



**WORKSHOP & REGULAR MEETING
OF THE TOWN COUNCIL**

Tuesday, March 1, 2022

6:00 PM

Little Elm Town Hall

100 W Eldorado Parkway, Little Elm, TX 75068

1. **Call to Order Council Workshop at 6:00 p.m.**
 - A. Invocation.
 - B. Pledge to Flags.
 - C. Items to be Withdrawn from Consent Agenda.
 - D. Emergency Items if Posted.
 - E. Request by the Town Council for Items to be Placed on a Future Agenda for Discussion and Recognition of Excused Absences.
 - F. Presentation of Monthly Updates.
 - G. Town Council to Highlight Items on the Agenda Needing Further Discussion or Comments Prior to the Regular Session.

2. **Workshop.**

- A. Present and Discuss the **Charter Review Committee.**

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

4. **Public Comments**

Persons may address the Town Council on any issue. This is the appropriate time for citizens to address the Council on any concern whether on this agenda or not. In accordance with the State of Texas Open Meeting Act, the council may not comment or deliberate such statements during this period, except as authorized by Section 551.072, Texas Government Code.

5. **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. Consider Action to Approve the **Minutes from the February 15, 2022, Regular Town Council Meeting.**
- B. Consider Action to Approve the **Minutes from the February 22, 2022, Town Council and EDC Retreat.**
- C. Consider Action to Approve **Planning & Zoning Commissioner Removal and Appointments.**
- D. Consider Action to Approve a **Partnership Agreement between Little Elm Cricket Association and Town of Little Elm.**
- E. Consider Action to Approve **Amendment #3 to the Interlocal Cooperation Agreement between the Town of Little Elm, the City of Frisco, and the Texas Department of Transportation for the Operation and Maintenance of Traffic Signals.**
- F. Consider Action to Approve a **Proposed Task Order with Dunaway Associates, LP (Engineering Design Services Contract) for the Little Elm Park Campground Improvements Project in an amount not to exceed \$269,975 and Authorize the Town Manager to Execute the Contract.**

6. **Public Hearings.**

- A. Hold a Public Hearing, Present, Discuss, and Consider Action on **Ordinance No. 1661 Regarding a Request to Rezone Approximately .344 Acres at 108 Hardwicke Lane, Legally Known as Lot 11, Block H, Little Elm Townsite from Single Family A1 (A1) to Lakefront District (LF).**

- **Open Public Hearing:**
- **Receive Public Comments:**
- **Close Public Hearing:**
- **Take Action on Ordinance No. 1661:**

7. **Convene in Executive Session pursuant to Texas Government Code:**

- Section 551.071 for private consultation with the Town Attorney to discuss the COVID-19 pandemic and municipal authority to respond to the COVID-19 outbreak and 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 551.074 of the Texas Government Code to discuss and deliberate personal matters to evaluate performance duties, of a public officer or employee(s).
- Section 551.076 to discuss security matters.
- Section 551.087 to discuss Economic Development.

8. **Reconvene into Open Session**

Discussion and consideration to take any action necessary as the result of the Executive Session:

- COVID-19 Pandemic and the Town's response thereto, including the consideration of an emergency declaration ordinance.
- Section 551.071 for private consultation with the Town Attorney to discuss the COVID-19 pandemic and municipal authority to respond to the COVID-19 outbreak and 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 551.074 of the Texas Government Code to discuss and deliberate personal matters to evaluate performance duties, of a public officer or employee(s).
- Section 551.076 to discuss security matters.
- Section 551.087 to discuss Economic Development.

9. **Adjourn.**

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 214-975-0452 two days prior to the meeting so appropriate arrangements can be made.
BRaille IS NOT PROVIDED.

Respectfully,

Town Secretary

This is to certify that the above notice was posted on the Town's website this 25th day of February 2022 before 5:00 p.m.



Date: 03/01/2022
Agenda Item #: 2. A.
Department: Administrative Services
Strategic Goal: Maintain operational integrity and viability
Staff Contact: Caitlan Biggs, Director of Administrative Services/Town Secretary

AGENDA ITEM:

Present and Discuss the **Charter Review Committee**.

DESCRIPTION:

According to Section 15.02 of the Town's Charter, a charter review committee shall be established and appointed by Town Council at least every two (2) years from the date that the prior charter review committee concluded its operations. Additionally, this committee shall be composed of not fewer than seven (7) residents of the Town.

At the October 19, 2021, Town Council meeting, Town Council appointed the following individuals to the Charter Review Committee:

- Jeremy Bolden
- Claudia Fields
- Brent Hagenbuch
- Marlow Hooper
- Amy Kangoroti
- Vanessa Lee
- Ron Trees

The committee met on Tuesday, January 11, 2022. Since the Town Charter was previously amended in May 2021, and cannot be amended until May 2023, the committee had no recommendations.

During discussions, the committee asked Town staff to research the possibility of changing the General Election date from May to November. Town staff will update Town Council on the findings of this research.

BUDGET IMPACT:

There is no budget impact for this item.

RECOMMENDED ACTION:

Information only, no action required.



Date: 03/01/2022
Agenda Item #: 5. A.
Department: Administrative Services
Strategic Goal: Maintain operational integrity and viability
Staff Contact: Caitlan Biggs, Director of Administrative Services/Town Secretary

AGENDA ITEM:

Consider Action to Approve the **Minutes from the February 15, 2022, Regular Town Council Meeting.**

DESCRIPTION:

The minutes from the February 15, 2022, regular Town Council meeting are attached for approval.

BUDGET IMPACT:

There is no budget impact for this item.

RECOMMENDED ACTION:

Staff recommends approval.

Attachments

Minutes - February 15, 2022

DRAFT

Minutes
Town of Little Elm
100 W Eldorado Parkway
Little Elm, Texas 75068
214-975-0404
<http://www.littleelm.org>

REGULAR TOWN COUNCIL MEETING **TUESDAY FEBRUARY 15, 2022 - 6:00 p.m.**

Present: Mayor Curtis J. Cornelious; Mayor Pro Tem Neil Blais; Council Member Jamell Johnson; Council Member Tony Singh; Council Member Lisa Norman; Council Member Jeremy Lukas; Council Member Michael McClellan

Staff Present: Caitlan Biggs, Director of Administrative Services/Town Secretary; Joe Florentino, Assistant Town Manager; Matt Mueller, Town Manager; Chad Hyde, Director of Community Services; Doug Peach, Deputy Town Manager; Fred Gibbs, Director of Development Services; Jason Shroyer, Director of Public Works; Kate Graham, Assistant to the Town Manager; Kelly Wilson, Chief Financial Officer; Paul Rust, Fire Chief; Michael Martin, Town Attorney; Rodney Harrison, Police Chief; Erin Mudie, Managing Director of Communications/PIO; Jennette Espinosa, Executive Director, Economic Development Corporation; Wesley Brandon, Town Engineer

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

Meeting was called to order at 6:00 p.m.

A. Invocation.

Council Member Jeremy Lukas gave the invocation.

B. Pledge to Flags.

C. Items to be Withdrawn from Consent Agenda.

None.

D. Emergency Items if Posted.

None.

E. Request by the Town Council for Items to be Placed on a Future Agenda for Discussion and Recognition of Excused Absences.

Council Member Tony Singh stated that residents in his district asked about a refund for the suspension of CWD services for the ice days last week. Town Manager Matt Mueller gave an update in the next item.

- F. Presentation of Monthly Updates.

Town Manager Matt Mueller discussed the suspension of services for CWD on Thursday and Friday during the ice event last week. He stated that while there was a week delay, nothing was missed due to CWD making arrangements to pick up the additional trash that was next to the polycarts on the curbs the following Thursday and Friday. He stated that this is consistent with surrounding cities and that none of them are considering rebates. He stated that a rough estimate of the total cost our residents pay before taxes is approximately \$4.16 per week.

Council Member Jamell Johnson gave an update on the progress of the Veteran's Committee Task Force.

- G. Town Council to Highlight Items on the Agenda Needing Further Discussion or Comments Prior to the Regular Session.

