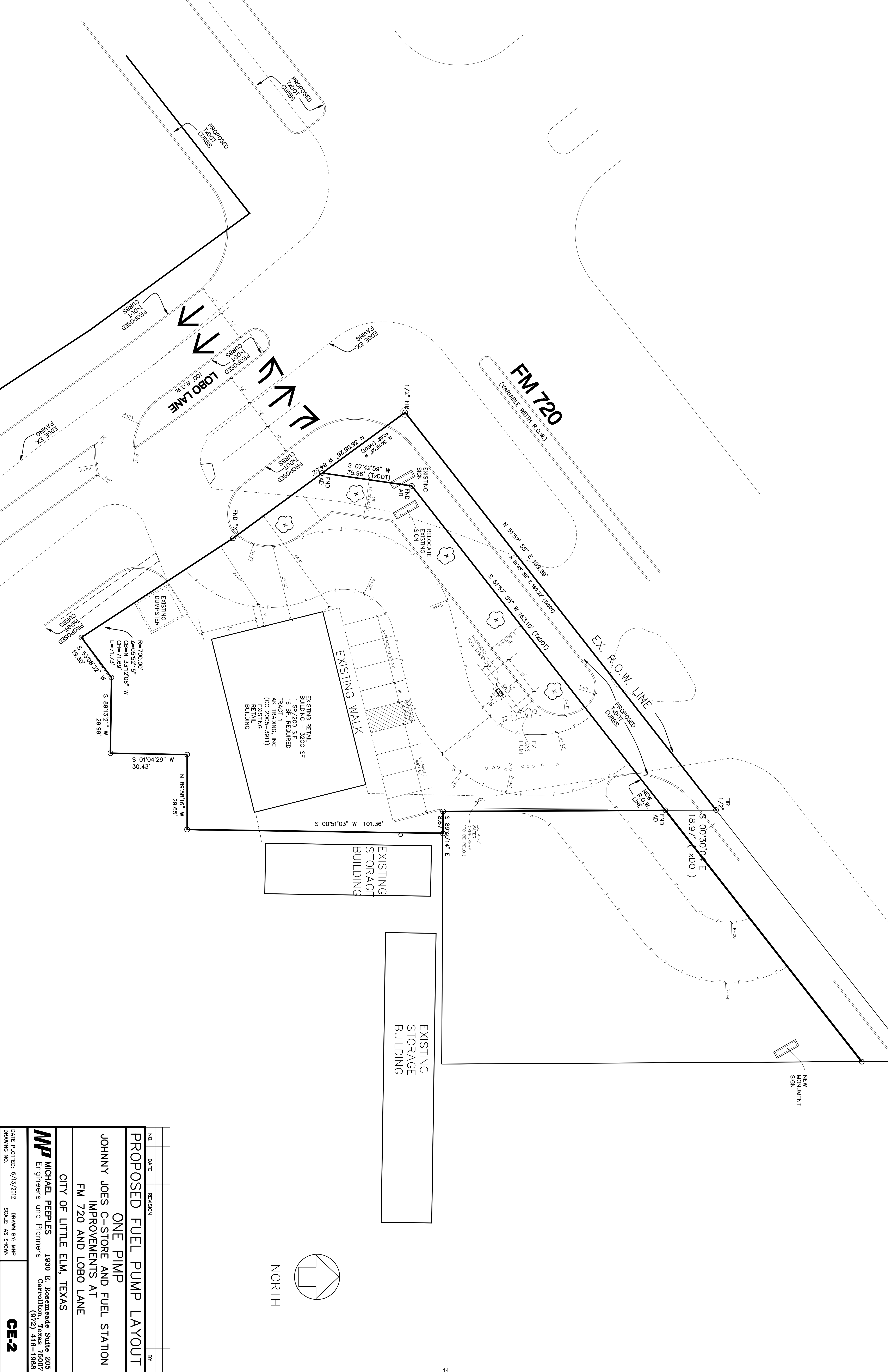
-  Roads
-  Subject Property
-  Parcels 13
-  Town Limits



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# TOWN OF LITTLE ELM

## AGENDA INFORMATION SHEET:

**WORKSHOP DATE:** July 3, 2012

**PROJECT:** Adoption of Ordinance 1106 a Nuisance and Vegetation Ordinance repealing Ordinance 644, amending the Town Code of Ordinances, Part II Chapter 46-Enviromental; Article II; Nuisances and Vegetation.

**DESCRIPTION:** Ordinance 1106 is intended to repeal Ordinance 644, which was adopted by a previous council in 2004, and to make changes that are necessary due to the Town's growth, changes in state statutes, and certain court decisions.

The amendments that are being made include the adding of definition that were not in the original ordinance, modifying definitions to be consistent with definitions in state statutes, re-wording of a certain section to provide clarity, deletion of text to properly indicate assignment of responsibility of the ordinance, provide direction to the town's code enforcement officers, strengthen the authority of the enforcement of the ordinance in the interest of public health and safety, allowing for the request of an administrative hearing through the municipal courts, and codifying the collection of administrative fees for the expenses incurred by the town when filing a lien on properties subject to this ordinance.

**SCHEDULE:** Pending approval

**RECOMMENDED ACTION:** Staff recommends the repealing in its entirety Article II, Chapter 46 "Nuisances and Vegetation" of the Code of Ordinances; and adopting Ordinance 1106, establishing a new Article II, Chapter 46 "Nuisances and Vegetation"; establishing regulations; providing definitions; providing a penalty of fine not to exceed two thousand dollars (\$2,000.00) for each offense and a separate offense shall be deemed committed each day during or on which a violation occurs or continues; providing for the repeal of conflicting ordinances; providing a savings clause; severability clause; providing for an effective date.

**TOWN CONTACT:** Brian Roach, Division Chief of Fire Prevention; 214-975-0424

**ATTACHMENT:** Proposed Ordinance 1106

TOWN OF LITTLE ELM, TEXAS

ORDINANCE NO. 1106

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LITTLE ELM REPEALING IN ITS ENTIRETY ARTICLE II, CHAPTER 46 "NUISANCES AND VEGETATION" OF THE CODE OF ORDINANCES; ESTABLISHING A NEW ARTICLE II, CHAPTER 46 ENTITLED "NUISANCES AND VEGETATION", ESTABLISHING REGULATIONS; PROVIDING DEFINITIONS; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

**SECTION 1.** That the Code of Ordinances of the Town of Little Elm, Texas, and the same is, hereby amended by the repealing of Article II, Chapter 46 "Nuisances and Vegetation" and providing for the adoption of a new Article II, Chapter 46 "Nuisances and Vegetation" to read as follows:

**Sec. 46-19 - Definitions.**

For purposes of this article, the terms set forth below shall have the following meanings, and any words not herein defined shall be construed in the context used and by ordinary interpretation and not as a word of art:

Abate shall mean to eliminate or remedy by removal, repair, rehabilitation, or demolition.

