



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

Tuesday, January 5, 2021

6:00 PM

Little Elm Town Hall

100 W Eldorado Parkway, Little Elm, TX 75068

1. 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 January 5, 2021, 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/99229148458>.
- To view the live stream meeting, click <https://www.littleelm.org/1258/Agendas-Minutes-Video>

Individuals who wish to speak directly to Town Council may attend the meeting in-person.

2. 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 - C. Items to be Withdrawn from Consent Agenda.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.
3. **Workshop.**
- A. Present and Discuss **Proposed Charter Amendments from the Canceled May 2020 Election.**
 - B. Present and Discuss the **Planned Development and History of Lakeshore Plaza Development and Adjacent Properties.**
4. **Roll Call/Call to Order Regular Town Council Immediately Following Council Workshop.**
5. **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.
6. **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 December 15, 2020, Regular Meeting.**
 - B. Consider Action to Approve an **Agreement between the Town of Little Elm and Paul J. Liston, as an Independent Contractor in the Position of the Little Elm Municipal Court Prosecutor for a One Year Term and Shall Automatically Renew on October 1st of Each Year Thereafter.**
 - C. Consider Action to Approve the **2021 Strategic Plan.**
 - D. Consider Action to Approve **Ordinance No. 1586 Providing for Refuse Rates; Providing for a Repealing Clause; Providing for a Severability Clause; and, Providing an Effective Date for Community Waste Disposal for an Annual Market Adjustment per the Current Service Contract.**
 - E. Consider Action to Approve **Resolution 0105202101 for the Submission of a Grant Application to the Office of the Governor, Criminal Justice Division for the Town of Little Elm Police Department to Receive Grant Funding for Night Vision Devices for the Little Elm Police Department SWAT Team.**
 - F. Consider Action to Approve the **Final Acceptance of the French Settlement Road Construction Project (Contract #2019-163).**
 - G. Consider Action to Approve the **Final Acceptance of the Bluewater Drive Retaining Wall Project.**
 - H. Consider Action to Approve the **Final Acceptance of the Dickson Lane Traffic Signal Project (Contract #2020-05).**
 - I. Consider Action to Approve the **Final Acceptance of the Canyon Lake Retaining Wall Project.**
 - J. Consider Action to Award a **Construction Contract for the Little Elm Park Swim Beach Sidewalk Project to GRod Construction and Authorize the Town Manager to Execute the Contract in an Amount Not to Exceed \$170,000.00.**
7. **Public Hearings.**

- A. Continue the Public Hearing, Present, Discuss, and Consider Action to Approve **Ordinance No. 1581, a Request to Rezone Approximately 4.4 acres of Land from Lakefront (LF) w/ Specific Use Permit for Child Care Center to Planned Development-Lakefront (PD-LF) to Allow for the Use of Mixed-Use and Commercial with Modified Development Standards, Generally Located at the Southwest Corner of Eldorado Parkway and Hillside Drive, within Little Elm's Town Limits.**
1. Staff Report:
 2. Open Public Hearing:
 3. Receive Public Comments:
 4. Close Public Hearing:
 5. Discuss and Take Action:
- B. Consider Action to Approve a **Development Agreement between the Town of Little Elm and Matt Mahdi Shekari with Lake Shore Plaza Authorize the Town Manager to Execute Amendment for the Same Subject to the Planned Development Ordinance.**
- C. Conduct a Public Hearing, Present, Discuss, and Consider Action to Approve **Ordinance No. 1587, Proposed Amendments to the Zoning Ordinance.**
1. Staff Report:
 2. Open Public Hearing:
 3. Receive Public Comments:
 4. Close Public Hearing:
 5. Discuss and Take Action:
- D. Conduct a Public Hearing, Present, Discuss, and Consider Action to Approve **Ordinance No. 1588, a Request to Rezone Approximately 4.445 acres of land from Manufactured Home (MH-1) to Duplex (D), Generally Located Approximately 225 feet to the South and West of the Misty Way and Woodgrove Drive Intersection, within Little Elm's Town Limits.**
1. Staff Report:
 2. Open Public Hearing:
 3. Receive Public Comments:
 4. Close Public Hearing:
 5. Discuss and Take Action:
- E. Conduct a Public Hearing, Present, Discuss, and Consider Action to Approve **Ordinance No. 1589, a Request to Amend Planned Development Ordinance No.1283 on Approximately 35.0 acres of land, Generally Located at the Northwest Corner of U.S. Highway 380 and FM 2931, within Little Elm's Town Limits.**
1. Staff Report:
 2. Open Public Hearing:
 3. Receive Public Comments:
 4. Close Public Hearing:
 5. Discuss and Take Action:

8. **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).
 - Town Secretary
- Section 551.076 to discuss security matters.
- Section 551.087 to discuss Economic Development.

9. **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).
 - Town Secretary
- Section 551.076 to discuss security matters.
- Section 551.087 to discuss Economic Development.

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.
BRILLE IS NOT PROVIDED.