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

3. Public Comments

Persons may address the Town Council on any issue. This is the appropriate time for citizens to address the Council on any concern whether on this agenda or not. In accordance with the State of Texas Open Meeting Act, the council may not comment or deliberate such statements during this period, except as authorized by Section 551.072, Texas Government Code.

None.

4. 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.

Motion by Council Member Michael McClellan, seconded by Council Member Jamell Johnson ***to approve the Consent Agenda.***

Vote: 7 - 0 - Unanimously

- A. Consider Action to Approve the **Minutes from the February 1, 2022, regular Town Council Meeting.**
- B. Consider Action to Approve the **Minutes from the February 8, 2022, Joint Town Council & EDC Meeting.**

- C. Consider Action to Approve **Resolution No. 0215202201 Adopting the Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet and Authorize the Town Manager to Sign All Participation and Release Forms.**
 - D. Consider Action to **Authorize the Town Manager to Sign the Teva Subdivision Release Form for Texas Participating Subdivisions in the Teva Texas State-Wide Opioid Settlement Agreement.**
 - E. Consider Action to Approve a **Professional Services Agreement with Hidell and Associates Architects, to Provide Design, Bid and Construction Phase Services for the Expansion of the Public Works Service Center and Wastewater Treatment Laboratory in an Amount not to Exceed \$202,100.**
 - F. Consider Action to Approve **Ordinance No. 1659 Providing for the Addition of a New Article VII, Stormwater Protection; Providing for a Penalty for the Violation of this Ordinance; Providing for Repealing, Savings, and Severability Clauses; Providing for an Effective Date and a Publication of the Caption.**
 - G. Consider Action to Approve **Resolution No. 0215202202 for the Submission of a Grant Application to the Officer of Governor for the FY23 Victim Assistance, General Victim Assistance Direct Services Program.**
 - H. Consider Action to Approve **The Lawn at The Lakefront™ Logo.**
 - I. Consider action to Approve the **Final Acceptance of the Crescent Lake Retaining Wall Project.**
5. **Public Hearings.**
- A. Hold a Public Hearing, Present, Discuss, and Consider Action on **Ordinance No. 1660 Regarding a Request to Rezone Approximately 38.465 Acres of Land, Currently Zoned as Agriculture (AG) and Light Commercial (LC), Generally Located South of East University Drive (US 380), Approximately 2,500 Feet East of Providence Boulevard, in Order to Establish a New Planned Development District, to Allow the Development of a New Single Family Residential Subdivision in Connection with the Spiritas Ranch Planned Development.**

Open Public Hearing:

Receive Public Comments:

Close Public Hearing:

Take Action on Ordinance No. 1660:

Director of Development Services Fred Gibbs gave an overview of the item in the attached presentation.

Open Public Hearing: 6:14pm

Receive Public Comments:

Close Public Hearing: 6:15pm

Motion by Mayor Pro Tem Neil Blais, seconded by Council Member Tony Singh **to approve Ordinance No. 1660.**

Vote: 7 - 0 - Unanimously

6. Reports and Requests for Town Council Consideration.

- A. Present, Discuss, and Consider Action on a **Request for a Variance from Section 107 - Subdivision Ordinance, for CEC Witt Addition on Approximately 1.385 Acres, Situated in the H. Kendal Survey, Abstract No. 713, within Little Elm's Town Limit, in Order to Allow a Two-Year Grace Period for Requirements Listed Under Section 107.08.01 (b) - Adequate Public Facilities.**

Director of Development Services Fred Gibbs gave an overview of the item in the attached presentation. Town Engineer Wesley Brandon stated the reasons for staff's denial of the variance request based on the access to the Town's utility system and ordinance requirement.

Motion by Mayor Pro Tem Neil Blais, seconded by Council Member Lisa Norman **to deny the variance request.**

Vote: 7 - 0 - Unanimously

7. Convene in Executive Session pursuant to Texas Government Code:

- Section 551.071 for private consultation with the Town Attorney to discuss the COVID-19 pandemic and municipal authority to respond to the COVID-19 outbreak and 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 551.074 of the Texas Government Code to discuss and deliberate personal matters to evaluate performance duties, of a public officer or employee(s).
- Section 551.076 to discuss security matters.
- Section 551.087 to discuss Economic Development.

Town Council entered into Executive Session at 6:29pm.

8. Reconvene into Open Session

Discussion and consideration to take any action necessary as the result of the Executive Session:

- COVID-19 Pandemic and the Town's response thereto, including the consideration of an emergency declaration ordinance.
- Section 551.071 for private consultation with the Town Attorney to discuss the COVID-19 pandemic and municipal authority to respond to the COVID-19 outbreak and 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 551.074 of the Texas Government Code to discuss and deliberate personal matters to evaluate performance duties, of a public officer or employee(s).
- Section 551.076 to discuss security matters.
- Section 551.087 to discuss Economic Development.

Town Council reconvened into Open Session at 6:42pm. No action was taken.

9. **Adjourn.**

Meeting was adjourned in honor of Robert Ming, Councilman and former Mayor of Laguna Niguel, CA at 6:43pm.

Respectfully,

Caitlan Biggs
Town Secretary

Passed and Approved this 1st day of March 2022.



Date: 03/01/2022
Agenda Item #: 5. B.
Department: Administrative Services
Strategic Goal: Maintain operational integrity and viability
Staff Contact: Caitlan Biggs, Director of Administrative Services/Town Secretary

AGENDA ITEM:

Consider Action to Approve the **Minutes from the February 22, 2022, Town Council and EDC Retreat.**

DESCRIPTION:

The minutes from the February 22, 2022, Town Council and EDC retreat are attached for approval.

BUDGET IMPACT:

There is no budget impact for this item.

RECOMMENDED ACTION:

Staff recommends approval.

Attachments

Minutes - February 22, 2022

DRAFT

Minutes
Town of Little Elm
100 W Eldorado Parkway
Little Elm, Texas 75068
214-975-0404
<http://www.littleelm.org>

REGULAR TOWN COUNCIL MEETING TUESDAY FEBRUARY 22, 2022 - 6:00 p.m.

Present: Mayor Curtis J. Cornelious; Mayor Pro Tem Neil Blais; Council Member Jamell Johnson; Council Member Lisa Norman; Council Member Jeremy Lukas; Council Member Michael McClellan; P&Z Vice Chair Ron Trees; P&Z Alternate Danny Weakley; P&Z Alternate Tom Ocelli; P&Z Commissioner Stephen Horn; P&Z Commissioner Brent Thibeaux; P&Z Chair Michael Bell; P&Z Commissioner Robert Martin

Absent: Council Member Tony Singh; P&Z Commissioner Brent Hagenbuch; P&Z Commissioner Brian Rawlins

Staff Present: Caitlan Biggs, Director of Administrative Services/Town Secretary; Matt Mueller, Town Manager; Doug Peach, Deputy Town Manager; Fred Gibbs, Director of Development Services; Jennette Espinosa, EDC Executive Director; Kate Graham, Assistant to the Town Manager; Olga Chernomoretz, Planning Manager; Brian Salvesen, Planner

1. Call to Order Retreat at 6:00 p.m.

Meeting was called to order at 6:03 p.m.

2. Public Comments

Persons may address the Town Council on any issue. This is the appropriate time for citizens to address the Council on any concern whether on this agenda or not. In accordance with the State of Texas Open Meeting Act, the council may not comment or deliberate such statements during this period, except as authorized by Section 551.072, Texas Government Code.

None.

3. Discussion regarding the roles and responsibilities of the Planning & Zoning Commission and review of the Town's Strategic Plan.

4. Adjourn.

Meeting adjourned at 7:59 p.m.

Respectfully,

Caitlan Biggs

Town Secretary

Passed and Approved this 1st day of March 2022.



