

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

WORKSHOP PUBLIC HEARINGS AND REGULAR TOWN COUNCIL MEETING
Tuesday January 19, 2016

Present: David Hillock Mayor, Council members Michael McClellan, James Dominy, Neil Blais, Chip Norman, Nick Musteen, and Stephanie Shoemaker. **Staff:** Robert Brown, Matt Mueller, Doug Peach, Joe Florentino, Kathy Phillips, Karla Stovall, Jason Laumer, Jennette Killingsworth, Chad Hyde, Kevin Mattingly, Brian Roach, Rodney Harrison, and Greg Wilkerson.

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

- a. Invocation:
- b. Items to be withdrawn from Consent Agenda: Items ***B, C, D and F will discuss under item (i).***
- c. Emergency Items if posted. ***None***
- d. Request by the Town Council for items to be placed on a future agenda for discussion, and recognition of excused absences. ***Council member Shoemaker*** asked that the Hands-free communication device ordinance be placed on future Workshop regarding possible modification at traffic signals.
- e. Presentation: GCRE, TX will be providing an update on the Main Marketplace Development Project: ***Representatives were not in attendance*** to give presentation.
- f. Discussion regarding amendment to Union Park Development Agreement with presentation by Hillwood Communities: ***Director of Development Services Jason Laumer*** informed Council that Staff is working with Hillwood Communities on an amendment to the development agreement on Union Park. This amendment is due to the possible inclusion of additional tracts of land to be added within Town's ETJ and eventually Town Limits, from the ETJ of the Town of Prosper and ETJ encumber with agreement between the Town and the City of Aubrey. The development agreement exhibits would need to be updated due to this possible addition which was allowed within the current development agreement. Hillwood/Union Park representatives gave council a brief presentation on the expanded areas and incentives that would be added to the development i.e. open space roadways and size of lots. The minimum house being constructed on average is \$314,000. Would like to add patio home's as these seem to be in demand.
- g. Discussion regarding The Lakefront in Little Elm Logo Concepts: ***Town Manager Matt Mueller*** gave Council three (3) types of designs for the Lakefront Logo, after discussion by council the need to have Little Elm on the logo was desired. The Lakefront needs to be tied back to the town; we need that for outside advertising. Once here you know you are inside the town. We need to brand the district and make its own destination. Council consensus was the third option with fewer sun

rays and add waving sun lines, Little Elm to be placed in bottom right hand corner with color pallet to be decided later.

- h. Presentation of monthly updates from department heads: **Director of Development Services Jason Laumer** informed council that 1105 permits were issued for 2015. **Assistant Town Manager Joe Florentino** that on Wednesday December 13th a contractor hit a 6" high pressure gas line. Little Elm FD along with Little Elm PD and Public Works set up command post on scene to handle operations on the scene and the rush hour traffic situation since west bound Eldorado Parkway had to be shut down. Lake Cities and Frisco Fire Department assisted both on the scene and handling several emergency calls throughout the Town.
 - i. Council to highlight items on the agenda needing further discussion or comments prior to the regular session. **Consent item B: Town Planner Lisa Reich** informed council of the different situation regarding Final Plat for a Storage Facility and SUP or PD for Storage Facility. The plat is located in a Limited Purpose Annexation area on 380 and as long as meets building code, staff cannot control the zoning on the property. Whereas the rezoning case is in the town limits of Little Elm and requires a SUP or PD adopted by Council in order to construct. **Consent item C: Chief of Police Rodney Harrison** informed council that the Tahoe vehicles are in high demand and no guaranteed; the wait time is 8-12 months for delivery. We searched other options such as Ford SUV and Dodge SUV they either did not had space needed or did not meet the basic specks needed. The Dodge Charger seems to be the best seller, good on longevity and been around for years. There is also a base price savings. We will be consistent in color scheme and brand. As we grow it be a mixed fleet, some of the Tahoe's will have a presence for the next four years. We just cannot wait 8-12 months for adding new fleet. **Consent item D: Town Manager Matt Mueller** informed council that three years ago the town went out on their own and hired a consultant to prepare a Hazard Mitigation Plan to file with FEMA. The one with the county more administrative already been approved by FEMA and COG; just a little outdated and staff can work on the tweaking the changes once adopted by council. **Consent item F: Town Manager Matt Mueller** asked that this item be pulled as developer will not be in attendance. New partner added to development so new agreement/ amendment needed. Council to pull from the consent agenda until further information received.
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