Respectfully,

Town Secretary

**This is to certify that the above notice was posted on the Town's website this ____ day of ____
2021 before 5:00 p.m.**



Town Council Meeting

Date: 01/05/2021
Agenda Item #: 3. A.
Department: Administrative Services
Strategic Goal: Ensure excellence in public services while keeping up with the growth in the community
Staff Contact: Caitlan Biggs, Managing Director of Strategic Services

AGENDA ITEM:

Present and Discuss **Proposed Charter Amendments from the Canceled May 2020 Election.**

DESCRIPTION:

In August 2019, the Town Council appointed a Charter Review Committee to review the Town's Charter in accordance with Section 15.02 that requires a review every two years. The residents appointed to the committee were:

- Brian Smith
- Casey Russell
- Jennifer Ward
- Jim Manning
- Larry Dyer
- Michael McClellan
- Ron Trees

The committee convened on October 8 and presented two recommendations to Town Council at the November 5, 2019, regular meeting:

- Proposal #1: Increasing Mayor and Council Member pay from \$25 per meeting to \$100 per meeting for the Mayor and \$50 per meeting for Council Members.
- Proposal #2: Change the budget adoption date from September 15 to September 30.

In addition, the committee presented three other considerations for Town Council:

- Proposal #3: Changing the frequency of the Charter Review Committee from two years to four years.
- Proposal #4: Changing one District seat to an At-Large seat.
- Proposal #5: Changing the number of consecutive three-year terms to two instead of three.

The full presentation is included as an attachment to this item.

During the November 5, 2019, regular meeting, Town Council discussed all five proposals and motioned to include the following on the May 2020 election ballot:

- Proposal #1: Increasing Mayor and Council Member pay from \$25 per meeting to \$100 per meeting for the Mayor and \$50 per meeting for Council Members, effective June 1, 2021.
- Proposal #2: Change the budget adoption date from September 15 to September 30.
- Proposal #3: Changing the frequency of the Charter Review Committee from two years to four years.

However, the May 2020 election was canceled in February 2020 because all places for the TownCouncil ballot were unopposed.

Staff is bringing forward this item for Town Council to discuss and give direction on the inclusion of these charter amendment proposals in the May 2021 election. The Charter Review Committee will need to be appointed again in late summer/early fall 2021. A memo that outlines previous charter amendments is included as a separate attachment to this item.

BUDGET IMPACT:

There is no budget impact for this item.

RECOMMENDED ACTION:

Staff recommends direction from Town Council.

Attachments

Presentation - 2019 Charter Review Committee Recommendations

Memo - Previous Charter Amendments



Town Council Meeting

Date: 01/05/2021
Agenda Item #: 3. B.
Department: Development Services
Strategic Goal: Promote and expand Little Elm's identity
Staff Contact: Fred Gibbs, Director of Development Services

AGENDA ITEM:

Present and Discuss the **Planned Development and History of Lakeshore Plaza Development and Adjacent Properties.**

DESCRIPTION:

At the December 1, 2020, regular Town Council meeting, Council requested to workshop the Planned Development for Lakeshore Plaza and discuss the adjacent property. Below is a timeline of those properties and attached are some additional supporting documents.

Project Summary for Lakeshore Plaza and Benny Properties

Introduction:

In the context of zoning, the current Lakeshore Plaza Planned Development request is viewed by staff as a sort of “wipe the slate clean and start fresh” project in order to capture what has already been constructed along with creating a compatible list of PD stipulations that will assure a quality development for the remainder of the property.

Per Town Council's request, staff has taken the time to review relative past Town Council meeting videos and minutes along with pulling all corresponding plans in order to provide the following timeline which outlines the series of requests, approvals, denials, and expirations associated with Lakeshore Plaza, Lots 1 & 2.

1. **April 6, 2013:** A Specific Use Permit (SUP) for a temporary concrete batch plant for the purpose of batching concrete in association with the expansion of Eldorado Parkway was approved.
2. **March 4, 2016:** Matt Shekari, the current owner purchased the subject property.
3. **August 10, 2016:** Matt Shekari recorded a Final Plat with Denton County establishing two lots

of record, Lakeshore Plaza, Block A, Lots 1 & 2. (**See Exhibit A showing the Final Plat**)

4. **September 4, 2016**: Matt Shekari sold Lot 2 to “Benny”.
5. **February 7, 2017**: Council approved a Town-initiated zoning case expanding the Town Center District which included the Lakeshore Plaza property.
6. **February 7, 2017**: Council took action on the Specific Use Permit for the Outdoor Commercial Amusement project with a vote of denial. Prior to this meeting, the zoning case had been tabled at the November 1, 2016, December 20, 2016, and the January 17, 2017, Town Council meetings. (**See Exhibit B providing the full Town Council report**)
7. **March 7, 2017**: “Benny”, the previous owner of Lot 2, Town Council approved a Major Waiver request to the (then) Town Center District’s block face¹ requirement allowing him to sit the building back more than the required 15 feet. This project would be later modified with an additional Major Waiver request discussed in the next item. (**See Exhibit C providing the full Town Council report**)
8. **June 20, 2017**: “Benny” the owner of Lot 2 made another Major Waiver request to the (then) Town Center District’s required retail construction² and residential at-grade³ requirements. Town Council approved the request, however the project and associated plans expired on June 20, 2019 per the lapse of approval⁴ language contained within the (then) Town Center District section of the Zoning Ordinance as discussed in Item 13. (**See Exhibit D providing the full Town Council report**)
9. **June 20, 2017**: Matt Shekari, the owner of Lot 1, made a Major Waiver request to the (then) Town Center District’s block face¹ requirements allowing him to sit the building back more than the required 15 feet. Note that this item was moved to this meeting so it could be considered on the same agenda after the request for Lot 2. Town Council approved the request, however, the project and associated plans expired on June 20, 2019, per the lapse of approval⁴ language contained within the (then) Town Center District section of the Zoning Ordinance as discussed in Item 14. (**See Exhibit E providing the full Town Council report**)
10. **July 18, 2017**: Town Council approved a Specific Use Permit (SUP) for a Child Care Center on Matt Shekari’s Lot 1 property. Restrictions were placed on the project creating certain trigger dates between the proposed child care center and the mixed-use portion of the development. This project expired on January 18, 2018, as the applicant did not obtain a building permit for the project within the allowed SUP timeframe⁵ and expired after 6 months. (**See Exhibit F providing SUP Ordinance No. 1400**)
11. **August 15, 2017**: Town Council adopted revisions to the new Zoning Ordinance that included changing the name from Town Center District to Lakefront District.
12. **August 7, 2018**: Town Council approved a Specific Use Permit (SUP) for a Child Care Center on Matt Shekari’s Lot 1 property. New restrictions were adopted creating certain trigger dates between the child care center and retail structure. In addition, a developer’s agreement for the construction of Hillside Drive was approved offsetting impact fees for the construction. (**See Exhibit G providing SUP Ordinance No. 1462**)
13. **June 20, 2019**: All previous waiver requests and plans expired⁴ per ordinance as noted in the relative items above, and the remainder of the project, in the context of zoning, starts over