**Comment [BR1]:** Add definition HSC 343.002 (1)

**Formatted:** Font: (Default) Times New Roman, 12 pt, Not Italic, Font color: Auto

*Brush* shall mean scrub vegetation or dense undergrowth.

*Carrion* shall mean the dead and putrefying flesh of any animal, fowl or fish.

*Dump* shall mean to dispose, discharge, place, deposit, throw, leave, sweep, scatter, unload, or toss on or into land or water.

**Comment [BR2]:** Add verblage from HSC 365.011 (6)

*Filth* shall mean any matter in a putrescent state.

*Garbage* shall mean any kitchen refuse, foodstuffs or related material, including all decayable waste, solid waste that is putrescible animal and vegetable waste materials from the handling, preparation, cooking, or consumption of food, including waste materials from markets, storage facilities, and the handling and sale of produce and other food products.

**Comment [BR3]:** Consistent definition with HSC 361.002

*Impure or unwholesome matter* shall mean any putrescible or nonputrescible condition, object or matter which tends to, may or could cause injury, death or disease to human beings.

*Includes* and *including* are terms of enlargement and not of limitation or exclusive enumeration, and use of the terms does not create a presumption that components not expressed are excluded.

*Junk* shall mean all worn out, worthless or discarded material, including but not limited to any of the following materials, or parts of said materials or any combination thereof: new or used iron, steel or nonferrous metallic scrap, brass or waste materials; used and/or inoperative household appliances, household electrical or plumbing fixtures, floor coverings and/or window coverings not currently in use; used lumber, brick, cement block, wire, tubing and pipe, tubs, drums, barrels, and/or roofing material not currently in use; air conditioning and heating equipment not currently in use; used vehicle components and parts not currently in use; used furniture other than that designed for outdoor use or that which would normally be considered as antique furniture; used and/or inoperative residential lawn care equipment and machinery not currently in use; used pallets, windows or doors not currently in use; new or used sheet metal, structural steel and/or chain not currently in use; used and/or inoperable vending machines, radios and/or televisions, or other electronic devices not currently in use; and any other type of used and/or inoperable machinery or equipment not currently in use.

*Matter* shall mean that of which any physical object is composed.

*Nuisance* shall mean any condition, object, material or matter that is dangerous or detrimental to human life or health; or that renders the ground, the water, the air or food a hazard or likely to cause injury to human life or health, or that is offensive to the senses, or that threatens to become detrimental to the public health; and shall include but not be limited to: any abandoned wells, shafts or basements, abandoned refrigerators, stagnant or unwholesome water, sinks, privies, filth, carrion, rubbish, junk, trash, debris or refuse, impure or unwholesome matter of any kind, any objectionable, unsightly, or unsanitary matter of whatever nature.

*Objectionable, unsightly or unsanitary matter* shall mean any matter, condition or object which is objectionable, unsightly or unsanitary to a person of ordinary sensitivities.

*Owner* shall mean any person or entity shown as the property owner on the latest property tax assessment rolls of the town or county, or any person having or claiming to have any legal or equitable interest in the property, or any person claiming, occupying or having supervision or control of any property, including any tenant of the property and any agent who is responsible for managing, leasing or operating the property.



*Person* shall mean any individual, firm, partnership, association, business, corporation, or any other entity recognized at law.

*Property* shall mean all land, occupied or unoccupied, and any improvements located on or within such land, including any building or other structure designed or used for residential, commercial, business, industrial, or religious purposes. The term shall also include a yard, ground, wall, driveway, fence, porch, steps or other structure appurtenant to the land.

*Putrefaction* shall mean decomposition of organic matter resulting in production of foul-smelling matter; or putrefied matter; or the condition of being putrefied.

*Putrescible* shall mean subject to putrefaction.

*Refuse* shall mean heterogeneous accumulation of worn out, used, broken, rejected or worthless materials, including but not limited to garbage, rubbish, paper or litter, and other decayable or nondecayable matter.

*Rubbish* shall mean ~~junk, trash, debris, rubble, stone, useless fragments of building materials, and other miscellaneous, useless waste or rejected matter, non-decayable waste from a public or private establishment or residence.~~

Comment [BR4]: Consistent with HSC 343.002

*Town* shall mean the Town of Little Elm, Texas.

*Trash* and *debris* shall mean all manner of refuse including but not limited to: mounds of dirt; piles of leaves; grass and weed clippings; paper trash; useless fragments of building material; rubble; furniture, other than furniture designed for outside use; items of salvage, such as scrap metal and wood; old barrels; old tires; tree and brush trimmings; and other miscellaneous wastes or rejected matter.

*Vegetative growth* shall mean any grass, weeds, shrubs, trees, brush, bushes, vines, or other plant material.

*Weeds* shall mean any vegetation that because of its height is objectionable, unsightly or unsanitary, excluding: shrubs, bushes and trees, cultivated flowers, and cultivated crops.

**Sec. 46-20. - Prohibited accumulations, dumping, stagnant water, trash, and other unsightly or unsanitary matter declared a nuisance.**

- (a) It is unlawful and declared a nuisance for an owner of property within the corporate limits of the town to permit or allow any stagnant or unwholesome water, sinks, refuse, filth, carrion, weeds, rubbish, brush, ~~refuse~~, trash, debris, junk, garbage, impure or unwholesome matter of any kind, or objectionable or

Comment [BR5]: Duplicated word in list

unsightly matter of whatever nature to accumulate or remain upon such property or within any public easement on or across such property or upon any adjacent public street or alley right-of-way between the property line of such property and where the paved surface of the street or alley begins.

- (b) It shall be unlawful and declared a nuisance for any person to dump, or permit to be dumped, upon or along any drain, gutter, alley, sidewalk, street, park, right-of-way, vacant land, body of water, or any other public or private property within the town, any unwholesome water, refuse, rubbish, trash, debris, filth, carrion, weeds, brush, junk, garbage, impure or unwholesome matter of any kind, or other objectionable or unsightly matter of whatever kind.
- (c) It shall be the duty of the owner of property within the town to keep the sidewalks in front of such property free and clear of all such matter described in subsections (a) and (b), and to fill up, drain, or regrade any such property which shall have stagnant water thereon, and to cleanse and disinfect any such property from refuse, rubbish, trash, filth, carrion, or objectionable, unsightly or unsanitary matter of any kind, or other impure or unwholesome matter of any kind.

