

Notice Regarding Public Participation and Town Council/Town Staff Attendance

Due to the COVID-19 (coronavirus) public health emergency, and in an effort to reduce in-person meetings that assemble large groups of people, Governor Greg Abbott has granted a temporary suspension of certain rules to allow for (1) town council members and town employees to participate in a town council meeting via videoconference call or other remote electronic means without a physical quorum of council members being present at the site of the meeting; and (2) the use of videoconferencing and other remote means to allow the public to observe the meeting and, when required, to participate in the public meeting.

In an effort to reduce the spread of the virus, for the August 18, 2020, Town Council meeting, individuals will be able to address the Council on any topic through submission of the web form below. Forms received will be recorded into the record and be given to the Town Council.

To access the videoconference online, follow these instructions:

- To join the Zoom meeting, click <https://zoom.us/j/94296405051>.
- To view the live stream meeting, click <https://www.littleelm.org/1258/Agendas-Minutes-Videos>

Pursuant to Section 551.007 of the Texas Government Code, individuals wishing to address the Council for items listed as public hearings will be recognized when the public hearing is opened. For individuals wishing to speak on a public hearing item, they may register at the following link:

<https://www.littleelm.org/FormCenter/Administration-5/LE-Town-Council-Presentation-and-Announc-87>

Individuals who wish to speak to Town Council directly must register prior to the meeting. Please include in the comment box that you will be logging onto the meeting through the Zoom link above to speak to Town Council. If you have any questions, please email cbiggs@littleelm.org.

Individuals wishing to speak on a non-public hearing item, they may address the Council by submitting the online form at the following link:

<https://www.littleelm.org/FormCenter/Administration-5/LE-Town-Council-Presentation-and-Announc-87>.

Note: A physical quorum of the Town Council may not be present during the meeting as some Council Members may choose to participate in the meeting remotely as permitted by Governor Abbott's suspension of various statutes that may be interpreted to require face-to-face interaction between members of the public and public officials.

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

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

VIRTUAL Public Hearing & Regular Council

**Tuesday, August 18, 2020 - 6:00 PM
Town Hall Center--100 W Eldorado Parkway**

1. NOTICE REGARDING PUBLIC PARTICIPATION AND TOWN COUNCIL/TOWN STAFF ATTENDANCE.

2. Call to Order Council Work Shop at 6:00 p.m.
 - A. Invocation:

 - B. Items to be withdrawn from Consent Agenda.

 - C. Emergency Items if posted.

 - D. Request by the Town Council for items to be placed on a future agenda for discussion, and recognition of excused absences.

 - E. Presentation of monthly updates from department heads: concerning law enforcement activities, municipal court, customer service, emergency medical services, fire department response, fire prevention activities, emergency management, ongoing economic development projects, building permits, code enforcement activities, library activities, human resources updates, information technology report, revenue and expenditure report, street construction status, sanitation services, highway construction status, utility operations, parks and recreation activities, as well as facility and fleet updates.

 - F. Council to highlight items on the agenda needing further discussion or comments prior to the regular session.

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. Each member of the public who desires to address the Town Council regarding an item on an agenda for an open meeting of the Town Council shall have the right to address the Town Council on the item before the Town Council's consideration of the item. All speakers not requiring a translator are given 3 minutes to speak and may address the Council only once on each agenda item. Non-English Speakers who require a translator are given 6 minutes to speak and may address the Council only once on each agenda item. 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 551.042, 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. Minutes of the August 4, 2020 Workshop, Public Hearings and Regular Meeting. (Town Secretary Kathy Phillips)

 - B. Minutes of the August 5, 2020 Budget Workshop. (Town Secretary Kathy Phillips)

 - C. Approval of the Little Elm Economic Development Corporation Budget for the FY 2020-2021. (Executive Director of the EDC Jennette Espinosa)

 - D. Approval of Resolution No 0818202001 a Resolution of the Town Council of the Town of Little Elm, Texas, Approving Bylaws for the Little Elm Local Development Corporation; Containing Findings and Other Provisions Relating to the Subject; and Providing for an Effective Date. (Executive Director of the EDC Jennette Espinosa)