from square one.

14. **April 24, 2020:** “Benny” sold Lot 2 and according to Denton County Appraisal District, the new owner is Tekri Enterprises, Inc.
15. **December 1, 2020:** Town Council tabled the Lakeshore Plaza Planned Development (PD) request.

Conclusions and Options:

If the project wasn't proposed to be subdivided and needing relief from the dumpster requirement, the Major Waiver request process in the Lakefront District could have been utilized with restrictions placed on the property as had been done in past. However, with the intended subdivision, the applicant needs relief on the dumpster standards that are required for each lot. The only way to accomplish this is through the PD process. The Town Council has the discretion to act on such zoning cases for approval or denial.

Footnotes, Terms & Definitions

1. **Block Face.** Continuous building frontage will be considered to be met if 80 percent or more of the primary building facade is located within 15 feet of the right-of-way or build-to line designated on an approved plan. This shall apply to each phase of development unless otherwise approved. However, administrative approval of a minor waiver will permit down to 70 percent, provided that the reduction results in an attractive outdoor dining area, building entry feature or other amenity which contributes to the streetscape. A greater reduction shall require approval of a major waiver. ***See Section 106.04.02 (Lakefront District), Division 3 (General District Standards), Item b (Block Face)***
2. **Required Retail Construction.** ***Not specifically outlined in the District's language other than being listed as a major waiver item. The intent of the District is for every development to have a retail component.*** ***See Section 106.04.02 (Lakefront District), Division 3 (General District Standards), Item a (Building and land use)***
3. **Residential at-grade.**
 1. All buildings which have residential unit floor plates within six feet of grade shall include a primary front door entrance into the unit which may be accessed from the sidewalk. Any change to this standard shall be considered a major waiver.
 2. The entry shall be located a minimum of two feet above the sidewalk elevation and include a minimum 24 square foot stoop. If pre-empted by topographic conditions, the entry may be lowered in elevation, subject to approval of the director. However, up to 50 percent of units may be ADA accessible from the sidewalk provided there is a maximum four-foot largely transparent metal fence separating the private area from the public sidewalk area. Any change to this standard shall be considered a major waiver. ***See Section 106.04.02 (Lakefront District), Division 4 (Buildings), Item 5 (Residential at-grade)***
4. **Lapse of approval.** If a building permit has not been obtained within two years following approval of a regulating plan or site plan, such plan shall lapse unless the property owner requests an extension prior to the expiration of the two-year period. The request for

extension shall be considered by the original approving authority in the same manner as for approval of the existing plan. The authority may grant an extension of the time for expiration of the plan for a period not to exceed two years from the date of expiration of the original application. **See Section 106.04.02 (Lakefront District), Division 9 (Lakefront Procedures), Item g (Lapse of Approval)**

5. If new construction is required to comply with a specific use permit or to be able to use property for the use for which a specific use permit is granted, a building permit for the property described in the specific use permit must be obtained from the town not later than six months after the effective date of the ordinance granting the specific use permit provided; however, the director may authorize one or more extensions of such deadline for a period totaling not more than one additional year after the original deadline. A specific use permit and the ordinance granting same shall terminate and be of no further effect if:
 1. A required building permit has not been issued within the timeframe required by this section, or
 2. A building permit has been issued but has subsequently expired. **See Section 106.02.17 (Specific Use Permit Approval), Item e.1 (Termination of Specific Use Permits)**

Additional Lakefront Items to Note:

Loft, mixed-use. A mixed-use building that includes a majority of residential use such as lofts, apartments, condominiums and offices, but contains nonresidential use in a portion of the ground floor. **See Section 106.04.02 (Lakefront District), Division 2 (Definitions)**

Mixed-use building. A vertical mixed-use building that includes a variety of retail, office, and/or residential uses such as lofts, live-work units, apartments and condominiums, but contains nonresidential use in a majority of the ground floor. **See Section 106.01.14 (Land Use Definitions)**

Building form (height). Buildings shall not exceed four stories except where adjacent to Eldorado, which may be up to seven stories provided that views of the lake are not significantly blocked for neighboring development. Additional height along Eldorado may be allowed at specific locations by minor waiver. **See Section 106.04.02 (Lakefront District), Division 4 (Buildings), Item c.1 (Building Standards/Building Form)**

BUDGET IMPACT:

There is no budget impact for this item.