4. **Presentations:**

- a. Presentation: Mayor Hillock read and presented Proclamation of Recognition to Emily Taylor honoring her for her dedicated service to the animals within the care of the Little Elm Animal Shelter.
- b. Presentation: Mayor Hillock read and presented Proclamation of Recognition to members of the Frisco Lone Star High School Football Team congratulating them for their advancing to the 2015 UIL Class 5A Division II State Championship game.
- c. Presentation: Proclamation proclaiming the month of January 2016 as School Board Members Recognition Month. (Deputy Town Manager Doug Peach attended school board meeting and read and presented proclamation to the board)

5. **Public Comments:** *None*

- 6. Upon motion by Council member McClellan and second by Council member Blais the members **voted 7-0** to approve the consent agenda as presented with exception of item (f).
 - a. **Minutes** of the January 5, 2016 Workshop, Public Hearing and Regular Meeting.
 - b. **Final Plat** for Shops at Sunset Pointe, Lots 3 & 4, Block A, from Cates-Clark & Associates, LLP, generally located east of FM 423 and 415 feet north of Woodlake Parkway, within Little Elm town limits.
 - c. **Authorize** purchase of Police Vehicles and equipment from Dodge City, Applied Concepts, Inc., Watch Guard, Main Street Signs & Graphics and Defender Supply for an amount not to exceed \$242,522.60. (VERF)
 - d. **Resolution No. 01191601** a Resolution of the Town of Little Elm adopting the Denton County Hazard Mitigation Plan, January 2016.
 - e. **Approve** Consent to the decertification of the Town's sewer CCN that lies within the extraterritorial jurisdiction of the City of Hackberry and authorize the Town Manager to execute for same.
 - f. Upon motion by Council member Norman and second by Council member Dominy the members **voted 7-0 to table** the Assignment of Amended and Restated Chapter 380 Economic Development Program and Performance Agreement between the Town of Little Elm, Texas, Little Elm Economic Development Corporation, GCRE/TX Main Marketplace, LLC, and LCAR Main Market LLC.
 - g. **Authorize** partial retainage release payment of \$73,972.65 to Quality Excavation, Ltd. of Aubrey, Texas for the Town's Beard Park Site Work Construction Contract, and authorize the Town Manager to execute the same.
- 7. **Public Hearing:** on to consider rezoning of approximately 9.0283 acres of land from Light Commercial (LC) to Planned Development-Light Commercial (PD-LC) to allow for retail and self-storage uses, generally located at the northeast corner of FM 423 and Little Elm Parkway, within Little Elm town limits.