 - E. Approval of Resolution No 0818202002 a Resolution of the Town Council of the Town of Little Elm, Texas, Approving and Authorizing the Execution of the Special Warranty Deed Conveying Approximately 10.355 Acres of Land from the Little Elm Economic Development Corporation to Little Elm Local Development Corporation; and Providing for an immediate effective date. (Executive Director of the EDC Jennette Espinosa)

 - F. Approval of Resolution No. 0818202004 a Resolution of the Town Council of the

Town of Little Elm, Texas, establishing prohibited parking locations pursuant to 98-101 (C) of the Town of Little Elm Code of Ordinances; amending Resolution No. 09151502, and providing for an immediate effective date. (Town Engineer Wesley Brandon)

- G. Final Acceptance of Harts Branch Trail Project, and authorizing the release of \$107,155.47 in retainage funds. (Town Engineer Wesley Brandon)
- H. Award the CMAR construction contract to AUI Partners, LLC with a guaranteed maximum price of \$160,455.00, and authorize the Town Manager to execute the final CMAR Agreement with associated document. (Town Engineer Wesley Brandon)
- I. Adopt Ordinance No. 1565 an Ordinance of the Town Council of the Town of Little Elm updating the Valencia Public Improvement District Service and Assessment Plan and Assessment Roll. (Chief Financial Officer Kelly Wilson)
- J. Adopt Ordinance No. 1566 an Ordinance of the Town Council of the Town of Little Elm updating the Rudman Tract Public Improvement District Service and Assessment Plan and Assessment Roll. (Chief Financial Officer Kelly Wilson)
- K. Adopt Ordinance No. 1567 an Ordinance of the Town Council of the Town of Little Elm updating the Lakeside Estates Public Improvement District No. 2 Service and Assessment Plan and Assessment Roll. (Chief Financial Officer Kelly Wilson)
- L. Adopt Ordinance No. 1568 an Ordinance of the Town Council of the Town of Little Elm updating the Hillstone Pointe Public Improvement District No. 2 Service and Assessment Plan and Assessment Roll. (Chief Financial Officer Kelly Wilson)
- M. Approval of Resolution No. 0818202006 a Resolution of the Town Council of the Town of Little Elm, Texas approving certain Tax Increment Reinvestment Zone Number 4 Project Expenditures; providing a severability clause; and providing an effective date. (Chief Financial Officer Kelly Wilson)
- N. Approval of Resolution No. 0818202007 a Resolution of the town Council of the Town of Little Elm, Texas approving certain Tax Increment Reinvestment Zone Number 6 Project and Expenditures; providing a severability clause; and providing for an effective date. (Chief Financial Officer Kelly Wilson)
- O. Adopt Ordinance No. 1564 an Ordinance granting to ATMOS Energy Corporation, a

Texas and Virginia Corporation, its successor and assigns, the Non-Exclusive Franchise to construct, maintain, and operate pipelines and equipment in the Town of Little Elm, Denton County, Texas, for the transportation, delivery, sale, and distribution of gas in, out of, and through said Town for all purposes; providing for the payment of a fee or charge for the use of the Public Rights-of-Ways; and providing that such fee shall be in lieu of other fees and charges, excepting Ad Valorem Taxes; repealing all previous Gas Franchise Ordinances; and providing for severability. (Deputy Town Manager Doug Peach)

6. Continue Public Hearing on request for a specific use permit on approximately 0.08 acres of land to allow for the use of a stealth monopole communications tower, generally located on the south side of Eldorado Parkway approximately 710 feet east of Hart Road, within Little Elm's town limits. (Director of Development Services Fred Gibbs)

A. Staff Report:

B. Continue Public Hearing:

C. Receive Public Comments:

D. Close Public Hearing:

E. Discussion and Action to adopt Ordinance No. 1558 an Ordinance of the Town of Little Elm, Texas, amending the Comprehensive Zoning Ordinance of the Town of Little Elm, Texas, herefore amended, by issuing a Specific Use Permit for a Communication Tower approximately 0.08 area of land currently zoned Light Commercial (LC), generally located on the south side of Eldorado Parkway approximately 710 feet east of Hart Road, providing that this Specific Use Permit is established subject to certain conditions as set forth herein; 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.