RECOMMENDED ACTION:

Staff requests direction from Council.

Attachments

Timeline Exhibits - Lakeshore Plaza

Timeline Graphic - Lakeshore Plaza



Town Council Meeting

Date: 01/05/2021
Agenda Item #: 6. A.
Department: Administrative Services
Strategic Goal: Ensure excellence in public services while keeping up with the growth in the community
Staff Contact: Caitlan Biggs, Managing Director of Strategic Services

AGENDA ITEM:

Consider Action to Approve the **Minutes from the December 15, 2020, Regular Meeting.**

DESCRIPTION:

The minutes from the December 15, 2020, regular meeting are attached for approval.

BUDGET IMPACT:

There is no budget impact for this item.

RECOMMENDED ACTION:

Staff recommends approval.

Attachments

Minutes - December 15, 2020 Regular Meeting



Town Council Meeting

Date: 01/05/2021
Agenda Item #: 6. B.
Department: Finance
Strategic Goal: Maintain operational integrity and viability
Staff Contact: Kelly Wilson, Chief Financial Officer

AGENDA ITEM:

Consider Action to Approve an **Agreement between the Town of Little Elm and Paul J. Liston, as an Independent Contractor in the Position of the Little Elm Municipal Court Prosecutor for a One Year Term and Shall Automatically Renew on October 1st of Each Year Thereafter.**

DESCRIPTION:

In an effort to update all contracts, staff has worked with Mr. Liston to provide Town Council a contract with terms established. Mr. Liston has served the Town in the capacity of Little Elm Municipal Court Prosecutor for over 15 years. Mr. Liston agrees to perform services that include appearing at plea dockets, attorney dockets, juvenile dockets, show cause dockets, code enforcement dockets, pretrial dockets, trials, trial preparation, witness preparation, subpoena issuance, filing motions, discovery matters, communications with defendants/attorneys, communication with town/court staff/police staff, and travel.

This agreement shall be subject to annual review by Town Council before September 30th and establishes annual automatic renewals on October 1st of each year until terminated by the Town or Mr. Liston.

Compensation has been established at the rate of \$150.00 per hour plus reasonable expenses with the ability to amend for compensation adjustments agreed by Town Council in its annual review of Mr. Liston.

BUDGET IMPACT:

Compensation for services has been budgeted for in the adopted FY 2020-2021 General Fund operations budget.

RECOMMENDED ACTION:

Staff recommends approval. Brown & Hofmeister, LLP has reviewed contract as to form and legality.

Attachments

Contract - Little Elm Prosecutor Liston



Town Council Meeting

Date: 01/05/2021
Agenda Item #: 6. C.
Department: Administrative Services
Strategic Goal: Ensure excellence in public services while keeping up with the growth in the community
Staff Contact: Caitlan Biggs, Managing Director of Strategic Services

AGENDA ITEM:

Consider Action to Approve the **2021 Strategic Plan.**

DESCRIPTION:

In 2013, the Town partnered with Strategic Government Resources to create and adopt its first Strategic Plan. This plan consists of six goals with each goal having its own objectives that measure progress toward the Town's vision of being a distinct and desirable lakeside destination for all people to live and play while enjoying a safe, vibrant, and welcoming community.

At its virtual Strategic Planning Meeting on November 14, 2020, Town Council recommended various changes to the 2019 strategic plan. Attached to this item is the red-line version with those changes.

BUDGET IMPACT:

There is no budget impact for this item.

RECOMMENDED ACTION:

Staff recommends approval.

Attachments

Draft 2021 Strategic Plan - Redline

Draft 2021 Strategic Plan - Final



Town Council Meeting

Date: 01/05/2021
Agenda Item #: 6. D.
Department: Finance
Strategic Goal: Maintain operational integrity and viability
Staff Contact: Kelly Wilson, Chief Financial Officer

AGENDA ITEM:

Consider Action to Approve **Ordinance No. 1586 Providing for Refuse Rates; Providing for a Repealing Clause; Providing for a Severability Clause; and, Providing an Effective Date for Community Waste Disposal for an Annual Market Adjustment per the Current Service Contract.**

DESCRIPTION:

Community Waste Disposal (CWD) has requested a market adjustment in accordance with the Residential Refuse and Recycling service contract. The market adjustment will become effective on February 1, 2021, for Commercial customers only. The Town's current service contract with CWD allows for commercial rates to have an annual adjustment every year effective February 1 for an increase in the CPI, landfill increases, and a fuel cost adjustment. The 2021 Little Elm adjustment worksheet outlines the detail behind these various service factors:

- CPI increase of 1.20%
- Fuel decrease of -8.53%
- Landfill increase of 1.34%

CWD and the Town of Little Elm have all rates frozen for residential and multi-family rates for any and all services provided by CWD over the remaining current contract expiring January 31, 2025. CWD may petition the Town for a disposal rate increase effective October 1, 2022 and each 12 months thereafter for residential and multi-families.

Ordinance No. 1586 provides for the refuse rates effective date February 1, 2021 for Commercial customers.

BUDGET IMPACT:

There is no momentary impact to the Town for this rate adjustment to commercial customers. CWD bills commercial customers directly.

RECOMMENDED ACTION:

Staff recommends approval.