Date: 03/01/2022
Agenda Item #: 5. C.
Department: Development Services
Strategic Goal: Promote and expand Little Elm's identity
Staff Contact: Fred Gibbs, Director of Development Services

AGENDA ITEM:

Consider Action to Approve **Planning & Zoning Commissioner Removal and Appointments.**

DESCRIPTION:

The Planning and Zoning Commission Appointment Committee recommends the following removals/appointments:

Planning & Zoning Commissioner removal is as follows:

Brian Rawlins - P&Z, Place 2 (term expires 2/28/2022). Commissioner did not re-apply.
Brent Hagenbuch - P&Z Place 1 (term expires 2/28/24). Commissioner stepped down due to another commitment.

Planning & Zoning Commission and Board of Adjustments alternates to be placed as P&Z members:

Tom Ocelli - P&Z Place #1 Term Expiration 2/28/2024
Danny Weakley - P&Z Place #2 Term Expiration 2/28/2025

Planning & Zoning Commission members re-appointed as follows:

Michael Bell - P&Z Place 5 (term expires 2/28/2025)
Ron Trees - P&Z Place 6 (term expires 2/28/2025)
Brent Thibeaux- P&Z Place 4 (term expires 2/28/2025)

Planning & Zoning Commission and Board of Adjustments alternates new appointments as follows:

Jack Skinner - P&Z/BOA Alternate Place 8 (term expires 2/28/2025)
Chip Norman - P&Z/BOA Alternate Place 9 (term expires 2/28/2025)

BUDGET IMPACT:

This item has no budget impact.

RECOMMENDED ACTION:

The P&Z Appointment Committee recommends approval.



Date: 03/01/2022
Agenda Item #: 5. D.
Department: Community Services
Strategic Goal: Maximize community recreation and leisure activities
Staff Contact: Chad Hyde, Director of Community Services

AGENDA ITEM:

Consider Action to Approve a **Partnership Agreement between Little Elm Cricket Association and Town of Little Elm.**

DESCRIPTION:

The Little Elm Cricket Association is offering a partnership with the Town for recreational services via cricket to both youth and adults in Little Elm and surrounding areas to be played on the cricket pitch at Brent fields.

The attached agreement includes the following:

- The Little Elm Cricket Association must at their own cost, obtain and keep in force public liability insurance, per the Town's insurance policy.
- The Little Elm Cricket Association must establish specific sport season(s) and provide to the Town.
- The association must acknowledge that use of the Brent fields by recognized local youth associations for practices and games will take precedence over requests for cricket usage.
- All requests must be submitted in writing to the Town designee before usage takes place.
- The Little Elm Cricket Association agrees to follow all Town rules, policies, and codes in regards to utilization of parks and athletic facilities.
- The terms of the agreement shall expire on December 31, 2022. The Town reserves the right to discontinue the agreement at its discretion with a 10-day written notice.

BUDGET IMPACT:

There is no budget impact for this item.

RECOMMENDED ACTION:

Staff recommends approval.

Attachments

Agreement



LITTLE ELM PARTNERSHIP AGREEMENT

DATE: February 23, 2022

BETWEEN: Partner – Little Elm Cricket Association; Babu Venkatachalapathy

Partner – Town of Little Elm (Town)

TERMS OF AGREEMENT:

1. The Town of Little Elm will officially recognize the Little Elm Cricket Association as partner in offering recreational services via cricket to both youth and adults in Little Elm and the surrounding areas. This agreement is contingent on all of the below listed terms being completed.
2. The Little Elm Cricket Association must at their own cost, obtain and keep in force public liability insurance for the purpose of protecting the sports organization (and its officials, servants, representatives and employees and/or volunteers) from any and all claims for damages to property and/or injury to person (including death) which may arise from and/or out of the sports organization's use and/or occupation of town premises, and any incidents related thereto. All insurance shall be issued by a company duly authorized to conduct business in the State of Texas. This General Liability Insurance Policy must have at least \$1,000,000 coverage, and the Town of Little Elm must be listed as an Additional Insured.
3. The Little Elm Cricket Association must establish specific sport season(s) and send these to the Town each year. The association must acknowledge that use of the Brent fields by recognized local youth associations for practices and games will take precedence over requests for cricket usage. All requests for usage must be submitted in writing to the Recreation Manager or their designee and approved before usage takes place.
4. The Little Elm Cricket Association agrees to follow all Town of Little Elm rules, policies, and codes in regards to utilization of parks and athletic facilities by athletic organizations.
5. The terms and conditions of this agreement shall expire on December 31, 2022. At this time, a new agreement(s) shall be put in place each year for the partnership.
6. The Town of Little Elm reserves the right to discontinue this partnership at its discretion with a 10 day written notice.

SIGNED:

DocuSigned by:
A blue ink signature of Babu Venkatachalapathy.
BB4BCA726F6B48F...

Partner

President

Title

2/23/2022 | 10:33 PM CST

Date

Town of Little Elm

Title

Date



Date: 03/01/2022
Agenda Item #: 5. E.
Department: Development Services
Strategic Goal: Ensure excellence in public services while keeping up with the growth in the community
Staff Contact: Wesley Brandon, Town Engineer

AGENDA ITEM:

Consider Action to Approve **Amendment #3 to the Interlocal Cooperation Agreement between the Town of Little Elm, the City of Frisco, and the Texas Department of Transportation for the Operation and Maintenance of Traffic Signals.**

DESCRIPTION:

The Texas Department of Transportation (TxDOT) currently owns several traffic signals within the Town that are located on the state highway system, which are then maintained by the City of Frisco through an existing Interlocal Cooperation Agreement. This agreement is amended from time to time when new traffic signals are installed.

The purpose of this agreement is to add two (2) new traffic signals on FM 423 that are planned to be installed by TxDOT within the next year. These signals are located at Smotherman Road and Martin Way.

This Amendment #3 is identical to the amendment previously approved on December 21, 2021. After Amendment #2 was approved, TxDOT found that there was already an Amendment #2 in place. This amendment also removes a reference to the Town of Prosper.

BUDGET IMPACT:

There is no budget impact for this item as TxDOT will reimburse the City of Frisco for the cost to maintain the State-owned signals.

RECOMMENDED ACTION:

Staff recommends approval.

Proposed Amendment

STATE OF TEXAS §

COUNTY OF TRAVIS §

**AMENDMENT TO VOLUNTARY INTERLOCAL COOPERATION AGREEMENT
FOR THE OPERATION AND MAINTENANCE OF TRAFFIC SIGNALS
Amendment Number 3**

THIS INTERLOCAL AMENDMENT It is made by and between the State of Texas acting by and through the Texas Department of Transportation, (TxDOT), the City of Frisco and the Town of Little Elm (Local Government), and shall become effective when fully executed by both parties.

It is mutually understood and agreed by and between the undersigned contracting parties to the above numbered Interlocal Contract to amend the contract as follows:

AGREEMENT

Article 4 – Compensation (a) shall be voided in its entirety and replaced with the following:

Article 4 – Compensation (a) The maximum amount payable under this Agreement is **\$87,654.00** per year.

Exhibit 1-A shall be voided in its entirety and replaced with the attached EXHIBIT 1-B.

Exhibit 2-A shall be voided in its entirety and replaced with the attached EXHIBIT 2-B.

All other terms and conditions of the above numbered Interlocal Contract not hereby amended remain in full force and effect.