7. Public Hearing regarding request to amend the Palladium Planned Development on approximately 28.31 acres of land, generally located on the north side of Eldorado Parkway, east and west of Main Street and Eldorado Parkway intersection, within Little Elm's town limits. (Director of Development Services Fred Gibbs)

A. Staff Report:

B. Open Public Hearing:

C. Receive Public Comments:

D. Close Public Hearing:

E. Discussion and Action to adopt Ordinance No. 1562 an Ordinance of the Town of Little Elm, Texas, amending the Comprehensive Zoning Ordinance of the Town of Little Elm, Texas, therefore amended, by issuing a Planned Development-Lakefront (PD-LF) to allow for the construction of a Mixed-Use Development with modified development standards to include Multifamily, Restaurant, and Commercial Uses on approximately 28.31 acres of land current zoning Lakefront District (LF), generally located on the north side of Eldorado Parkway (FM 720), east and west of the Main Street and Eldorado Parkway (FM 720) intersection, providing that this Planned Development is established subject to certain conditions set forth herein; providing a savings clause; correcting the official zoning map; providing a penalty; providing a severability clause; providing a repealer clause⁷ and providing an effective date.

8. Public Hearing regarding request to amend the RTI Planned Development on approximately 34.31 acres of land, generally located on the west side of Lobo Lane, approximately 175 feet south of Debbie Street, within Little Elm's town limits. (Director of Development Services Fred Gibbs)

A. Staff Report:

B. Open Public Hearing:

C. Receive Public Comments:

D. Close Public Hearing:

E. Discussion and Action to adopt Ordinance No. 1563 an Ordinance of the Town of Little Elm, Texas amending the Comprehensive Zoning Ordinance of the Town of Little Elm, Texas, herefore amended, by amending Planned Development-Light Industrial (PD-LI) on approximately 34.31 acres of land, generally located on the west side of Lobo Lane, approximately 175 feet south of Debbie Street; correcting the official zoning map; providing a savings clause; providing a severability clause; providing a penalty; and providing for an effective date.

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

- A. Discussion and Action to adopt Ordinance No. 1560 an Ordinance of the Town of Little Elm, Texas amending Chapter 70, Section 70-208 (Places Where Smoking is not Prohibited) of the Code of Ordinances of the Town Little Elm, adding Smoking establishments that are permitted to sell alcohol; providing a severability clause; and providing an effective date. (Director of Development Services Fred Gibbs)
 - B. Discussion and Action to approve logo for The Cove at the Lakefront™. (Director of Management Services Chad Hyde and Marketing & Communications Manager Erin Mudie)
10. Council will convene in Executive Session pursuant to Texas Government Code:
- A. Executive Session with Town Attorney under Texas Government Code Section 551.071 (Consultation with Attorney) to discuss the COVID-19 pandemic and municipal authority to respond to the COVID-19 outbreak.
 - B. 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.
 - C. Section 551.072 to discuss certain matters regarding real property.
 - D. Section 551.076 to discuss security matters.
 - E. 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.
- A. Reconvene into open session to discuss and take action, if deemed appropriate, on the COVID-19 pandemic and the Town's response thereto, including the consideration of an emergency declaration ordinance.
 - B. 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.

C. Section 551.072 to discuss certain matters regarding real property.

D. Section 551.076 to discuss security matters.

E. Section 551.087 to discuss Economic Development.

12. Adjourn Work Shop and Regular Meeting.

Pursuant to the Texas Open Meeting Act, (Chapter 551, Texas Government Code), one or more of the above items will be taken or conducted in open session following the conclusion of the executive closed session.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aide of service such as interpreters for the hearing impaired, reader or large print are requested to contact the secretary at 214-975-0404 two days prior to the meeting so appropriate arrangements can be made. **BRILLE IS NOT PROVIDED.**

Respectfully,

Town Secretary

This is to certify that the above notice was posted on the bulletin board at the Town Hall Center this 13th day of August 2020.