Attachments

Ordinance 1586 - Solid Waste Rates

CWD 12.2020 Cover Letter - Solid Waste Rates

Schedule A - Solid Waste Rates

Little Elm Adjustment Worksheet - Solid Waste Rates

CPI Supporting Documentation - Solid Waste Rates

Henry Hub Fuel Cost Supporting Documentation - Solid Waste Rates

Denton landfill letter - Solid Waste Rates



Town Council Meeting

Date: 01/05/2021
Agenda Item #: 6. E.
Department: Police
Strategic Goal: Provide a safe and welcoming environment for Little Elm residents and visitors
Staff Contact: Rodney Harrison, Police Chief

AGENDA ITEM:

Consider Action to Approve **Resolution 0105202101 for the Submission of a Grant Application to the Office of the Governor, Criminal Justice Division for the Town of Little Elm Police Department to Receive Grant Funding for Night Vision Devices for the Little Elm Police Department SWAT Team.**

DESCRIPTION:

In an effort to aid the Little Elm Police Department in its endeavor to further protect Little Elm residents and prevent crime, grant funding is being sought from the State Homeland Security Program (SHSP) in the amount of \$42,000.00. The goal of this program is to aid the Little Elm SWAT team with crisis response activities, criminal interdiction, and search and rescue efforts through the purchase of fourteen Night Vision Devices. This grant has no matching funds requirement.

BUDGET IMPACT:

There is no budget impact for this item.

RECOMMENDED ACTION:

Staff recommends approval.

Attachments

Resolution 0105202101 - SWAT Night Vision Devices Grant



Town Council Meeting

Date: 01/05/2021
Agenda Item #: 6. 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 the **Final Acceptance of the French Settlement Road Construction Project (Contract #2019-163)**.

DESCRIPTION:

In December 2019, Town Council awarded the construction contract for the expansion of French Settlement Road to GRod Construction. The project included the installation of approximately 10,100 square yards of concrete pavement; 900 feet of storm drains; 2,615 feet of 12" water mains; and eighty (80) feet of 8" sanitary sewer lines. The project was completed and placed into service in conjunction with the opening of Walker Middle School in August 2020.

In March 2020, Town Council approved a contract change order to expand the Town Hall parking lot to include thirty (30) additional parking spaces. This work has also been completed and placed into service.

BUDGET IMPACT:

Funding for the project was allocated within the capital improvement program budget, with additional funding provided via agreements between the Town, Little Elm Independent School District (LEISD), and Denton County.

\$ 1,643,960.75	Original Contract Amount
\$ 186,156.94	Approved Change Orders
<u>\$ (7,735.00)</u>	<u>Pay Item Under runs</u>
\$ 1,822,382.69	Final Contract Amount
\$ 91,119.13	Retainage Due (5%)

RECOMMENDED ACTION:

Staff recommends approval of the final acceptance of the French Settlement Road Construction Project (Contract #2019-163) and authorizing the release of \$91,119.13 in retainage funds when all final closeout documents are received.

Attachments

Retainage Pay Application - French Settlement

Listing of Pay Item Overruns/Underruns - French Settlement



Town Council Meeting

Date: 01/05/2021
Agenda Item #: 6. G.
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 the **Final Acceptance of the Bluewater Drive Retaining Wall Project.**

DESCRIPTION:

In July 2020, Town Council awarded a construction contract to Keller North America for the replacement of a retaining wall located near Bluewater Drive in the Sunset Pointe Subdivision. The scope of work included the replacement of a failing retaining wall located on Town-owned property. This project was exempted from the competitive procurement process under Section 252.022 of the Texas Local Government Code, which provides exemptions for expenditures that are necessary to protect the public health or safety of the municipality's residents, or because of unforeseen damage to property.

BUDGET IMPACT:

Funding for the project was allocated in the Drainage Fund.
\$ 62,450.00 Contract Amount
\$ 3,122.50 Retainage Due (5%)

RECOMMENDED ACTION:

Staff recommends approval of the final acceptance of the Bluewater Drive Retaining Wall Project and authorizing the release of \$3,122.50 in retainage funds when all final closeout documents are received.

Attachments

Retainage Pay Application - Bluewater



Town Council Meeting

Date: 01/05/2021
Agenda Item #: 6. H.
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 the **Final Acceptance of the Dickson Lane Traffic Signal Project (Contract #2020-05)**.

DESCRIPTION:

In March 2020, Town Council awarded the construction contract for the Dickson Lane Traffic Signal Project to Roadway Solutions, Inc. The scope of work included the installation of a traffic signal, pedestrian crossing improvements, and striping at the intersection of Eldorado Parkway and Dickson Lane/Pinnacle Bay Pointe. The project was completed and placed into service in conjunction with the opening of Walker Middle School in August 2020.

BUDGET IMPACT:

Funding for the project was allocated within the capital improvement program budget, with additional funding provided via agreements between the Town, Little Elm Independent School District (LEISD), and Denton County.

\$ 286,131.00	Original Contract Amount
\$ <u>1,505.50</u>	<u>Approved Change Orders</u>
\$ 287,636.50	Final Contract Amount
\$ 14,381.82	Retainage Due (5%)

RECOMMENDED ACTION:

Staff recommends approval of the final acceptance of the Dickson Lane Traffic Signal Project (Contract #2020-05) and authorizing the release of \$14,381.82 in retainage funds when all final closeout documents are received.