- a. Staff Comments: **Director of Development Services Jason Laumer** stated the proposed PD is located on an approximately 9.283 acres site currently zone Light Commercial (LC), situated south of Goody Goody Liquor Store and east of Brakes Plus and Quick Trip. In addition, the components of Victory at Creekside are currently being constructed along FM 423, to the southwest of the subject property. Eldorado Estates lies to the east, separated by a drainage easement and a future hike and bike trail. Self-Storage uses are not permitted in the Light Commercial district without permission from Council. The proposed PD is sought to allow the self-storage use in addition to modifying the screening requirement along the future hike and bike trail. The Applicant is requesting that council continue the public hearing and adoption of Ordinance until the February 2nd meeting. Staff and developer to continue working on.
 - b. Opened Public Hearing **at 7:34 p.m.**
 - c. Citizen Comments: **Jonathan Vinson** 2323 Ross Avenue, Suite 600, Dallas, Texas representative for the property request for postponement to the February 2nd meeting will be working with staff. **Mike Wooten** 2432 Dove Creek Drive, Little Elm representing Eldorado Estates III HOA as their properties ties into the development we want to make sure our property values are protected. Consider height of wall at Crestridge in regards to the height of building. The wall should be uniform as the one constructed for Goody Goody. **Mark Hickman** 3094 County Road 1024 Farmersville owner of property to south stated he was not in favor or against just that a requirement of cross access in utilities be made as was provided for Victory at the Creek development thru the properties to the north and south.
 - d. Upon motion by Council member Blais and second by Council member Norman the members **voted 7-0** to continue Public Hearing until the February 2, 2016 meeting.
 - e. Upon motion by Council member McClellan and second by Council member Blais the members **voted 7-0 table** Ordinance No. 1312 an Ordinance of the Town of Little Elm, Texas amending the Comprehensive Zoning Ordinance of the Town of Little Elm, Texas, herefore amended, by changing the zoning on approximately 9.283 acres of land generally located at the northeast corner of FM 423 and Little Elm Parkway from Light Commercial District (LC) to Planned Development District with Light Commercial Base Zoning (PD-LC) to allow for self-storage and retail uses, providing a saving clause; correcting the official zoning map; providing a penalty; providing a severability clause; providing a repealer clause; and providing an effective date.
8. **Public Hearing:** to amend Ordinances Nos. 1255 and 1258 concerning Reinvestment Zone Number Five, Town of Little Elm, Texas, established pursuant to Chapter 311 of the Texas Tax Code, by amending and changing the boundaries and size of Tax Increment Financing Reinvestment Zone Number Five, Town of Little Elm, Texas, to exclude from the zone an approximately 63.85 acre and 38.62 acre tracts of land both of which are located within the Marsella Jones Survey, Abstract No. 662, Denton County, Texas and include within the zone an approximately 13.765 acre and 7.35 acre tracts of land both are which are located within the Marsella Jones Survey, Abstract No. 662, Denton County Texas.

- a. Staff Comments: **Director of Development Service Jason Laumer** informed Council that Staff has been working on a series of de-annexations and agreements that would amend and change the boundaries of Tax Increment Reinvestment Zone Number Five (TIRZ). This tax increment reinvestment zone five (TIRZ#5) area is located around E. University Drive (US 380) and Oak Grove Parkway (FM 720). Jason provided exhibits that reflects the boundaries to help with reinvestment within the zone. Staff recommending approval of Ordinance with designated amended boundaries of TIRZ.
- b. Opened Public Hearing **at 7:45 p.m.**
- c. Citizen Comments: **None**
- d. Closed Public Hearing **at 7:45 p.m.**
- e. Upon motion by Council member Shoemaker and second by Council member Dominy the members **voted 7-0** to adopt Ordinance No. 1310 an Ordinance of the Town Council of the Town of Little Elm, Texas, amending Ordinance Nos. 1255 and 1258 concerning Reinvestment Zone Number Five, Town of Little Elm, Texas, established pursuant to Chapter 311 of the Texas Tax Code, by amending and changing the boundaries and size of Tax Increment Financing Reinvestment Zone Number Five, Town of Little Elm, Texas, as described and depicted in Exhibit E of this Ordinance, which is attached hereto and incorporated herein for all purposes, to exclude from the zone an approximately 63.85 acre and 38.62 acre tracts of land both of which are located within the Marsella Jones Survey, Abstract No. 662, Denton County, Texas, as described and depicted in Exhibits A and B of this Ordinance; and include within the zone an approximately 13.765 acre and 7.35 acre tracts of land both of which are located within the Marsella Jones Tract, Abstract No. 662, Denton County, Texas, as described and depicted in Exhibits C and D of this Ordinance; providing a severability clause; and providing for an effective date.

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

10. Public Hearing to amend Ordinance Nos. 1256 and 1259, by approving an amendment to the Reinvestment Zone Number Five, Town of Little Elm, Texas, Final Project and Financing Plan, by decreasing the size of Tax Increment Financing Reinvestment Zone Number Five, Town of Little Elm, to exclude an approximately 63.85 acre tract and an approximately 38.62 acre tract of land from said zone, and by increasing the size of Tax Increment Zone Financing Investment Zone Number Five, Town of Little Elm, to include an approximately 13.765 acre tract and an approximately 7.35 acre tract of land within said zone.