ADMINISTRATOR – CITY OF FRISCO

By George Purefoy Date 02/02/2022
AUTHORIZED SIGNATURE
Name George Purefoy
TYPED OR PRINTED NAME
Title City Manager
TYPED OR PRINTED TITLE

ADMINISTRATOR – TOWN OF LITTLE ELM

By _____ Date _____
AUTHORIZED SIGNATURE
Name Matt Mueller
TYPED OR PRINTED NAME
Title Town Manager
TYPED OR PRINTED TITLE

THE STATE OF TEXAS

By _____ Date _____
Mohamed K Bur, P.E.
Dallas District Engineer

EXHIBIT 1-B

Signalized intersections on State Highways located within the Town of Little Elm

1. FM 423 at FM 720
2. FM 720 at FM 720 (West Connector)
3. FM 720 at Lobo Lane
4. FM 720 at Fire Station Emergency Signal
5. FM 720 Clark/Harwicke
6. FM 720 at Hart Road
7. FM 720 at Wynfield Drive
8. FM 720 at Preston on the Lakes Blvd. (4th Street)
9. FM 720 at Witt Road/Woodlake
10. FM 720 at Little Elm Connector (East Connector)
11. FM 720 at Sunland Park Drive/Pine Trail Pk.
12. FM 720 at Hill Lane
- 13. FM 423 at Martin Way**
- 14. FM 423 at Smotherman Road**

EXHIBIT 2-B

REIMBURSEMENT CALCULATION WORKSHEET

Signals shall be reimbursed at **\$6,261.00** per intersection per year

Calculations: Locations x 14 = **\$87,654.00**

The total amount payable per year = **\$87,654.00**

Exact amount paid to the Performing Agency will be based upon whether a monthly, quarterly, or yearly payment schedule is selected. The actual payment to be made per billing cycle will be calculated by means of dividing the total amount per year by the number of payments to be made per year.



Town Council Meeting

Date: 03/01/2022
Agenda Item #: 5. F.
Department: Development Services
Strategic Goal: Ensure excellence in public services while keeping up with the growth in the community
Staff Contact: Wesley Brandon, Town Engineer

AGENDA ITEM:

Consider Action to Approve a **Proposed Task Order with Dunaway Associates, LP (Engineering Design Services Contract) for the Little Elm Park Campground Improvements Project in an amount not to exceed \$269,975 and Authorize the Town Manager to Execute the Contract.**

DESCRIPTION:

The Town selected Dunaway Associates, LP as part of a Request for Qualifications (RFQ) for landscape architecture design services. The Town has a current Master Service Agreement to Furnish Consulting Services with Dunaway Associates, LP. This Task Order includes the work required to design campground improvements at Little Elm Park.

In general, the proposed design will include the following elements:

- Multiple primitive campsites with decomposed granite footpaths
- Picnic cove with picnic stations
- Trail connections and entry gateways
- Group pavilion with fire pit
- Prefabricated restroom/shower building
- New trail and boardwalk connection to the Amphitheater
- Landscaping and irrigation improvements

The design will also include the following improvements to the Amphitheater that will be listed as an alternate bid package:

- Cosmetic upgrades to the Amphitheater building
- Paving upgrades adjacent to the Amphitheater
- New seat walls with artificial turf
- New pedestrian connections
- Lighting, landscape, and irrigation improvements

The design is based on an overall construction budget for these elements of approximately \$2,300,000.

BUDGET IMPACT:

Funding for the project design has been allocated in the 2021 CO bond funds:

Basic Design Services Cost	\$213,935	
Specialty Services (as needed)	\$56,040	
Total Funding Request	\$269,975	

RECOMMENDED ACTION:

Staff recommends approval.

Attachments

Proposal

Project Exhibit

EXHIBIT A - WORK ORDER

MASTER AGREEMENT FOR PROFESSIONAL SERVICES ("MAPS") No.: _____
Work Order No. _____

Pursuant to and subject to the above-referenced MAPS, dated _____ between the Town of Little Elm, Texas ("Owner"), and Dunaway Associates, L.L.C. ("Consultant"), Owner hereby requests that Consultant perform, and Consultant agrees to perform, the work described below upon the terms set forth in said MAPS and in this Work Order:

OWNER PROVIDED INFORMATION:

Work Site: _____

Work to Be Performed: _____

Drawings, plans, specifications (are) (are not) attached: _____

Date and Time to Commence: _____

Date and Time to Complete: _____

Equipment, vehicles, tools, materials, supplies to be furnished or obtained through third parties by Owner (if any): _____

Invoice Mailing Instructions: _____

Other Requirements or Variance from MSA (if any): _____

CONSULTANT PROVIDED INFORMATION:

Compensation: Consultant will provide Professional Services as outlined in the scope of work herein. Work will be billed by the Consultant monthly according to an estimated percentage of work complete towards a lump sum fee as described below.

Basis of Compensation

Dunaway Associates, L.L.C. proposes to provide these services described in the scope of work for a lump sum fee of \$ 269,975 (Two Hundred Sixty-Nine Thousand Nine Hundred Seventy-Five and 00/100 Dollars) as follows:

Basic Design Services

A. Data Gathering & Program Confirmation.....	\$ 9,010
B. Preliminary Design	\$ 18,050
C. Design Development.....	\$ 51,830
D. Final Construction Documents.....	\$ 103,485
E. Bid Phase.....	\$ 6,760
F. Construction Phase.....	\$ 24,800

SUBTOTAL BASIC SERVICES..... \$ 213,935

EXHIBIT A - WORK ORDER

Specialty Services

G. Topographic Survey	\$ 17,975
H. SWPPP	\$ 3,485
I. Waters of the US & Flowage Easement Coordination	\$ 17,195
J. Nationwide Permit	\$ 15,720
K. TDLR Plan Review and Post-Construction Inspection	\$ 1,625
SUBTOTAL SPECIALTY SERVICES.....	\$ 56,040

TOTAL FEE* (LUMP SUM)..... \$ 269,975

* Customary in-house expenses incurred by Dunaway related to performing this Scope of Services are included in the lump sum fee listed above (e.g., in-house copies, mileage, tolls, computer plotting, photography, meals, etc.). Special request expenses for out-of-house services are not included in the lump sum fee listed above and will be billed as a reimbursable expense. These may include, but are not limited to couriers/deliveries, repro services, multiple print copies, binding, dry mounting, etc.

Scope of Services:

I. PROJECT UNDERSTANDING

Dunaway Associates, L.L.C. ("**Dunaway**") will perform professional design services for the Town of Little Elm ("**Town**") for renovations and improvements at Little Elm Park on W. Eldorado Parkway in Little Elm, Texas. Dunaway will provide a topographic survey, preliminary design, design development drawings, and final construction documents to be used for the purpose of bidding and construction for (1) base bid primitive camping package and (1) alternate amphitheater bid package. Dunaway assumes the steps outlined in the Scope of Services herein will be performed simultaneously for both bid packages.

This proposal is based upon discussions with Town staff and on the Little Elm Park Camping Concept Study Concept Plan, dated September 30, 2016. The Town has identified an approximate construction budget of \$1,850,000.00 for the base bid primitive camping package and an approximate construction budget of \$450,000.00 for the alternate amphitheater bid package. Key program items included in this budget amount are as follows:

Base Bid Package:

- Multiple Primitive Campsites
- Decomposed Granite Footpaths
- Picnic Cove with Picnic Stations
- Trail Connections to Parking
- Two (2) Entry Gateways
- Group Pavilion with Fire Pit
- Prefabricated Restroom / Shower Building

(continued next page)

EXHIBIT A - WORK ORDER

- Water Station with Enhanced Paving & Hose Bibs
- Security Lighting
- Miscellaneous Site Furnishings
- New Trail & Boardwalk Connection to Amphitheater
- Landscape Improvements adjacent to the camping
- Irrigation Improvements adjacent to the camping

Alternate Amphitheater Bid Package:

- Cosmetic upgrades to amphitheater building
- Paving upgrades adjacent to amphitheater
- New seat walls with artificial turf
- Pedestrian connection to existing trail/drive
- New site lighting and electrical service
- Landscape Improvements adjacent to the amphitheater
- Irrigation Improvements adjacent to the amphitheater

II. SCOPE OF SERVICES

A. DATA GATHERING & PROGRAM CONFIRMATION

1. The Town will provide Dunaway any available additional information for the current on-site and off-site conditions including, but not limited to the following: GIS files; as-built drawings; easements; boundary surveys; property lines; building locations and layouts; roadways and parking; utility locations; trees and vegetation; and any existing park improvements.
2. Based upon the information provided by the Town, Dunaway will prepare an existing conditions base map for use in the planning process.
3. Dunaway will attend one (1) kick-off meeting with Town representatives to discuss and confirm the project schedule, project goals, and confirm program items to be included in park development.
4. On the same day as the kick-off meeting, Dunaway will perform (1) detailed site review with Town representatives to review development areas and observe current conditions.