Attachments

Retainage Pay Application - Dickson Lane



Town Council Meeting

Date: 01/05/2021
Agenda Item #: 6. I.
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 the **Final Acceptance of the Canyon Lake Retaining Wall Project.**

DESCRIPTION:

In July 2020, Town Council awarded a construction contract to Keller North America for the replacement of a retaining wall located near Canyon Lake Drive in the Sunset Pointe Subdivision. The scope of work included the replacement of a failing retaining wall located on Town-owned property. This project was exempted from the competitive procurement process under Section 252.022 of the Texas Local Government Code, which provides exemptions for expenditures that are necessary to protect the public health or safety of the municipality's residents, or because of unforeseen damage to property.

BUDGET IMPACT:

Funding for the project was allocated in the Drainage Fund.

\$ 268,098.00	Contract Amount
\$ 13,404.90	Retainage Due (5%)

RECOMMENDED ACTION:

Staff recommends approval of the final acceptance of the Canyon Lake Retaining Wall Project and authorizing the release of \$13,404.90 in retainage funds when all final closeout documents are received.

Attachments

Retainage Pay Application - Canyon Lake



Town Council Meeting

Date: 01/05/2021
Agenda Item #: 6. J.
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 Award a **Construction Contract for the Little Elm Park Swim Beach Sidewalk Project to GRod Construction and Authorize the Town Manager to Execute the Contract in an Amount Not to Exceed \$170,000.00.**

DESCRIPTION:

Little Elm Park includes a concrete sidewalk that separates the swim beach area and the sand volleyball courts. Over the past several months, staff has noted severe erosion underneath the sidewalk due to fluctuations in lake water levels. In order to remedy the erosion and prevent failures to the sidewalk, an engineering consultant was hired to design a short retaining wall that could be installed along the downstream side of the sidewalk that would isolate the backfill material and prevent erosion in the future. Staff has also received a proposal from GRod Construction, LLC, to construct the wall in accordance with the design.

Section 252.022 of the Texas Local Government Code provides exemptions to the competitive procurement process for expenditures that are necessary to protect the public health or safety of the municipality's residents, or because of unforeseen damage to property. Due to the risk of further erosion, the potential failure of the sidewalk, and public safety concerns, staff is recommending approval of the proposed construction contract utilizing these exemptions.

The contractor is ready to perform the work and is expected to be completed in February 2021.

BUDGET IMPACT:

Funding for the project has been allocated in the FY 2020-2021 budget from the Drainage Fund (Fund 715) for \$170,000.

\$ 159,025.00	Contractor Proposal
<u>\$ 10,975.00</u>	<u>Contingency</u>
\$ 170,000.00	Total Contract Amount

RECOMMENDED ACTION:

Staff recommends approval.

Attachments

Layout and Site Details - Little Elm Park Swim Beach Sidewalk

Cost Proposal - Little Elm Park Swim Beach Sidewalk

Standard Form of Agreement - Little Elm Park Swim Beach Sidewalk



Town Council Meeting

Date: 01/05/2021
Agenda Item #: 7. A.
Department: Development Services
Strategic Goal: Promote and expand Little Elm's identity
Staff Contact: Skye Thibodeaux, Planning Manager

AGENDA ITEM:

Continue the Public Hearing, Present, Discuss, and Consider Action to Approve **Ordinance No. 1581, a Request to Rezone Approximately 4.4 acres of Land from Lakefront (LF) w/ Specific Use Permit for Child Care Center to Planned Development-Lakefront (PD-LF) to Allow for the Use of Mixed-Use and Commercial with Modified Development Standards, Generally Located at the Southwest Corner of Eldorado Parkway and Hillside Drive, within Little Elm's Town Limits.**

1. Staff Report:
2. Open Public Hearing:
3. Receive Public Comments:
4. Close Public Hearing:
5. Discuss and Take Action:

DESCRIPTION:

This public hearing was originally opened at the December 1, 2020, regular Town Council meeting and was continued at the December 15, 2020 meeting.

Location

The subject property is generally located at the southwest corner of Eldorado Parkway and Hillside Drive, within Little Elm's town limits.

Planning Analysis

This request is for the purpose of establishing a Planned Development District that conforms the subject property based on recent changes proposed to the intended remaining development on site. To briefly recap the history of development on the subject property, on July 5, 2017, the applicant received Major Waiver approval to the Block Face Requirement as regulated by the Lakefront District for the proposed mixed-use structure. The requirement approved to be waived from states the following:

“Continuous building frontage will be considered to be met if 80 percent or more of the primary building facade is located within 15 feet of the right-of-way or build-to line designated on an

approved plan.”

The mixed-use structure has not been proposed to be relocated since receiving Major Waiver approval to the Lakefront District’s Block Face Requirement.

On August 7, 2018, Town Council approved Ordinance No. 1462 which approved a request for a Specific Use Permit (SUP) for a Child Care Center to be permitted on site. One of the conditions associated with the approval of Ordinance No. 1462 stated that “the development be oriented on the site as shown on the approved site plan” associated with the Ordinance. Since that time, the applicant has proposed to subdivide the property while also proposing changes to the remaining development of the project that requires zoning approval per the existing condition noted above.

With this request, the PD needs to address the following items:

1. Changes to the adopted site plan - The applicant is requesting to develop the remainder of the property per the attached updated site & landscape plans. Zoning approval is required for the proposed changes. P&Z recommends maintaining similar language with this request to read as follows:

- The project shall develop according to the updated site plan, landscape plan, and mixed-use structure elevations adopted within this ordinance.

2. Lakefront District Waivers of Design Standards - Similar to what was done with the Palladium PD, P&Z recommended proposing the following language carrying over previous Major Waiver approvals:

- Block Face – as approved by Town Council on July 5, 2017, development within this PD District shall be exempt from this requirement.

