

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

VIRTUAL WORKSHOP AND REGULAR TOWN COUNCIL MEETING
Tuesday February 18, 2014

Present: David Hillock Mayor, Curtis Cornelious Mayor Pro-tern, Council members Richard Stevens, James Dominy, Chip Norman, Katie Gipson, and Bill Roebken. Staff: Ed Voss, Matt Mueller, Kathy Phillips, Alan Dickerson, Diane Lawson, Robin Bromiley, Jason Laumer, Doug Peach, Dusty McAfee, Jennette Killingsworth, Chad Hyde, Kevin Mattingly, and Waylan Rhodes.

1. Call to Order Council Work Shop **at 6:01 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 - a. Items to be withdrawn from Consent Agenda.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 a future agenda for discussion, and recognition of excused absences. ***None***
 - d. Discussion regarding street name for US 380. Director of Development Services Jason Laumer informed Council staff was looking for their direction for a street name for US 380. Showing an exhibit that currently US 380 is named University Drive in Denton to the west and McKinney to the east. Council consensus was for Staff to bring back Ordinance regarding the naming of US 380 to University Drive and to reach out to the City of Frisco to work on a name for the portion of FM 423 from Lebanon Road to US 380 (University Drive).
 - e. Discussion regarding funding for street lighting on FM 720 North for construction within the proposed TxDot Project. Director of Development Services Jason Laumer. stated that Council approved a Design Task Order with HNTB, Inc. for design of street lighting on FM 720 North of October 4, 2011. The FM 720 North project let on February 4, 2014. This section is from the intersection of Oak Grove Parkway and Eldorado Parkway to just south of the intersection of Oak Grove Parkway and Martop Road. Staff was unable to get the street lighting added to the plans at no cost to the Town as was done on previous TxDot projects. This project while funded by RTR was not an MOU project like FM 423 and Eldorado Parkway. The Town's street light design is from the Oak Grove Parkway and Eldorado Parkway intersection to the Town Limits at the Cottonwood Drive medium opening on the west section of the Hilltown Subdivision. Staff has now found that this project is moving forward faster than originally planned. The prepay for lighting is not the case now. The Town should have enough in the Impact Fee Fund before having to pay for the lighting.
 - f. Discussion regarding Little Elm Phase II. Director of Development Services Jason Laumer informed Council that on Thursday, February 6, 2014 at 2:30 p.m. the Town received bids for the Little Elm Park Improvements-Phase II. Bids were received from six (6) contractors. The lowest base bid with Alternative #1 (Swim Beach Lighting) and Alternative #3 (Swim Beach Restroom/Pavilion) with \$100,000 in contingency added received from JC Commercial, Inc. in the amount of two million

nine hundred sixty thousand seven hundred seventy seven dollars and zero cents (\$2,960,777.00). JC Commercial has not done project for the Town, staff reviewed the company and the award had been recommended by Kimley-Horn after some reference checks by their staff and Town staff. The Phase II construction includes the installation of the circular beach parking lot and the end of the boat ramp, beach, water/sewer, site lighting, landscape, and irrigation. Additional alternative bids were taken for sand volleyball beach sport lighting, restroom/pavilion at boat ramp, restroom/pavilion at swim beach, picnic shelters, and boat ramp courtesy dock all shown in exhibit presented. Funding for this construction is available through the sale of bonds by the CDC. This is the second phase of a multiple phase improvements to the park. Due to waiting on the \$300,000 on the boat ramp grant approval, alternatives #2 (Boat Ramp Restrooms/Pavilion) and alternate #5 (Boat Ramp Courtesy Dock) will need to be delayed for bid/award. There only are enough funds within the project for the proposed Phase II award. The estimated Phase II award would be the cost of these two alternatives or \$638,000. Staff has reviewed other budgets and has come up with some options. (shown in presentation) While waiting on Phase III staff is going to research some option to lower the overall cost of the courtesy dock. Phase II award is on the council agenda for tonight. Phase III to be awarded after the grant approval. Staff is looking to Council for direction. Council consensus was to move forward with the project and the funding options as presented.