Task A Deliverables:

- Kick-off Meeting Notes in PDF Format
- Base map for Existing Site in PDF Format

EXHIBIT A - WORK ORDER

B. PRELIMINARY DESIGN

1. Based on the site review and new topographic survey information, Dunaway will prepare one (1) Preliminary Design Plan identifying proposed phase 1 improvements. The Plan will be based upon the Town-approved program items and the estimated construction budget; and, it will include images & exhibits to illustrate potential development of each program area.
2. Based upon the Preliminary Design Plan, Dunaway will prepare a Preliminary Cost Opinion for the proposed improvements.
3. Dunaway will attend one (1) meeting with Town staff to present and review the Preliminary Design Plan and Preliminary Cost Opinion. During this meeting, group consensus for development of program items will be agreed upon. If necessary, Dunaway will revise the Preliminary Design Plan and update the Preliminary Cost Opinion to include Town comments.
4. Dunaway will facilitate (1) Conference Call with Town Staff to confirm and approve the Final Preliminary Design Plan and Final Cost Opinion.
5. Utilizing the staff reviewed Final Preliminary Design Plan and Preliminary Cost Opinion, Dunaway will assist with one (1) presentation to Park Board or Town Council, if needed.
6. Based on the approved Preliminary Design Layout Plan, Dunaway will provide to the Town and geotechnical engineer one (1) Geotechnical Boring Location Exhibit to include necessary boring locations for both bid packages. The Town is responsible for selecting and procuring geotechnical services for this project and providing Dunaway with recommendations from the engineer for use in construction drawings.

Task B Deliverables:

- Preliminary Design Concept Plan & Exhibits in PDF Format
- Preliminary Design Cost Opinion in PDF Format
- Geotechnical Boring Location Exhibit in PDF & CAD Format

C. DESIGN DEVELOPMENT

1. Based upon Town approval of the Preliminary Design, Dunaway will prepare Design Development drawings for the proposed park improvements. The Design Development drawings will be prepared at an approximate 50% level of completion of Construction Documents.
2. The Town will provide to Dunaway all front-end documents, contracts, insurance requirements, general conditions, etc. for use by Dunaway in preparing the specifications and contract documents.

EXHIBIT A - WORK ORDER

3. Dunaway will prepare the preliminary Table of Contents for the specifications and contract documents.
4. Based upon the Design Development drawings, Dunaway will prepare 50% completion Cost Opinions for the proposed improvements.
5. Dunaway will submit the Design Development drawings, Cost Opinions and Table of Contents for the specifications and contract documents to the Town for review and comment.
6. The Town will forward all review comments in writing to Dunaway for the Design Development drawings submittal. Dunaway will obtain these comments and approval from the Town prior to proceeding into Final Construction Documents.

Task C Deliverables:

- 50% Design Development Drawings
- Table of Contents for Specifications & Contract Documents Booklet
- 50% Design Development Cost Opinions

D. FINAL CONSTRUCTION DOCUMENTS

1. Based upon approval from the Town for the Design Development drawings submittal, Dunaway will prepare Final Construction Documents at an approximate 95% level of completion. The Construction Documents will be comprised of both the drawings and the specifications & contract documents.
2. Based upon the 95% Construction Documents, Dunaway will prepare a final cost opinion for all the proposed Park improvements.
3. Dunaway will submit the 95% Construction Documents and updated cost opinion to the Town for final review and comment. The Town will provide Dunaway final, written comments for all revisions requested to the Final Construction Documents.
5. Based upon the final written comments received from the Town, Dunaway will prepare Final Construction Documents (signed and sealed) for the Town to utilize in bidding the project. *NOTE: It is assumed that the base bid package and amphitheater bid package will be bid concurrently as one package.*

Task D Deliverables:

- 95% Construction Documents with Cost Opinion
- Final Construction Documents

EXHIBIT A - WORK ORDER

E. BID PHASE

1. Dunaway will provide the Town with PDF files of the documents for the Bid and Construction Document Package. The Town will be responsible for the advertisement of the bidding, printing and distribution of bid sets and overall management of the bidding process.
2. Dunaway will attend (1) Pre-Bid Meeting with Town representatives and the potential bidders.
3. If required, Dunaway will review Town-prepared addenda, during the bid phase.
4. Dunaway will attend (1) Bid Opening Meeting with Town representatives and the potential bidders.
5. Dunaway will assist the Town in reviewing the Contractor's bids and providing a Bid Tabulation and a recommendation to the Town for award of contract.

Task E Deliverables:

- Bid Tabulations
- Review of contractor's bids and letter of recommendation for award of contract

F. CONSTRUCTION PHASE

1. Dunaway will assist the Town by attending (1) Pre-Construction Meeting and a maximum of six (6) 2-hour progress meetings (i.e., 1 hour travel, 1 hour meeting) during construction to evaluate completion of work by the Contractor. If the number of required meetings or the amount of meeting time increases, additional time can be provided by Dunaway as an additional service as requested and approved by the Town in writing. These additional meetings will be billed to the Town monthly as a reimbursable expense according to Dunaway's standard hourly rate schedule included in this proposal. The Town will be responsible for the day-to-day administration of the construction contract.

NOTE: It is assumed that the base bid package and amphitheater bid package will be constructed concurrently. If the Town elects to build the bid packages separately, Dunaway can provide additional construction phase services as an additional service.

2. Dunaway will prepare field notes/summary as necessary for meetings attended during the construction of the project.

EXHIBIT A - WORK ORDER

3. Dunaway will process submittal and shop drawing reviews as submitted by the Contractor during the construction process. Pay applications may also be reviewed each month by Dunaway and will then be forwarded to the Town with the appropriate recommendation.
4. Dunaway will assist the Town in attending one (1) initial walk-through with the Contractor and subcontractors to review substantial completion of work. Dunaway will provide written comments to the Town for the preparation of a "punch list" for work to be completed by the Contractor.
5. When the Contractor indicates "punch list" items are completed, Dunaway will assist the Town in attending one (1) final walk-through with the Contractor and subcontractors to review completion of work. Dunaway will provide a written field report to the Town to document work completed and remaining.
6. If additional walk-throughs are required, Dunaway can attend as an additional service as requested and approved by the Town in writing. These additional meetings will be billed to the Town monthly as a reimbursable expense according to Dunaway's standard hourly rate schedule included in this proposal.

Task F Deliverables:

- Meeting notes for progress meetings/reviews as necessary
- Processing of submittals and RFIs
- "Punch List" from Initial Walk-Through
- Field report from Final Project Walk-Through

G. TOPOGRAPHIC SURVEY

1. Dunaway will perform a topographic survey for the site, including all man-made structures and above ground site features/utilities as outlined in Exhibit A below. *Note:* Where proposed trails are routed through heavily wooded areas, the centerline of trail will first be located in the field by Dunaway and Town staff; then a corridor of approximately 40 feet in width (20 feet both sides of centerline) will be surveyed. Dunaway assumes that the base bid package and the amphitheater bid package will be surveyed concurrently. If the Town chooses to construct the packages separately, Dunaway can perform the surveys at different times as an additional service.

It is assumed the Project Area will not exceed **11 acres**. If client requests topographic survey greater than this project area, Dunaway can provide the additional topographic survey at an additional fee. As owner of the property, the Town hereby authorizes Dunaway to enter upon the property for the purposes of conducting Dunaway's work thereon. If Client is not the owner of the property, Client is to obtain such authorization from owner and provide same in writing to Dunaway at the same instance that Dunaway receives the written notice to proceed.

EXHIBIT A - WORK ORDER



Exhibit A: Limits of Topographic Survey

2. In areas where it is determined trees are to be removed, Dunaway will provide a detailed tree survey. Trees with a DBH (diameter at breast height) of 6 inches and greater will be tagged and numbered for future reference. The survey will depict the location, diameter and species (if it can be determined) of the qualifying trees.
3. Dunaway will establish a minimum of three (3) on-site temporary benchmarks for use in producing construction drawings.