3. Dumpsters – The applicant is proposing a lot configuration that creates a challenge in designing and constructing a conforming 14’ x 25’ dumpster to serve and be located on proposed Lot 3. The applicant has proposed an additional dumpster enclosure on proposed Lot 1R to serve Lot 3. P&Z recommended the following language:

- An off-site dumpster for proposed Lot 3 is permitted as shown on proposed Lot 1R on the site plan exhibit adopted with this PD. A shared use dumpster agreement shall be executed and noted on the plat associated with the future proposed subdivision prior to the plat being recorded with Denton County.

4. Accessory Structures – P&Z recommended that the following language be stipulated as a condition within the PD to read as follows:

- Proposed accessory structures within this District shall be reviewed at the discretion of the Development Services Director. Appeals to the Director’s decision shall go before both the Planning & Zoning Commission and Town Council for final consideration.

5. Future Building & Construction Permits – P&Z recommended the following language as it relates to future building and construction permit requests:

- Interior layouts associated with this PD are conceptual and are subject to change.
- Future construction and building permit applications are subject to meeting relative International Codes and Engineering Design Standards, as amended.
- Potential changes to plans may also be subject to additional review and approval by USACE and/or TxDoT.

To note, the existing Specific Use Permit and restrictions associated with Ordinance No. 1462 remain in place in order to maintain the existing child care center as a conforming use.

BUDGET IMPACT:

There is no budget impact for this item.

RECOMMENDED ACTION:

The Planning & Zoning Commission recommend approval of the requested Planned Development per the following stipulations:

The permitted uses and standards shall be in accordance with the Lakefront (LF) zoning district, and other applicable site development standards as laid out in the Town’s Zoning Ordinance, as amended, unless otherwise specified herein:

1. Changes to the adopted plans – the project shall develop according to the updated site plan, landscape plan, and mixed-use structure elevations adopted within this ordinance.
2. Block Face Requirement - as approved by Town Council on July 5, 2017, development within this PD District shall be exempt from this requirement.
3. Dumpsters - an off-site dumpster for proposed Lot 3 is permitted as shown on proposed Lot 1R on the site plan exhibit adopted with this PD. A shared use dumpster agreement shall be executed and noted on the plat associated with the future proposed subdivision prior to the plat being recorded with Denton County.
4. Accessory Structures – proposed accessory structures within this District shall be reviewed at the discretion of the Development Services Director. Appeals to the Director’s decision shall go before both the Planning & Zoning Commission and Town Council for final consideration.
5. Future Building & Construction Permits
 - a. Interior layouts associated with this PD are conceptual and are subject to change.
 - b. Future construction and building permit applications are subject to meeting relative International Codes and Engineering Design Standards, as amended.
 - c. Potential changes to plans may also be subject to additional review and approval by USACE and/or TxDoT.

Attachments

Ordinance 1581 - Lakeshore Plaza PD
Exhibits - Lakeshore Plaza PD



Town Council Meeting

Date: 01/05/2021
Agenda Item #: 7. B.
Department: Development Services
Strategic Goal: Promote and expand Little Elm's identity
Staff Contact: Skye Thibodeaux, Planning Manager

AGENDA ITEM:

Consider Action to Approve a **Development Agreement between the Town of Little Elm and Matt Mahdi Shekari with Lake Shore Plaza Authorize the Town Manager to Execute Amendment for the Same Subject to the Planned Development Ordinance.**

DESCRIPTION:

Town staff has worked with the developer, Matt Mahdi Shekari with Lake Shore Plaza, with the proposed Planned Development (PD) as shown in PD Ordinance No. 1581. This agreement is intended to lock in the exhibits associated with the PD.

BUDGET IMPACT:

There is no budget impact for this item.

RECOMMENDED ACTION:

Staff recommends approval.

Attachments

Development Agreement - Lakeshore Plaza PD



Town Council Meeting

Date: 01/05/2021
Agenda Item #: 7. C.
Department: Development Services
Strategic Goal: Promote and expand Little Elm's identity
Staff Contact: Skye Thibodeaux, Planning Manager

AGENDA ITEM:

Conduct a Public Hearing, Present, Discuss, and Consider Action to Approve **Ordinance No. 1587, Proposed Amendments to the Zoning Ordinance.**

1. Staff Report:
2. Open Public Hearing:
3. Receive Public Comments:
4. Close Public Hearing:
5. Discuss and Take Action:

DESCRIPTION:

Staff is proposing additions and modifications to various sections of the Zoning Ordinance that contain language associated with the former MH-2 District and current MH-1 District. The proposed changes are shown in the attached exhibit and reflect the November 17, 2020, work session discussion and direction between staff and Town Council. To briefly recap, the following elements were discussed in the work session:

1. Staff provided a brief zoning history of the MH-1 & former MH-2 Districts in regard to the following:
 - MH Districts prior to the August 2017 Zoning Ordinance Update
 - MH Districts post the August 2017 Zoning Ordinance Update
 - Differences between standards and regulations between each district
2. Staff provided information pertaining to the use of manufactured housing as it relates to the Comprehensive Plan and the Zoning Ordinance regarding the following:
 - The Town's vision for the subject use related to the Comprehensive Plan's Visual Character Survey and Future Land Use Plan
 - What the Zoning Ordinance states in regard to establishing a compatible base zoning district when rezoning property

3. Staff related the above information to relative areas in Town (Castleridge Area & Preston on the Lakes).
4. Council directed staff to initiate a case to rezone an undeveloped tract in the Castleridge area from MH-1 to Duplex and to add a note to the MH-1 District's development standards intended to generally prohibit future manufactured housing developments.