**Sec. 46-21. - Weeds, brush, and other objectionable matter.**

- (a) It shall be unlawful for an owner of property within the town to permit weeds, grass, brush, or any objectionable or unsightly matter, to accumulate or grow to a height greater than 12 inches upon such property within 150 feet of any property line of such property which abuts any street right-of-way, alley, utility easement, subdivided property, developed property, or any buildings or other structures. It shall be the duty of such owner to keep the area from the property line of the owner's property to the curbline next adjacent to it, if there is a curbline, and, if not, then to the centerline of any adjacent unpaved street, or to the edge of the pavement of such street, cleared of any of the matter referred to above, and it shall be unlawful for an owner to fail to do so. All vegetative growth (including hay, unless the hay is cultivated on property which has been granted an agricultural property tax exemption on the most recent tax roll as certified by the Denton County appraisal district), except regularly cultivated row crops, which exceed 12 inches in height, shall be presumed to be objectionable and unsightly matter; provided further that regularly cultivated row crops shall not be allowed to grow within the right-of-way of any public street, right-of-way, or easement, nor shall they be allowed to obstruct the necessary view to and from adjacent rights-of-way, but shall be kept mowed as provided herein, and it shall be unlawful to allow the same.
- (b) With respect to property five or more contiguous acres in size, the provisions of this section shall not apply to any part of such property which is greater than 150 feet from any open public street, thoroughfare, or right-of-way, as measured from

~~the right-of-way line of said street, thoroughfare, or right-of-way, and which is greater than 150 feet from any adjacent property under different ownership and on which any building is located or on which any improvement exists, as measured from the property line.~~

**Comment [BR6]:** Deleted old text and reworded for clarification

(a) It shall be unlawful and declared a nuisance for an owner of any property within the town to permit weeds, grass, or any objectionable or unsightly matter, to accumulate or grow to a height greater than 12 inches upon such property within 150 feet of any property line of such property which abuts any street right of way, alley, utility easement, subdivided property, or any buildings or other structures.

a. Exception

- i. Hay which is being cultivated on property that has been granted an agricultural property tax exemption on the most recent tax roll as certified by the Denton County Appraisal District.
- ii. Regularly cultivated row crops; provided such crops shall not be allowed to grow within the right-of-way, or easement; nor shall they be allowed to obstruct the necessary view to and from adjacent right-of-ways.
- iii. Within 10 feet of any property line where the property is zoned agricultural.

(b) It shall be the duty of an owner of property within the town to keep the area from the property line of the owner's property to the curb line adjacent to it or if there is no curb line, then to the centerline of any adjacent unpaved street or the edge of the pavement of such street of any condition or matter deemed a nuisance.

#### Sec. 46-22. - Inspections.

(a) For the purpose of ascertaining whether violations of this article exist, ~~the chief building official of the town, or the building official's designee, or~~ the fire marshal of the town, or the fire marshal's designee, is authorized to enter property at a reasonable time to inspect, investigate, or abate a nuisance or other violation of this article or to enforce this article, in accordance with law. In connection therewith, ~~the chief building official or the fire marshal, as the case may be,~~ must exhibit proper identification to the owner of the property or other appropriate person.

**Comment [BR7]:** Delete to indicate assignment of responsibilities

(b) If an inspection or investigation of property is sought from an owner of property but is refused, ~~the building official or~~ the fire marshal, or ~~their~~ his respective designees, as the case may be, shall have every recourse provided by law, including an injunction to secure entry. If the owner of property cannot be identified or located, ~~the chief building official or~~ the fire marshal, or ~~their~~ his designee, may enter the property to the extent allowed by law. The fire marshal is hereby designated as a code enforcement official of the town to be issued a search



warrant as authorized by Vernon's Ann. C.C.P. art. 18.05, as the same may be amended or superseded.

**Sec. 46-23. - Duty of owner to cut and remove weeds, brush, and unsightly matter.**

It shall be the duty of an owner of property to drain and/or fill any such property or portion thereof which is unwholesome, contains stagnant water, or in any other condition that may produce disease. It shall be the duty of an owner of property to cut and remove all weeds, brush, vegetative growth, and other objectionable or unsightly matter as often as may be necessary to comply with sSection 46-21, and to use every precaution to prevent the same from occurring, growing, or accumulating on such property.

**Sec. 46-24. - Notice of violation and to abate; failure to comply; correction by town.**

- (a) If property within the town is in violation of this article, the town's ~~chief building official or fire marshal, or their~~ his duly appointed designee or representative, may give notice to an owner of property that such property is in violation of this article and the nature of the violation.
- (b) If the owner of property for which such notice has been given does not comply with the terms of this article and the demand for compliance as set forth in the notice within seven days of the notice of a violation, the town may:
  - (1) Do or cause to be done the work or make or cause to be made the improvements required to obtain compliance with this article; and
  - (2) Pay for the work done or improvements made and charge the expenses to the owner of the property. The town shall be entitled to reimbursement of all such expenses. All such expenses incurred in doing or in having such work done shall be a charge to, and a personal liability of, such owner.
- (c) The notice must be given:
  - (1) Personally to the owner in writing;
  - (2) By letter addressed to the owner at the owner's address as recorded in the appraisal district records of the appraisal district in which the property is located; or
  - (3) If personal service cannot be obtained by:
    - a. Publication at least once;
    - b. Posting the notice on or near the front door of each building on the property to which the violation relates; or
    - c. Posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates.

- (d) If notice is mailed to the owner of property in accordance with subsection (b) of this section, and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered as delivered. If notice is returned for reason other than "refused" or "unclaimed" then notice shall be made as stated in (c)(3) of this section.
- (e) In a notice provided under this section, the town may inform the owner of property by regular mail and a posting on the property, or by personally delivering the notice, that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the town, without further notice may correct the violation at the owner's expense and assess the expense against the property. If the violation covered by a notice under this subsection occurs within the one-year period, and the town has not been informed in writing by the owner of an ownership change, then the town without notice may take any action permitted by subsections (b)(1) and (b)(2) of this section and assess its expenses as provided by sSection 46-26

**Comment [BR8]:** Provide direction for officer and provide additional protection of rights of the property owner.

#### Sec. 46-25. - Additional authority to abate nuisance.

- (a) The town may abate, without notice, weeds that:
- (1) Have grown higher than 48-24 inches; and or
  - (2) Are an immediate danger to the health, life, or safety of any person.
- (b) Not later than the tenth day after the date the town abates weeds under this section, the town shall give notice to the property owner in the manner required by sSection 46-24. The notice shall contain:
- (1) An identification, which is not required to be a legal description, of the property;
  - (2) A description of the violations of this article that occurred on the property;
  - (3) A statement that the town abated the weeds; and
  - (4) An explanation of the property owner's right to request an administrative hearing about the town's abatement of the weeds.
- (c) The town shall conduct an administrative hearing before the town zoning board of adjustmentmunicipal courts on the abatement of weeds under this section if, not later than the 30th day after the date of the abatement of the weeds, the property owner files with the town a written request for a hearing.
- (d) An administrative hearing conducted under this section shall be conducted not later than the 20th day after the date a request for a hearing is filed. The owner may testify or present any witnesses or written information relating to the town's abatement of the weeds.

**Comment [BR9]:** Requested change to lower the abatement without notice height

**Comment [BR10]:** Gives the option if proven to be an immediate danger to health, life, or safety it may be abated regardless of height. ?