Task G Deliverables:

- Topographic Survey Exhibit (in PDF Format)

H. STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

1. In conjunction with the completion of the Final Construction Documents, Dunaway will prepare a Storm Water Pollution Prevention Plan (SWPPP) for the proposed site. Any other environmental engineering services would be considered additional services. *NOTE: It is assumed that the base bid package and amphitheater bid package will be constructed concurrently and governed by a single SWPPP plan. If the Town elects to build the bid packages separately, Dunaway can provide an additional SWPPP as an additional service.*

Task H Deliverables:

- (2) Copies of SWPPP Document (in hard copy format)
- (1) Electronic Copy of SWPPP Document (in PDF Format)

I. WATERS OF THE US & FLOWAGE EASEMENT

1. A Waters of the U.S. Determination will be conducted on the subject property to identify not only the current Waters of the U.S. but also classify them as to

EXHIBIT A - WORK ORDER

their existing function. This determination of their function and values is an important component of the permitting process for projects of this size and in determining future permitting strategies. This determination is necessary for the U.S. Army Corps of Engineers (USACE) to verify the adequacy of any delineations and any required mitigation.

2. Using available literature, the soil survey, and USGS topographic maps, we will provide a description of the functions and values and limits of the Waters of the U.S. for the subject property. As part of the functions/values determination, Dunaway will provide the Client with the appropriate wetland delineation forms, map of jurisdictional waters overlain on the site plan, and any evaluation of the waters of the U.S. within the proposed project site. The wetland forms will include the vegetation characteristics of the jurisdictional waters, soil profiles, and hydrologic information per the 1987 Corps of Engineers Wetland Delineation Manual and regional supplement.
3. Dunaway will use a Global Positioning System (GPS) to map jurisdictional waters of the U.S. Data collected in the field will be downloaded to existing ArcGIS files to overlay on the existing topographic maps for the project. Exhibits indicating all jurisdictional waters of the U.S. will be prepared for inclusion in the wetland survey report.
4. A Natural Resources Assessment Report will be prepared describing the limits and types of waters of the U.S. found within the project site. The report will contain descriptions of waters of the U.S., site maps with waters shown, USACE permitting options, a description of threatened and endangered species for the subject property and include a database records search for known cultural resources in the area.

Note: The above scope does not include any Section 404 permitting assistance. Depending on findings from the Waters of the US Determination, coordination with USACE regulatory could be required for a Section 404 permit. The above scope does include assistance with the design team to avoid any permitting scenarios. Additionally, an archaeological survey will be required if permitting is necessary. An archaeological survey is not included in the above scope.

5. Dunaway will coordinate with the USACE (Lake Office and District Office) to obtain consent-to-easement for elements of the phase 1 area to be constructed on flowage easement lands within the park. Dunaway will follow the prescribed USACE format/content for the consent-to-easement request. The request will include text descriptions of items to be constructed in the flowage easement and will also include exhibits and conceptual plans.

J. NATIONWIDE PERMIT

1. Dunaway will provide assistance with a Section 404 Nationwide Permit (NWP) for development associated with the Little Elm Park Camping Improvements. Dunaway will submit a pre-application meeting request with the Fort Worth United States Corps of Engineers (USACE). This meeting will

EXHIBIT A - WORK ORDER

act as an informative meeting between Dunaway, and USACE to address any concerns before the NWP application is completed and submitted to USACE.

2. The permit application will contain purpose and need for the project, delineation of waters of the U.S, appropriate site maps, approximate calculations of fill, assessment of impacts (both temporary and permanent), threatened and endangered species discussion, documentation of floodplain development requirements, and other pertinent topics. Additionally, an archeology assessment will be conducted and included in this submittal. If the database review is not sufficient for the USACE archaeologists, an archaeological field survey will be required under a separate scope.
3. After submittal of the NWP permit application to the USACE, Dunaway will follow up with the USACE on a timely and ongoing basis to minimize time for review and facilitate any necessary revisions. Dunaway will also accompany USACE on a site visit of the project area if USACE requests.
4. It is assumed that the Nationwide Permitting will be conducted for a proposed boardwalk, therefore fall under NWP 14. NWP 14 authorizes the construction of linear transportation projects. Impacts to Waters of the U.S. must fall under 0.5 acres. If the impacts to Waters of the US are less than 0.10 acres, a pre-construction notification is not required. If, the impact is to a special aquatic site, including a wetland, a pre-construction notification will be required.
5. Dunaway will arrange, if necessary, one (1) meeting after the NWP submittal with the USACE to discuss the project and any permitting concerns.

K. TDLR PLAN REVIEW AND POST-CONSTRUCTION INSPECTION

1. Dunaway will submit the Final Construction Documents to the Texas Department of Licensing and Regulation (TDLR) for the State required accessibility review. Fees associated with Plan Review and Project Filing are included in this Scope of Services.

Task K Deliverables:

- Submission of Construction Documents for TDLR Plan Review and Project Filing

III. ASSUMPTIONS

- A. It is anticipated that the proposed improvements identified in this scope of work will be prepared as two bid packages, bid simultaneously. If additional bid packages are required by the Town, Dunaway will re-evaluate the scope of services to address additional fees not covered in this scope of work.

EXHIBIT A - WORK ORDER

- B. Should the number of program items or construction budget substantially increase or decrease; or, if the Town should require a significant number of alternate bid items to be included, Dunaway and Town staff will re-evaluate this scope of work and determine the basis of compensation in accordance with revisions to the design services.
- C. The Town will provide, as expeditiously as possible, all readily available base information that it currently has in its possession, necessary to complete the Scope of Services described herein. Should Dunaway need any additional survey information, the Town will provide this information to Dunaway. All information provided by the Town is assumed by Dunaway to be accurate and complete, unless indicated otherwise by the Town. Any information required to complete this Scope of Services that cannot be readily provided by the Town will remain the responsibility of the Town. All such information shall be provided to Dunaway and any costs associated with acquisition of information will be borne by the Town.
- E. Any services for environmental engineering such as an Environmental Assessment (E.A.) or Environmental Impact Statement (E.I.S.) are not included in this Scope of Services and would be considered additional services.
- F. This Scope of Services does not include any services for traffic studies or transportation engineering/planning studies.
- G. This Scope of Services does not include design or production of any marketing materials to be utilized by the Town for such items as press releases, web postings, brochures, flyers, posters, 3D animations, videos, etc.
- H. The Town will pay for all required governmental processing fees, public notice advertising costs, and printing of bid documents/plans for bidding and construction.
- I. This Scope of Services does not include any boundary survey or platting services.
- J. This Scope of Services does not include any presentations to the public, community organizations or other group unless specifically noted in this scope of work.
- K. Mitigation fees are not included in this proposal. Mitigation prices vary based on supply and demand of credits throughout the market. If mitigation is required by USACE, Dunaway will coordinate with mitigation banks to ensure the Town of Little Elm the best purchase price of credits at the time of purchase. Mitigation for NWP 14 is generally not required if the impacts are less than 0.10 acres.
- L. This scope does not cover any intensive archaeological testing on-site. Due to previous development in the area, cultural resources are not anticipated in the area. The USACE Archaeologist could require an intensive pedestrian survey be conducted on-site as part of the NWP.

EXHIBIT A - WORK ORDER

IV. ADDITIONAL SERVICES

Additional Services, not included in this Scope of Services, will be negotiated with the Town as necessary. Compensation will be based upon either a mutually agreed lump sum fee or on an hourly basis.

ACCEPTANCE:

This Work Order is accepted on the terms set forth herein and in the MAPS, referenced above, as indicated by the signatures below.

Consultant

Dunaway Associates, L.L.C.