- a. Staff Report: **Director of Development Services Jason Laumer** informed Council that Staff has been working on a series of de-annexations and agreements that would amend and change the boundaries of Tax Increment Reinvestment Zone Number Five (TIRZ). This tax increment reinvestment zone five (TIRZ#5) area is

located around E. University Drive (US 380) and Oak Grove Parkway (FM 720). That Staff as asking for approval on the proposed ordinance with the amended final project and financing plan for TIRZ #5. The plan will show the potential tax increments available for reinvestment.

- b. Opened Public Hearing *at 7:49 p.m.*
- c. Citizen Comments: *None*
- d. Closed Public Hearing *at 7:49 p.m.*
- e. Upon motion by Council member Musteen and second by Council member Norman the members *voted 7-0* to adopt Ordinance No. 1311 an Ordinance of the Town of Little Elm, Texas amending Ordinance Nos. 1256 and 1259, by approving an amendment to the Reinvestment Zone Number Five, Town of Little Elm, Texas, Final Project and Financing Plan, by decreasing the size of the Tax Increment Financing Reinvestment Zone Number Five, Town of Little Elm, to exclude an approximately 63.85 acre tract and an approximately 38.62 acre tract of land from said zone, and by increasing the size of Tax Increment Financing Reinvestment Zone Number Five, Town of Little Elm, to include an approximately 13.765 acre tract and an approximately 7.35 acre tract of land within said zone; providing a severability clause; providing a repealer clause; and providing for an immediate effective date.

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

- a. Upon motion by Council member Norman and second by Council member Dominy the members *voted 7-0* to approve Interlocal Agreement between the Town of Prosper, The Town of Little Elm, and the City of Aubrey for the allocation of Extraterritorial Jurisdiction, and Development Agreement between the Town of Prosper and Hillwood Enterprises, L.P. and authorize the Town Manager to execute agreement for the same.
- b. Upon motion by Council member Blais and second by Council member Musteen the members *voted 7-0* to approve Task Order for design of Dickson Road and Hill Lane Water Line Improvements between the Town of Little Elm and Pacheco Koch, LLC for the amount of \$140,095.00 and authorize the Town Manager to execute a contract for the same.

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

- a. Town Secretary Monthly Report for December 2015.
- b. Development Services Monthly Report for December 2015.
- c. Public Works Monthly Report for December 2015.
- d. Police Department Monthly Reports for December 2015.
- e. Fire Department Monthly Reports for December 2015.
- f. Parks, Recreation and Library Monthly Reports for December 2015.
- g. Letter of Thanks to Little Elm Professional Firefighters Association.

13. Council convened in Executive Session *at 7:57 p.m.* pursuant to Texas Government Code:

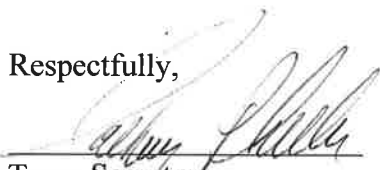
- Section 551.071 for private consultation with the Town Attorney to seek legal advice with respect to pending and contemplated litigation and including all matters on this agenda to which the Town Attorney has a duty under the Texas Rules of Discipline and Professional conduct regarding confidential communication with the Town Council.
- Section 551.072 to discuss certain matters regarding real property.
- Section 551.076 to discuss security matters.
- Section 551.087 to discuss Economic Development.

14. Reconvened into Open Session *at 9:07 p.m.* Discussion and consideration to take any action necessary as the result of the Executive Session.

- 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. ***No Action Taken***
- Section 551.072 to discuss certain matters regarding real property. ***No Action Taken***
- Section 551.076 to discuss security matters. ***No Action Taken***
- Section 551.087 to discuss Economic Development. ***No Action Taken***

15. Adjourned Work Shop and Regular Meeting *at 9:08 p.m.*

Respectfully,


Town Secretary

Passed and Approved this 2nd day of February 2016.