**Comment [BR11]:** To remove "citizen board" and utilize a "judicial" process... Stewart v. Dallas

- (e) The town may assess expenses and create liens under this section as it assesses expenses and creates liens under [sSection 46-26](#). A lien created under this section is subject to the same conditions as a lien created under [sSection 46-26](#)
- (f) The authority granted the town by this section is in addition to the authority granted by [sSection 46-24](#)

**Sec. 46-26. - Assessment of expenses; lien.**

- (a) Any and all expenses incurred by the town under or pursuant to [sSection 46-24](#) may be assessed against the property on which the work is done or improvements made.
- (b) In order to obtain a lien against the property, the town's mayor, municipal health officer, or municipal official designated by the mayor must file a statement of expenses with the county clerk of the county in which the town is located. The lien statement shall be filed in the real property records of the said county. The lien statement must state the name of the owner, if known, and the legal description of the property. The lien attaches upon the filing of the lien statement with the county clerk.
- (c) The lien obtained by the town is security for the expenditures made and interest accruing at the rate of ten percent on the amount due from the date of payment by the town.
- (d) The town shall charge a \$150.00 (one-hundred dollar) administrative fee for expenses incurred associated with the filing and release of the lien.
- (ed) The lien is inferior only to:
  - (1) Tax liens; and
  - (2) Liens for street improvements.
- (fe) The town attorney may bring a suit for foreclosure in the name of the town to recover the expenditures and interest due.
- (gf) The town attorney may foreclose a lien on property under this section in a proceeding relating to the property brought under V.T.C.A., Tax Code [eCh. 33](#), subch. E as amended or superseded.
- (hg) The statement of expenses or a certified copy of the statement is prima facie proof of the expenses incurred by the town in doing or causing to be done the work or making or causing to be made the improvements.
- (ih) The remedy provided by this section is in addition to any fines or civil penalties that may be assessed.

**Comment [BR12]:** A current fee of \$65.00 is charged. Current fee is not codified, nor does it adequately cover all expenses, including lien filing fees, lien release fees, or time and travel expenses incurred.

**Sec. 46-27. - Enforcement.**

The provisions of this article shall be enforced by the ~~chief building official, or the building official's duly appointed representative, and/or by the~~ fire marshal or the fire



marshal's duly appointed representative, and it shall be unlawful for any person to interfere with or hinder any such person in the exercise of that person's duties under this article.

**Sec. 46-28. - Violation; penalty for failure to comply.**

- (a) It shall be unlawful for any person to violate any provision of this article, and after any period of notice which may be required hereunder, any such violation shall be punishable, upon conviction, by a fine in an amount not to exceed \$2,000.00. A separate offense shall be deemed committed upon each day during or on which a violation or failure to comply occurs or continues to occur. This section shall be in addition to and cumulative of the provisions for abatement of a nuisance by the town and charging the cost of same against the owner of the property.
- (b) Notwithstanding the foregoing, any violation of any provision of this article which constitutes an immediate danger or threat to the health, safety and welfare of the public may be enjoined in a suit brought by the town for such purpose.
- (c) Allegation and evidence of a culpable mental state is not required for the proof of an offense defined by this article.

**Secs. 46-29—46-59. - Reserved.**

**SECTION 2.** If any section, subsection, paragraph, sentence, phrase or work in this ordinance, or application of conflicts with any other Ordinance of The Town of Little Elm, the most stringent shall apply.

**SECTION 3.** If any section, subsection, paragraph, sentence, phrase or work in this ordinance, or application thereof to any person or circumstance is held invalid by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance, and the City Council of the Town of Little Elm, Texas hereby declares it would have enacted such remaining portions despite any such invalidity.

**SECTION 4.** That the repeal of any ordinance or portion of any ordinance thereof by the preceding sections shall not affect or impair any act done or right vested or accrued or any proceeding, suit or prosecution had or commenced in any case before such repeal shall take effect; but every act done, or right vested or accrued, or proceedings, suit or prosecution had or commenced shall remain in full force and effect to all intents or purposes as if such ordinance or part thereof so repealed shall remain in force.

**SECTION 5.** That any person, firm or corporation violating any of the provisions of this ordinance or the Code of Ordinances as amended hereby, shall be guilty of a misdemeanor and

upon conviction in the Municipal Court of the Town of Little Elm, Texas, shall be subject to a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each day such offense is continued shall constitute a new and separate offense.

**SECTION 6.** That this ordinance shall become effective immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

**FRIENDS OF LIBRARY  
REPRESENTATIVE  
TO MAKE  
SCHOLARSHIP PRESENTATION**



**CERTIFICATE OF RECOGNITION**

**THIS CERTIFICATE  
HAS BEEN AWARDED TO  
COLLYN CORNELIOUS**



SUBMITTED PHOTO

Zellers Elementary Incoming fourth-grader Collyn Cornelious was recent named the number one reader in the Little Elm ISD for accumulating over 500 points in the Reading Counts program during third grade.

**FOR BEING NAMED NO. 1 READER  
IN THE SCHOLASTIC READING COUNTS  
PROGRAM AT ZELLARS ELEMENTARY  
2012**

**In official recognition  
whereof, I hereby affix  
my signature this the  
3<sup>rd</sup> day of July 2012.**

\_\_\_\_\_  
**Mayor  
Town of Little Elm, Texas**

THE INDUSTRIAL ASSET MANAGEMENT COUNCIL  
HEREBY AWARDS ITS

**FELLOW**

DESIGNATION TO

**JENNETTE KILLINGSWORTH**

FOR HER STRONG COMMITMENT TO LEADERSHIP WITHIN  
IAMC AND THE CORPORATE COMMUNITY.

  
Mert Livingstone  
IAMC Chair



THIS 24TH DAY OF APRIL, 2012

# The Economic Development Institute

Accredited by the  
International Economic Development Council

Conducted by  
The University of Oklahoma  
College of Continuing Education

Confirms that  
**Jennette Killingsworth**  
has successfully completed the prescribed course of study

And has fulfilled the full requirements of the Regents for Educational Programs, I.E.D.C.