By: _____

Printed Name: Elizabeth McIlrath Jarrell, ASLA

Title: Principal

Date: January 20, 2021

Owner

Town of Little Elm

By: _____

Printed Name: Matt Mueller

Title: Town Manager

Date: _____



**SCOPE OF WORK
AREA**



Date: 03/01/2022
Agenda Item #: 6. A.
Department: Development Services
Strategic Goal: Promote and expand Little Elm's identity
Staff Contact: Fred Gibbs, Director of Development Services

AGENDA ITEM:

Hold a Public Hearing, Present, Discuss, and Consider Action on **Ordinance No. 1661 Regarding a Request to Rezone Approximately .344 Acres at 108 Hardwicke Lane, Legally Known as Lot 11, Block H, Little Elm Townsite from Single Family A1 (A1) to Lakefront District (LF).**

- **Open Public Hearing:**
- **Receive Public Comments:**
- **Close Public Hearing:**
- **Take Action on Ordinance No. 1661:**

DESCRIPTION:

Location. Generally located on the East side of Hardwicke Lane, approximately 180 feet South of W. Eldorado Parkway, within Little Elm's town limits.

Background. Subject Property consists of a .344 acre- lot currently zoned as Single Family A1 (A1). Most recently, this property was utilized as a single-family residence, which has been demolished and currently contains green open space utilized for occasional special events associated with the commercial kitchen food truck operations on the adjacent lot.

The Town of Little Elm Economic Development Corporation (EDC) owns the subject property and has long term visions to utilize the property as part of a larger redevelopment opportunity based on the goals and visions of the Lakefront District (LF). While the details of the long term development plans are being realized, EDC would like to move forward with the rezoning of the subject lot to the Lakefront District (LF) in order to streamline the development process in the future. This is a straight rezoning without any requests for modified standards, therefore all the requirements of the Lakefront District will be followed.

Since no development is proposed at this time, no physical changes are being proposed on-site.

Comprehensive Plan. The Town's Comprehensive Plan identifies this area as part of the envisioned

Lakefront District, providing the cultural and civic center for the community through enhanced pedestrian friendly atmosphere and lakeside community character. The proposed rezoning aligns with the Town's vision for this area.

Commission Findings.

At their regular meeting on February 3, 2022, the Planning and Zoning Commission made a recommendation to approve the request as presented, with six in favor and zero against.

BUDGET IMPACT:

This item has no budget impact.

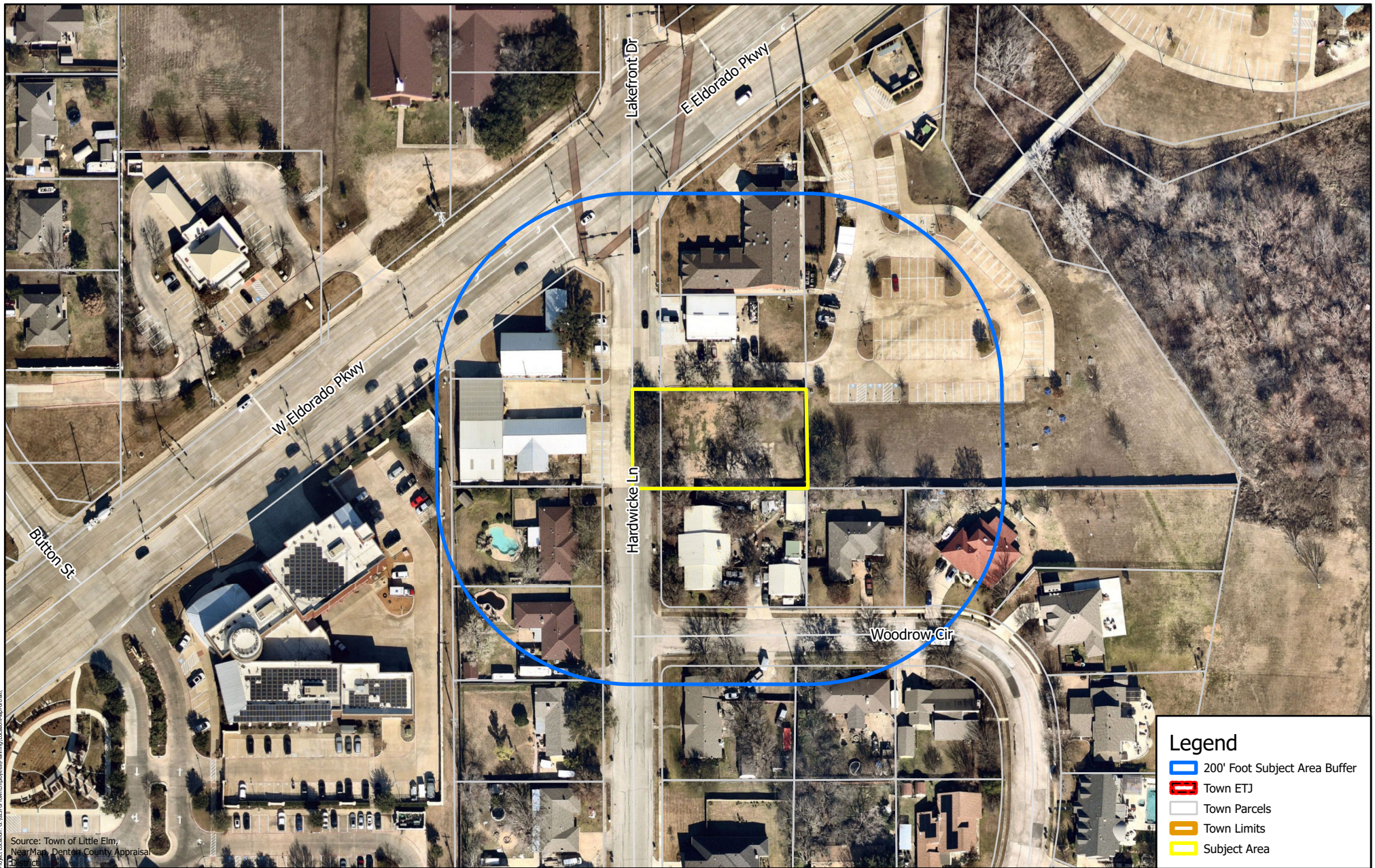
RECOMMENDED ACTION:

The Planning and Zoning Commission recommends approval of the proposed rezoning request as presented.

Attachments

Location Map

Ordinance No. 1661



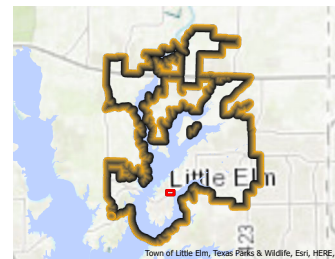
EDC Hardwicke Rezoning

0 0.01 0.03 0.05 Miles



**Town of Little Elm
Denton County, Tx**

Date: 1/24/2022



Legend

- 200' Foot Subject Area Buffer
- Town ETJ
- Town Parcels
- Town Limits
- Subject Area

This product is to be used for graphical representation only. The accuracy is not to be taken/used as data produced for engineering purposes or by a Registered Professional Land Surveyor for the State of Texas. For this level of detail, supervision and certification of the produced data by a Registered Professional Land Surveyor for the State of Texas would have to be performed. Town of Little Elm and its members assume no responsibility for the accuracy of said data.