- g. Presentation of monthly updates from department heads: *None*
 - h. Council to highlight items on the agenda needing further discussion or comments prior to the regular session. *None*
2. Roll Call/Call to Order Regular Town Council Immediately Following Council Workshop.
 3. **Opening Prayer:** Curtis Cornelious-Praise Fellowship Worship Center.
 4. **Pledge to the Flags:**
 - a. United States Flag
 - b. Texas Flag
 5. **Public Hearing** regarding request to rezone approximately 11.5 acres of land from Agricultural district (AG) to Planned Development-Single-Family district (PD-SF) to allow for the expansion of Brentwood subdivision, generally located east of Witt Road and south of Marina Vista Estates, within the Town Limits of Little Elm, Denton County, Texas.
 - a. Staff Report. *Community Services Manager Dusty McAfee* informed Council that on November 19, 2013, the Town Council approved the zoning on the large tract generally located east of Witt Road, north of the new bridge, and south of Marina Vista Estates for a residential subdivision development, per the 2008 Comprehensive Plan. Pulte had acquired approximately 33 acres of the 75 total acres, so it was anticipated that future expansions may occur as other out-parcels

joined. Now, the applicant has assembled 11.5 additional acres, per the shown location map and revised the concept plan, and is requesting that a new tract be added to the existing Planned Development regulations. On February 6, 2014 the Planning and Zoning Commission unanimously recommended approval of the proposed PD. Staff also recommends approval of the requested Planned Development district.

- b. Opened Public Hearing *at 6:49 p.m.*
- c. Receive Public Comments. *None*
- d. Closed Public Hearing *at 6:50 p.m.*
- e. Upon motion by Council member Roebken and second by Council member Cornelious the members voted 7-0 to adopt Ordinance No. 1198 an Ordinance of the Town of Little Elm, Texas, amending the Comprehensive Zoning Ordinance herefore amended, by changing the zoning on approximately 11.5 acres of land from Agricultural (AG) to Planned Development-Single Family District (PD-SF4) to allow for an expansion of Brentwood Subdivision (Ordinance #1181), generally located east of Witt Road and south of Marina Vista Estates Subdivision; 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.

6. Public Comments: *None*

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

- a. **Accept** Minutes of the February 4, 2014 Regular Meeting.
- b. **Accept** Minutes of the February 13, 2014 Special Meeting.
- c. **Approve** Final Plat for Wisdom Montessori Addition, Lot 1, Block A, from KAZ Surveying, generally located on the northeast corner of Smotherman Road and McCord Way, within the Little Elm town limits.
- d. **Accept** 2013 Annual Racial Profiling Report as presented.
- e. **Grant** approval of Sanitary Sewer Easement at McCord Park and authorize the Town Manager to execute contract for the same.

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

- a. Upon motion by Council member Roebken and second by Council member Gipson the members voted 7-0 to accept the Comprehensive Annual-Financial Report (CAFR) for fiscal year ended September 30, 2013. As presented by John DeBurro of Weaver.
- b. Upon motion by Council member Gipson and second by Council member Norman the members voted 7-0 to adopt Ordinance No. 1197 an Ordinance of the Town of Little Elm, Texas, ordering a General Election to be held on Saturday May 10, 2014, for the following purposes: elect one (1) Town Council Member from Place 1 for a three (3) year term, elect one (1) Town Council Member from Place 6 for a three (3) year term, providing for the appointment of election officers; providing for

the designation of the places and manner of holding said election; providing for the designation of the early voting polling places; providing for the designation of an early voting clerk; providing for the posting and publication of notice; providing a severability clause and conflicts clause; and providing for an immediate effective date.