May 2012

Date

James Pappas  
Vice President, University Outreach

Richard W. Little  
Associate Vice President, University Outreach



Lauren H. Bauer  
Dean, OI/CEI

Betty A. Kottman  
Director, OI/CEI



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

**WORKSHOP, PUBLIC HEARING AND REGULAR TOWN COUNCIL MEETING**  
**Tuesday June 19, 2012**

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

1. **Call 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. **NONE**
- d. Discussion on release of employee for time to participate in Special Olympic type events. **Town Manager Doug Peach** stated that this item was requested by Council member Stevens. According to the Employee Manual Section 4.13 Town-Sponsor/Town Sanctioned Events.....The Town encourages employees to participate in community and charitable events. Participation in events will generally not be considered work hours or compensable time. The employee may be authorized to use vacation leave or personal day to participate in these events. If deemed to benefit the Town, and as determined by the Town Manager, participation in Town-sponsored or Town-sanctioned events maybe consideration compensable time. Several members of Town staff have signed up and volunteer for many years. Using either vacation time or personal day. Do not believe that any of these employees have ever questioned being compensated. To volunteer is to give of yourself and our time. After discussion by all council members they were in agreement to using vacation or personal day to participate in this event. However, Doug was directed to look into ways the Town can give of its self also. Such as possible sponsorship.
- e. Presentation of monthly updates from department heads: **Development Services Director Jason Laumer** reported to Council that the Grand Opening of the new RacTrac was this Thursday morning at 10:30 a.m. The Mansion Estates had obtained a building permit, the McCord Park construction would likely start in August. Little Elm Eye Care would be building next to Lakeside Dental Office across from Castleridge. Building permits for the month were up and in Health Services Mike Green was doing a great job. The Lobo Lane Project would be closing out in the next couple of months. **Parks Director Tony Chrisman** informed Council of the Ribbon Cutting for the

newly opened Brenda Button Mills Senior Center scheduled for Saturday July 28<sup>th</sup> formal invitations would be sent out soon. Town Manager Doug Peach reported for EDC Director Jennette Killingsworth: at the EDC Board meeting on June 11<sup>th</sup> the board directed Jennette to move forward on the demolition of the Red Carpet Restaurant. The sign will be taken down for preservation as directed by council; not sure at this time how will be used. Doug also reminder every one of the RacTrac Grand Opening Thursday June 21<sup>st</sup> at 10:30 a.m.

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

2. **Presentations and Announcements:**

- a. Public Works Director Kevin Mattingly and Municipal Coordinator Robert Medigovich with CWD recognized and presented certificate to Francine Kruzitski recipient of the 2012 Greater Dallas Fort Worth Recycling Alliance's (GDFWRA) Volunteer of the Year award.
- b. Municipal Coordinator Robert Medigovich represented Public Works Director Kevin Mattingly with a Certificate of Merit for the Town of Little Elm and CWD for Outstanding Recycling Partnership.
- c. Presentation to Jennette Killingsworth EDC Executive Director was pulled until future agenda.

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

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

5. **Pledge to the Flags:**

- a. United States Flag
- b. Texas Flag

6. **Public Hearing and Action:** A request for a Specific Use Permit for a Temporary Batch Plat on approximately 2.07 acres of land, generally located at the northwest corner of FM 423 and Sunflower Drive, currently zoned PD-SF (Single Family).

- a. **Staff Report:** Dusty McAfee Planning Manager informed the Council that a temporary batch plant requires Council approval, via resolution, per Chapter 106 of the Little Elm Code of Ordinances. The requested batch plant is for the construction of Sunset Pointe, Phase 22 and 23, and is proposed to be in operation for approximately one (1) month. Council has approved temporary batch plants in recent years for reconstruction of Lobo Lane and for Eldorado Estates West, Phase 3. The State heavily regulates batch plants in terms of air quality, site fencing, and other safety concerns. The applicant's TCEQ operational permits are pending approve by the State. If Council approves the

use of the temporary batch plant, it will reduce the number of heavy trucks driving the residential streets of Sunset Pointe, reduce the cost of concrete by up to 50%, and reduce the time of construction. The hours of operations would follow Town regulations. Access to the site would be accomplished via Marlin Drive. Staff and the Planning and Zoning Commission recommend approval of this request.

- b. Opened Public Hearing **at 6:21 p.m.**
- c. Receive Public Comments. **NONE**
- d. Closed Public Hearing **at 6:21 p.m.**
- e. Upon motion by Council member Stevens and second by Council member Gerard the members **voted 5-0** to approve Resolution No. 06191201 a Resolution of the Town of Little Elm allowing for a Temporary Concrete Batch Plant on approximately 2.07 acres of land, currently zoned Single Family District (PD-SF), generally located at the Northwest Corner of FM 423 and Sunflower Drive, Little Elm, Denton County, Texas; providing an effective date.

7. **Public Comments:** **NONE**

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

- a. **Minutes** of the June 5, 2012 Workshop, Public Hearing and Regular Meeting.
- b. **Minutes** of the June 12, 2012 Special Meeting.
- c. **Final Plat** Paloma Creek South, Phase 9B from Pettitt Barraza LLC, generally located at the northeast corner of Villa Paloma Boulevard and Hawk Valley Drive, in the Town's ETJ.
- d. **Interlocal Agreement** between the Town of Little Elm and Denton County for Tax Collections for a term of one (1) year beginning October 1, 2012 through September 30, 2013 with an automatic renewal of an additional one (1) year term at the discretion of the County and the Town.
- e. **Interlocal Cooperative** Agreement for Shared Governance Communications & Dispatch Services System between Denton County and the Little Elm Police Department for the amount of \$86,506.00 expiring September 30, 2012.
- f. **Interlocal Cooperative** Agreement for Shared Governance Communications & Dispatch Services System between Denton County and the Little Elm Fire Department for the amount of \$18,031.00 expiring September 30, 2012.
- g. **Re-appoint** Holly Fox as Alternate Municipal Court Judge for the Town of Little Elm and authorize Town Manager to execute Letter of Agreement for same.

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

- a. Upon motion by Council member Cornelious and second by Council member Shoemaker the members **voted 5-0** to award contract to the audit firm of Weaver LLP as the Town's auditors to audit financial statements for the fiscal



period ending September 30, 2012 and 2013 with consideration of maintaining their audit services for three (3) consecutive optional one year renewal periods.

- b. Upon motion by Council member Gerard and second by Council member Cornelious the members **voted 5-0** to approve Construction Change Order # 6 in the amount of \$65,464.00 for the Town's Lobo Lane Project to Quality Excavation, Ltd. of Aubrey, Texas and authorize the Town Manager to execute the same.

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

- a. Town Secretary Monthly Report for May 2012.
- b. Development Services Monthly Report for May 2012.
- c. Public Works Monthly Report.
- d. Thank You-Laurie McKee.

11. Adjourned Work Shop and Regular Meeting **at 6:34 p.m.**

Respectfully,

\_\_\_\_\_  
Town Secretary

**Passed and Approved this \_\_\_\_\_ day of \_\_\_\_\_ 2012.**

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

**SPECIAL TOWN COUNCIL MEETING**  
**Tuesday June 26, 2012**

**Present:** Curtis Cornelious Mayor Pro-tem, Council members Richard Stevens, Stephanie Shoemaker, and Brandon Gerard. **Newly elected members** David Hillock Mayor, and Council members Curtis Cornelious, Chip Norman and Katie Gipson. **Absent:** Charles Platt Mayor and Council member Bill Roebken. **Staff:** Doug Peach, Kathy Phillips, Alan Dickerson, Jason Laumer, Jennette Killingsworth, Kevin Mattingly, Dee Dee Hale, Tony Chrisman, Joe Florentino, and Leslie Smith.