**TOWN OF LITTLE ELM
ORDINANCE NO. 1661**

**AN ORDINANCE OF THE TOWN OF LITTLE ELM, TEXAS,
AMENDING THE COMPREHENSIVE ZONING ORDINANCE, BY
AMENDING THE ZONING FROM A1 SINGLE FAMILY (A1) TO
LAKEFRONT (LF) DISTRICT ON .344 ACRES OF LAND GENERALLY
LOCATED ON THE EAST SIDE OF HARDWICKE LANE,
APPROXIMATELY 180 FEET SOUTH OF W. ELDORADO PARKWAY;
PROVIDING A SAVINGS CLAUSE; CORRECTING THE OFFICIAL
ZONING MAP; PROVIDING A PENALTY; PROVIDING A
SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Town of Little Elm ("Town") is a home rule municipal corporation organized and existing by virtue of the Constitution and laws of the State of Texas and by its Charter adopted on May 1, 2001; and

WHEREAS, the Town possesses all the rights, powers, and authorities possessed by all home rule municipalities, including the authority to regulate land uses under Chapter 211 of the Texas Local Government Code; and

WHEREAS, a request to rezone to Lakefront (LF) District approximately .344 acres of land currently zoned A1 Single Family (A1), more specifically described in the exhibits, attached hereto; and

WHEREAS, this zoning change is accordance with the most current adopted Comprehensive Plan of the Town of Little Elm; and

WHEREAS, the Town Council and the Planning & Zoning Commission of the Town of Little Elm, in compliance with the laws of the State of Texas and the ordinances of the Town of Little Elm, have given the required notices and held the required public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area and in the vicinity thereof regarding the requested zoning change described herein; and

WHEREAS, at its regular meeting held on February 3, 2022 the Planning & Zoning Commission considered and made recommendations on a rezoning request (Case No. Z-22-00287); and

WHEREAS, after due deliberations and consideration of the recommendation of the Planning & Zoning Commission and any other information and materials received at the public hearing, the Town Council of the Town of Little Elm, Texas, has determined that the request is in the interest of public health, safety and welfare of the citizens of the Town of Little Elm.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LITTLE ELM, TEXAS:

SECTION 1. INCORPORATION OF PREMISES. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. ZONING AMENDMENT That Ordinance No. 226 of the Town of Little Elm, Texas, the same being the Comprehensive Zoning Ordinance of the Town, is hereby amended by rezoning to Lakefront (LF) District approximately .344 acres of land, the same generally located on the east side of Hardwicke Lane, approximately 180 feet south of W. Eldorado Parkway, within Little Elm Town limits, more particularly described as **Exhibit A**, and attached hereto, subject to all of the terms and conditions set forth herein, the terms and conditions of the Comprehensive Zoning Ordinance, and all other applicable ordinances, laws, rules, regulations, and standards.

SECTION 3. CONDITIONS AND REGULATIONS. The permitted uses and standards shall be in accordance with the Lakefront (LF) District.

SECTION 4. SAVINGS. This Ordinance shall be cumulative of all other ordinances of the Town, and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are indirect conflict with the provisions of this Ordinance; provided, however, that any complaint, notice, action, cause of action, or claim which prior to the effective date of this Ordinance has been initiated or has arisen under or pursuant to such other ordinance(s) shall continue to be governed by the provisions of that ordinance or those ordinances, and for that purpose that ordinance or those ordinances shall be deemed to remain and shall continue in full force and effect.

SECTION 5. ZONING MAP. The official zoning map of the Town shall be amended to reflect the changes in zoning made by this ordinance.

SECTION 6. PENALTY. Any person, firm, or corporation violating any of the provision of this ordinance shall be punished by a penalty of a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 7. SEVERABILITY. The sections, paragraphs, sentences , phrases, and words

of this Ordinance are severable, and if any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid or unconstitutional, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any person, firm, corporation, situation or circumstance, nor shall adjudication affect any other section or provision of the Comprehensive Zoning Ordinance of the Town of Little Elm, Texas, and the Town Council hereby declares that it would have adopted the valid portions and applications of the ordinance without the valid parts and to this end the provisions of this ordinance shall remain in full force and effect.

SECTION 8. REPEALER. That all ordinances of the Town of Little Elm in conflict with the provisions of this ordinance be and the same are hereby repealed to the extent of that conflict.

SECTION 9. EFFECTIVE DATE. That this Ordinance shall take effect immediately upon its adoption and publication in accordance with and as provided by law and the Town Charter.

PASSED AND APPROVED by the Town Council of the Town of Little Elm, Texas on the 1st day of March, 2022.

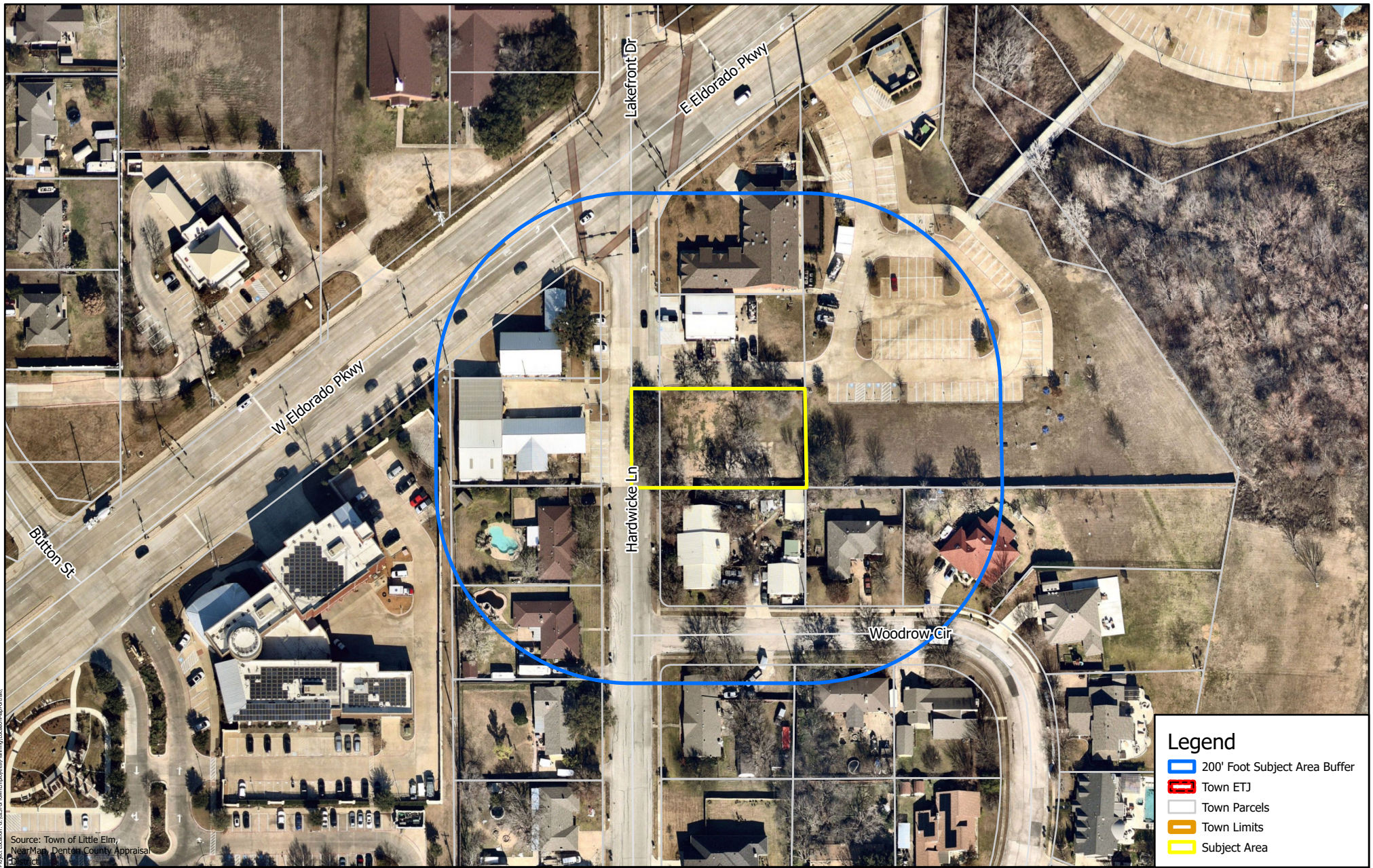
Town of Little Elm, Texas

Curtis Cornelious, Mayor

ATTEST:

Caitlan Biggs, Town Secretary

Exhibit A
Property Location



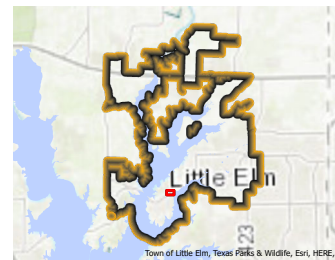
EDC Hardwicke Rezoning

0 0.01 0.03 0.05 Miles



Town of Little Elm Denton County, Tx

Date: 1/24/2022



Legend

- 200' Foot Subject Area Buffer
- Town ETJ
- Town Parcels
- Town Limits
- Subject Area

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