- c. Upon motion by Council member Roebken and second by Council member Norman the members voted 7-0 to adopt Ordinance No. 1205 an Ordinance of the Town Council of the Town of Little Elm, Texas, approving the dedication of Eighty Percent (80%) of the Little Elm Economic Development Corporation's Type A Sales and Use Tax Revenue generated within Tax Increment Reinvestment Zone Number Three, Town of Little Elm, Texas, to the Tax Increment Fund for said Tax Increment Reinvestment Zone; providing a severability clause; and providing an effective date
- d. Upon motion by Council member Gipson and second by Council member Norman the members voted 7-0 to adopt Ordinance No. 1206 an Ordinance of the Town Council of the Town of Little Elm, Texas, approving the dedication of Eighty Percent (80%) of the Little Elm Community Development Corporation's Type B Sales and Use Tax revenue generated within Tax Increment Reinvestment Zone Number Three, Town of Little Elm, Texas to the Tax Increment Fund for said Tax Increment Reinvestment Zone; providing a severability clause; and providing for an effective date.
- e. Upon motion by Council member Norman and second by Council member Cornelious the members voted 7-0 to award the construction contract for Little Elm Park - Phase II Improvements in the amount of \$2,960,777.00 to JC Commercial and authorize the Town Manager to execute a contract for the same.
- f. Upon motion by Council member Cornelious and second by Council member Norman the members voted 7-0 to approve a Design Task Order to obtain a MS4 permit from TCEQ between the Town of Little Elm and TRC Engineers, Inc. for the amount of \$19,675.00 and authorize the Town Manager to execute a contract for the same.
- g. Upon motion by Council member Cornelious and second by Council member Norman the members voted 7-0 to approve a Design Task Order for Stormwater Maintenance Projects between the Town of Little Elm and TRC Engineers, Inc. for the amount of \$38,400.00 and authorize the Town Manager to execute a contract for the same.
- h. Upon motion by Council member Cornelious and second by Council member Norman the members voted 7-0 to approve the CCN Purchase Agreement for West Side Water CCN between the Town of Little Elm and Terra Southwest, Inc. for the amount of \$196,800.00 and authorize the Town Manager to execute a contract for the same.

- i. Upon motion by Council member Cornelious and second by Council member Norman the members voted 7-0 to approve Master Service Agreement for Consulting Services and Task Order for Doe Creek Road Improvements between the Town of Little Elm and Petitt Barraza, LLC for the amount of \$113,000.00 and authorize the Town Manager to execute a contract for the same.
 - J. Upon motion by Council member Cornelious and second by Council member Norman the members voted 7-0 to approve Temp. Parking Lot Agreement for McCord Park between the Town of Little Elm, Little Elm 423 Partners, Ltd., and M-MC SC, Ltd. and authorize the Town Manager to execute agreement for the same.
 - k. Upon motion by Council member Roebken and second by Council member Norman the members voted 7-0 to approve Amendment #1 to Task Order for WWTP Reuse between the Town of Little Elm and TRC Engineers, Inc. for the amount of \$3,900.00 and authorize the Town Manager to execute a contract for the same.
 - l. Upon motion by Council member Gipson and second by Council member Dominy the members voted 7-0 to approve a Task Order for a signal design on Walker Lane at Woodlake Parkway between the Town of Little Elm and Lee Engineering, LLC for the amount of \$16,000.00 and authorize the Town Manager to execute a contract for the same.
 - m. Upon motion by Council member Cornelious and second by Council member Gipson the members voted 7-0 to appoint Mayor Hillock and Council member Dominy to the Council Interview Panel for the current cycle of interviews. (Council would consider new members for the interview panel each time a new cycle of interviews for expired terms for the various board and commissions is needed).
 - n. Upon motion by Council member Roebken and second by Council member Norman the members voted 7-0 to approve the Assignment Letter between Trez Capital Funding II, LLC, a Delaware limited liability company, its successors and/or assigns, acting as administrative agent for the benefit and security of Trez Capital II Limited Partnership, a limited partnership formed under the laws of British Columbia ("Lender") and Valencia on the Lake, L.P., ("Developer") relating to a development loan in the principal amount of up to \$12,100,000 ("Loan") from Lender to Developer, said Loan being secured in part by approximately 447.492 acres of land in Denton County, Texas, and to authorize the Town Manager to execute said Assignment Letter.
9. **FYI:**(All matters are provided to the Town Council for informational purposes only)
- a. Monthly Reports for January 2014:
 - 1. Town Secretary.

2. Fire Department.
3. Development Services.
4. Parks, Recreation and Library.
5. Public Works.
6. Police Department Quarterly Report Nov. - Jan. 2014.

NO CLOSED SESSION WAS HELD

10. Council to convene into Executive Session 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.

11. Reconvene into Open Session. 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.
 - Section 551.072 to discuss certain matters regarding real property.
 - Section 551.076 to discuss security matters.
 - Section 551.087 to discuss Economic Development.

Adjourned Work Shop and Regular Meeting **at 7:47 p.m.**

Respectfully,

Town Secretary

Passed and approved this 15th day of December 2020.