1. Roll Call/Called to Order Special Meeting **at 6:00 p.m.**
2. Upon motion by Council member Gerard and second by Council member Stevens the members **voted 4-0** to approve Resolution No. 06261201 a Resolution of the Town Council of the Town of Little Elm, Texas canvassing the returns and declaring the results of the Runoff Election held in the Town of Little Elm on June 23, 2012, for the purpose of electing a Mayor for a three (3) year term; (1) Council member for Place 3 for a three (3) year term; (1) Council member to Place 4 for the remainder of an unexpired (3) three year term; and (1) Council member to Place 5 for a three (3) year term; making other declarations and finding other matters in connection with said elections as set forth herein; finding that all matters set forth herein are true and correct; providing for an effective date. **Mayor David Hillock, Place 3 Curtis Cornelious, Place 4 Chip Norman, and Place 5 Katie Gipson.**
3. **Certificate of Election:** Mayor Pro-tem Curtis Cornelious issued Certificate of Election to newly elected Mayor David Hillock. Mayor David Hillock issued Certificate of Election to newly elected Council members Place 3 Curtis Cornelious, Place 4 Chip Norman, and Place 5 Katie Gipson.
4. **Statement of Elected Officer and Oath of Office:** Town Secretary Kathy Phillips sworn in newly elected officers Mayor David Hillock and Council members Place 3 Curtis Cornelious, Place 4 Chip Norman and Place 5 Katie Gipson.
5. Adjourned Special Meeting **at 6:15 p.m.**

Respectfully,

  
Town Secretary

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

# TOWN OF LITTLE ELM

## AGENDA INFORMATION SHEET:

### COUNCIL

**MEETING DATE:** July 3, 2012

**PROJECT:** Main Street Well (Construction Contract) Close Out

**DESCRIPTION:** The Main Street Irrigation Well Construction Contract is complete. The Project Engineer and Town Staff have conducted a final inspection. All items identified during the inspection have been corrected. The contractor has submitted a final payment application.

The project consists of drilling and completing a 150 gpm Paluxy Formation Irrigation Well (1225 feet deep), discharge and yard piping, fencing around site, electrical system, connection to the existing irrigation system, and trench excavation protection. This well project was included within the approved 2011 utility fund budget and will provide for year round restriction free irrigation to protect the Town's assets on Lobo Lane, Main Street, and Little Elm Park.

On Tuesday, February 15, 2011 the Town awarded the construction contract for the Main Street Irrigation Well to Central Texas Water Well of Bowie, Texas in the amount of three hundred eighty thousand seven dollars and zero cents (\$380,007.00). Change Order #1 included in this close out reduces the final contract to \$356,491.00 from contingency not needed during project.

**COST:** \$47,276.20

**FUNDING:** Acct. Name & No  
Main Street Irrigation Well  
612-6728-76-16

**SCHEDULE:** The contract is to be closed out.

**RECOMMENDED**



**ACTION:** Staff recommends Town Council authorize Change Order #1 and a final payment of \$47,276.20 to Central Texas Water Well of Bowie, Texas to close out the Town's Main Street Irrigation Well Construction Contract and authorize the Town Manager to execute the same.

**TOWN CONTACT:** Jason W. Laumer, P.E.  
Director of Development Services  
[JLaumer@littleelm.org](mailto:JLaumer@littleelm.org)  
(214) 975-0473

**ATTACHMENTS:**

1. Final Pay Calculation
2. Punch List
3. Affidavit of Bills Paid

**TOWN OF LITTLE ELM**

**MSW #612-76-16**

**MAIN STREET IRRIGATION WELL**

**(AT THE INTERSECTION OF MAIN ST AND BUTTON ST)**

**PUNCH LIST**

**March 15, 2012**

**IRRIGATION WELL**

- 1) Contractor to provide coupling where 4" pipe and temporary hose was connected.
- 2) Contractor to re-grade drive approach.
- 3) Contractor to sand and prime all caps on pipe supports.
- 4) Contractor to paint exposed piping.
- 5) Contractor to provide final clean-up of site.

**ELECTRICAL**

- 1) Contractor shall cut roof screws flush with canopy roof or replace with shorter screws.
- 2) PVC wrapped conduit is not equivalent to the PVC coated conduit specified. Remove PVC tape from conduits between enclosures. RGS is acceptable for those conduits.
- 3) Control wiring to Mission Communications unit is incomplete. Connect Start/Stop command circuit and output contacts as discussed on site.

**MISCELLANEOUS**

- 1) Provide this office with As-Builts.
- 2) Provide this office an affidavit of bills paid with the final pay request for the project.
- 3) Provide training to Town staff when both irrigation wells (Main St and Lobo Ln) are complete and operational.
- 4) Provide this office with a final well production report.

**ITEMS OF NOTE**

- 1) The Town of Little Elm will provide a two year warranty inspection and will send Central Texas Water Well in writing any items deemed to be addressed, including but not limited to pump failure, concrete failures, etc.



**T.B.P.E. #F-8632**

**700 Highlander Blvd., Suite 177  
Arlington, TX 76015**

817.522.1000 PHONE  
www.TRCsolutions.com

April 18, 2012

Mr. Jason Laumer, P.E.  
Director of Development Services  
Town Engineer  
Town of Little Elm  
100 West Eldorado Parkway  
Little Elm, Texas 75068

Re: MSIW #612-76-16 Main Street Irrigation Well  
Town of Little Elm  
"Contractor's Affidavit of Bills Paid"

Dear Mr. Laumer:

Please find enclosed the Affidavit of Bills Paid from Central Texas Water Well regarding the above referenced project.

If you have any questions regarding this information, please feel free to contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Thomas".

Justin Thomas, P.E.  
Project Engineer

Enclosure



CONTRACTOR'S AFFIDAVIT OF BILLS PAID

STATE OF TEXAS

COUNTY OF Montague

Personally, before me the undersigned authority, on this day appeared Nelson Thomas, who, being duly sworn on oath, says that he is a legal representative of Central Texas Water Well and that the contract for the construction of the project, designated as

**TOWN OF LITTLE ELM**

**MAIN STREET IRRIGATION WELL**

has been satisfactorily completed and that all bills for materials, apparatus, fixtures, machinery and labor used in connection with the construction of this project have, to the best of my knowledge and belief, been fully paid.

Nelson Thomas  
Signature

Owner  
Title

Sworn to and subscribed before me this 6 day of April, 2012.



Cheri A Storrs  
Notary Public in and for  
Montague County, Texas



T.B.P.E. #F-8632

700 Highlander Blvd., Suite 177  
Arlington, TX 76015

Please Place in Projecto

Date 6-22-2012

Account Number  
612-6728-76-16

*final pay est.*

*DC 6-25-12*

June 20, 2012

Mr. Jason W. Laumer, P.E.  
Director of Development Services/Town Engineer  
Town of Little Elm  
100 West Eldorado Parkway  
Little Elm, Texas 75068

Re: Main Street Irrigation Well  
MSIW #612-76-16  
Pay Request No. 7 - Final

Dear Mr. Laumer:

Enclosed for consideration by the Town is the 7th partial and final pay estimate in the amount of \$47,276.20. It is recommended that payment be made at the Town's earliest convenience. The quantities have been reviewed by Town staff and this office. Please sign all four (4) copies and return one to this office and one to Central Texas Water Well.

If there are any questions or if you need additional information, please feel free to contact this office.

Sincerely,

Justin Thomas, P.E.  
Project Engineer

cc: Nelson Thomas, CTWW

Attachments



## PAYMENT APPLICATION # 7 FINAL

PROJECT:	<u>Main Street Irrigation Well</u>	PROJECT NUMBER
OWNER:	<u>Town of Little Elm, Texas</u>	<u>MSIW 612-76-16</u>
CONTRACTOR:	<u>Central Texas Water Well</u>	
ENGINEER:	<u>TRC Engineers, Inc.</u>	<u>175298</u>

PAYMENT PERIOD FROM: 2/3/2012 TO 5/18/2012

## SUMMARY OF PAYMENT APPLICATIONS VALUES FROM ATTACHED TABULATIONS

Original Contract Amount	\$	380,007.00
Approved Change Orders	\$	(23,516.00)
Current Contract Amount	\$	356,491.00
Total Value of Original Contract Performed	\$	340,473.00
(Attachment "A" consisting of __ pages)		
Extra Work on Approved Change Orders	\$	16,018.00
(Attachment "B" consisting of __ pages)		
Materials on Hand	\$	-
(Attachment "C" consisting of __ pages)		
Total Value of Work to Date	\$	356,491.00
Total Value of Work this Period	\$	-
Less Amount Retained this Period	\$	-
Less Amount Retained at 10 %	\$	-
Net Amount Earned on Contract	\$	356,491.00
Less Amount of Previous Payments	\$	309,214.80
<b>BALANCE DUE THIS STATEMENT</b>	\$	47,276.20
Percentage of Contract Paid to Date		86.74%

The undersigned Contractor certifies that all work, including materials on hand, covered by this Periodical Payment has been completed and delivered and stored in accordance with the Contract Documents, that all amounts have been paid by him for work, materials, and equipment for which previous Periodical Payments were issued and received from the Owner, and that the current payment shown herein is now due.

Contractor: Central Texas Water WellBy Nelson ThomasDate: 5/20/12Subscribed and sworn to before me this 20 day of May 2012Notary Public: Cheri StorrsMy Commission expires: January 26, 2015CHERI A STORRS  
My Commission Expires  
January 26, 2015Recommended for Payment by  
Town Consultant  
Firm TRC Engineers, Inc.By Just 7/11 6-20-2012  
DateApproved for Payment by  
Town EngineerBy \_\_\_\_\_  
DateApproved for Payment by  
OWNER - Town InspectorBy B. B. B. 6-11-12  
DateApproved for Payment by  
Capital Improvement Project ManagerBy \_\_\_\_\_  
Date



LITTLE ELM

#7

ATTACHMENT "A"

PAYMENT APPLICATION

TABULATION OF VALUES FOR ORIGINAL CONTRACT WORK PERFORMED

PROJECT:

Main Street Irrigation Well

OWNER:

Town of Little Elm, Texas

CONTRACTOR:

Central Texas Water Well

ENGINEER:

TRC Engineers, Inc.

PROJECT NUMBER

MSIW 612-76-16

175298

PAYMENT PERIOD FROM:

2/3/2012

TO

5/18/2012

PAYMENT APPLICATION # 7 FINAL

ITEM NO.	DESCRIPTION OF ITEM	QUANTITY ORIGINAL ESTIMATE	UNIT OF MEASURE	UNIT PRICE	TOTAL CONTRACT AMOUNT	QUANTITY THIS ESTIMATE	WORK COMPLETED FROM PREVIOUS ESTIMATE	BALANCE OF MATERIALS ON HAND	TOTAL VALUE OF WORK COMPLETED	% OF WORK COMPLETE
WW.1	Drill Test Hole (1.125 ft)	1	LS	\$ 39,200.00	\$ 39,200.00	0	1	0	\$ 39,200.00	100%
WW.2	Water Supply Well	1	LS	\$212,500.00	\$ 212,500.00	0.1	0.9	0	\$ 212,500.00	100%
WW.3	Discharge Piping, Slab, Meters, Valves	1	LS	\$ 9,110.00	\$ 9,110.00	0	1	0	\$ 9,110.00	100%
WW.4	8" Irrigation Main	1	LS	\$ 9,750.00	\$ 9,750.00	0	1	0	\$ 9,750.00	100%
WW.5	8" Reinf. Concrete Pavement	85	SY	\$ 180.00	\$ 15,300.00	0	1	0	\$ 15,300.00	100%
WW.6	8" Tall Chain Link Fence	1	LS	\$ 4,879.00	\$ 4,879.00	1	0	0	\$ 4,879.00	100%
WW.7	Electrical	1	LS	\$ 45,327.00	\$ 45,327.00	0.17	0.83	0	\$ 45,327.00	100%
WW.8	Add or Deduct Test Hole Depth	(93)	LF	\$ 15.00	\$ (1,395.00)	0	0	0	\$ (1,395.00)	0%
WW.9	Add or Deduct 8 5/8" Surface Line	(43)	LF	\$ 16.00	\$ (688.00)	0	0	0	\$ (688.00)	0%
WW.10	Add or Deduct 4 1/2" Blank Liner	(18)	LF	\$ 12.00	\$ (216.00)	0	0	0	\$ (216.00)	0%
WW.11	Add or Deduct 4 1/2" Bar Lug Screen	(20)	LF	\$ 40.00	\$ (800.00)	0	0	0	\$ (800.00)	0%
WW.12	Add or Deduct Pump Discharge Column	0	LF	\$ 10.00	\$ -	0	0	0	\$ -	0%
WW.13	Add or Deduct Number of Pump Stages	0	LF	\$ 100.00	\$ -	0	0	0	\$ -	0%
WW.14	SWPPP	1	LS	\$ 50.00	\$ 50.00	1	0	0	\$ 50.00	100%
WW.15	Contingency	1	LS	\$ -	\$ -	0	0	0	\$ -	0%
A.1	Mission Controls at Cottonwood Well	1	LS	\$ 7,456.00	\$ 7,456.00	1	0	0	\$ 7,456.00	100%
TOTAL FOR PAGE / PROJECT					\$ 340,473.00				\$ 340,473.00	





ATTACHMENT "B"  
PAYMENT APPLICATION  
TABULATION OF VALUES FOR APPROVED CHANGE ORDERS

PROJECT:	Main Street Irrigation Well	PROJECT NUMBER	
OWNER:	Town of Little Elm, Texas	MSIW 612-76-16	
CONTRACTOR:	Central Texas Water Well		
ENGINEER:	TRC Engineers, Inc.		

PAYMENT PERIOD FROM:		2/3/2012		TO		5/18/2012		PAYMENT APPLICATION # 7 FINAL		
ITEM NO.	DESCRIPTION OF ITEM	QUANTITY ORIGINAL ESTIMATE	UNIT OF MEASURE	UNIT PRICE	TOTAL CONTRACT AMOUNT	QUANTITY THIS ESTIMATE	WORK COMPLETED FROM PREVIOUS ESTIMATE	BALANCE OF MATERIALS ON HAND	TOTAL VALUE OF WORK COMPLETED	% OF WORK COMPLETE
CO.1	Installation of VFD	1	LS	\$ 16,018.00	\$ 16,018.00	1	0	0	\$ 16,018.00	100%
TOTAL FOR PAGE / PROJECT					\$ 16,018.00				\$ 16,018.00	

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**ATTACHMENT "C"**  
**PAYMENT REQUEST**

**TABULATION OF VALUES FOR MATERIALS ON HAND**

<b>PROJECT:</b>	<u>Main Street Irrigation Well</u>	<b>PROJECT NUMBER</b>	
<b>OWNER:</b>	<u>Town of Little Elm, Texas</u>	<b>MSIW 612-76-16</b>	
<b>CONTRACTOR:</b>	<u>Central Texas Water Well</u>		
<b>ENGINEER:</b>	<u>TRC Engineers, Inc.</u>		

**PAYMENT PERIOD FROM:** 2/3/2012 **TO** 5/18/2012 **PAYMENT APPLICATION #** 7 FINAL

ATTACHMENT "A" OR "B" ITEM NO.	TOTAL SCHEDULED VALUE	NAME OF SUPPLIER	INVOICE NO.	TOTAL INVOICE AMOUNT THIS ESTIMATE	TOTAL STORED MATERIAL AT LAST PAY ESTIMATE	AMOUNT INSTALLED TO DATE	BALANCE OF MATERIALS ON HAND
TOTAL FOR PAGE / PROJECT							



**ATTACHMENT "D"**  
**PAYMENT APPLICATION**  
**PROJECT SUMMARY**

<b>PROJECT:</b>	<u>Main Street Irrigation Well</u>	<b>PROJECT NUMBER</b>
<b>OWNER:</b>	<u>Town of Little Elm, Texas</u>	<u>MSIW 612-76-16</u>
<b>CONTRACTOR:</b>	<u>Central Texas Water Well</u>	
<b>ENGINEER:</b>	<u>TRC Engineers, Inc.</u>	<u>175298</u>

**PAYMENT PERIOD FROM:** 2/3/2012 **TO** 5/18/2012

Payment Application #.: 7 FINAL

**CONTRACT TIME SUMMARY**

Date of Notice to Proceed	<u>3/28/2011</u>	
Original Contract Duration	<u>210</u>	Days
Original Date of Contract Substantial Completion	<u>9/23/2011</u>	
Original Date of Contract Final Completion	<u>10/23/2011</u>	
Approved Time Extensions	<u>0</u>	Days
Current Contract Duration	<u>210</u>	Days
Current Date of Contract Substantial Completion	<u>9/23/2011</u>	
Current Date of Contract Final Completion	<u>10/23/2011</u>	
 Days Charged to Project to Date	 <u>418</u>	 Days
Days Remaining in Contract	<u>-208</u>	Days
Percent of Current Project Duration	<u>199%</u>	
 Current Scheduled Completion Date	 <u>Substantially</u>	
Project is (Ahead/Behind) Schedule	<u>Complete</u>	

**CONTRACT COST SUMMARY**

Original Contract Amount	\$ 380,007.00
Approved Change Orders	\$ (23,516.00)
Current Contract Amount	\$ 356,491.00
Contract Earnings to Date on Original Contract	\$ 340,473.00
Earnings on Approve Change Orders	\$ 16,018.00
Materials on Hand	\$ -
Total Current Project Amount Earned	\$ 356,491.00
Percent of Contract Earned to Date	<u>100.00%</u>
Retainage	\$ -
Amount Paid to Date	\$ 309,214.80
Percent of Contract Paid Including THIS Payment Application to Date	<u>100.00%</u>

# **TOWN OF LITTLE ELM AGENDA INFORMATION SHEET:**

**COUNCIL MEETING DATE: July 3, 2012**

**PROJECT: Appointment of Mayor Pro-tem**

**DESCRIPTION: Each year after the May Election or June Runoff Election the Town Council appoints a Council Member to serve as Mayor Pro-tem for a one year period. In case of the failure, inability or refusal of the mayor to act, the Mayor Pro-tem shall perform the duties of the Mayor. If both the Mayor and the Mayor Pro-tem are absent, any council member may be appointed to preside at the Town Council Meeting.**

**COST: N/A**

**FUNDING: N/A**

**SCHEDULE: Immediately after adoption of Resolution**

**RECOMMENDED  
ACTION:**

**Approval of Resolution No. 07031201 appointing a Mayor Pro-tem for a one year term of office.**

**BOARD CONTACT:**

**COUNCIL CONTACT:**

**ATTACHMENTS: Resolution No. 07031201**

**CONTACT: Kathy Phillips, Town Secretary 214-975-0404**



**TOWN OF LITTLE ELM  
DENTON COUNTY, TEXAS**

**RESOLUTION NO. 07031201**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN  
OF LITTLE ELM, TEXAS, APPOINTING A MAYOR PRO-TEM  
FOR A ONE YEAR TERM OF OFFICE, PROVIDING FOR AN  
EFFECTIVE DATE.**

**BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LITTLE ELM,  
TEXAS;**

**Section 1.** That the Town Council has determined and does hereby declare that appointment of a Mayor Pro-tem, an officer of the Town shall be appointed by the Town Council. Mayor Pro-tem shall hold his/her office for one year. In case of the failure, inability or refusal of the Mayor to act, the Mayor Pro-tem shall perform the duties of the Mayor. If both the Mayor and the Mayor Pro-tem are absent, any council member may be appointed to preside at the Town Council Meeting, L.G.C. Section 22.037.

**Section 2.** This Resolution No. 07031201 shall become effective after its adoption.

**Section 3.** At the Town Council Meeting of July 3, 2012 the Town Council upon motion by Council member \_\_\_\_\_ and second by Council member \_\_\_\_\_ the members voted \_\_\_\_\_ to appoint Council member \_\_\_\_\_ to serve as Mayor Pro-tem.

**PASSED AND APPROVED BY THE TOWN COUNCIL, OF THE TOWN OF  
LITTLE ELM, TEXAS on this 3<sup>rd</sup> day of July 2012.**

\_\_\_\_\_  
Mayor  
Town of Little Elm, Texas

Attest:

\_\_\_\_\_  
Town Secretary