BUDGET IMPACT:

There is no budget impact for this item.

RECOMMENDED ACTION:

The Planning & Zoning Commission recommended approval of the proposed Zoning Ordinance text amendments.

Attachments

Ordinance 1587 - Zoning Amendments (MH Districts)



Town Council Meeting

Date: 01/05/2021
Agenda Item #: 7. D.
Department: Development Services
Strategic Goal: Promote and expand Little Elm's identity
Staff Contact: Skye Thibodeaux, Planning Manager

AGENDA ITEM:

Conduct a Public Hearing, Present, Discuss, and Consider Action to Approve **Ordinance No. 1588, a Request to Rezone Approximately 4.445 acres of land from Manufactured Home (MH-1) to Duplex (D), Generally Located Approximately 225 feet to the South and West of the Misty Way and Woodgrove Drive Intersection, within Little Elm's Town Limits.**

1. Staff Report:
2. Open Public Hearing:
3. Receive Public Comments:
4. Close Public Hearing:
5. Discuss and Take Action:

DESCRIPTION:

Location

The subject property is generally located approximately 225 feet to the south and west of the Misty Way and Woodgrove Drive intersection, within Little Elm's town limits.

Planning Analysis

This Town-initiated request is a result of a workshop discussion with Town Council and is for the purpose of rezoning an area of land situated in the Castleridge Subdivision that should have been included in Ordinance No. 1225 that was passed in 2014. This will also allow staff the opportunity to clean up this area on the current zoning map.

In 1998, Ordinance No. 414 was passed to rezone the Castleridge area from Agricultural to Mobile Home Residential to allow for a Mobile Home development. Moving forward, in 2014, Ordinance No. 1225 was presented and passed to rezone the same Castleridge area from Duplex (D) and Manufactured Home District (MH-1) to just Duplex (D) and remove Manufactured Home (MH-1) completely. However, the above-mentioned tract was excluded from this rezone for reasons that are unknown to staff. Today, a large portion of the Castleridge Subdivision has been redeveloped to duplex homes which began in 2002.

With the understanding of Ordinance No. 1225 removing the Manufactured Home (MH-1) District entirely, staff feels it is necessary to rezone the above-mentioned tract of land to reflect the Duplex (D) zoning where it is part of the Castleridge Subdivision.

To note, staff spoke with the subject property owner regarding the proposed rezone and the owner is amenable to this request.

BUDGET IMPACT:

There is no budget impact for this item.

RECOMMENDED ACTION:

The Planning & Zoning Commission recommended approval of staff's request to rezone the subject property.

Attachments

Ordinance 1588 - Castleridge Area Zoning

Location Map - Castleridge Area Zoning

Zoning Map - Castleridge Area Zoning

Timeline - Castleridge Area Zoning

Ordinance No. 414 - Castleridge Area Zoning

Ordinance No. 1225 - Castleridge Area Zoning



Town Council Meeting

Date: 01/05/2021
Agenda Item #: 7. E.
Department: Development Services
Strategic Goal: Promote and expand Little Elm's identity
Staff Contact: Skye Thibodeaux, Planning Manager

AGENDA ITEM:

Conduct a Public Hearing, Present, Discuss, and Consider Action to Approve **Ordinance No. 1589, a Request to Amend Planned Development Ordinance No.1283 on Approximately 35.0 acres of land, Generally Located at the Northwest Corner of U.S. Highway 380 and FM 2931, within Little Elm's Town Limits.**

1. Staff Report:
2. Open Public Hearing:
3. Receive Public Comments:
4. Close Public Hearing:
5. Discuss and Take Action:

DESCRIPTION:

Location

The subject property is generally located at the northwest corner of US 380 and FM 2931, within Little Elm's town limits.

Planning Analysis

The applicant is requesting an amendment to the existing Planned Development (PD) which was approved on June 16, 2015, via PD Ordinance No. 1283 to allow for additional multifamily development with modified standards. The PD was initially set up with a somewhat optional set of uses between commercial, single-family, and multi-family. A concept plan was also adopted as shown in the associated ordinance.

In April 2015, prior to the creation of the PD, a development agreement was approved between the Town and the applicant. The agreement is also being proposed to be amended to address the removal of sales tax and qualified expenditures.

The existing development within the subject property consists of The Landing apartment complex located on the northern portion of the subject PD, along with a Brakes Plus and Valero gas station

located in the southeast portion. The remaining property is undeveloped. The future land use designation for the subject property is a mix of Commercial/Retail and High Density Residential. The requested amendment is compatible with the Future Land Use Plan.

Regarding the proposed multifamily, the applicant is proposing that the updated standards be compatible with the existing multifamily development and associated relative standards in the existing PD. Additionally, the applicant is proposing that the third condition contained in the existing general standards be considered and approved while removing all language and standards incompatible with existing development.

Both staff and the applicant expect future amendments to the subject PD when the commercial portion picks up development. This proposed amendment is simply for the purpose of considering additional multifamily while cleaning up previous language and standards that is either no longer applicable or valid.

BUDGET IMPACT:

There is no budget impact for this item.

RECOMMENDED ACTION:

The Planning & Zoning Commission recommended approval of the proposed stipulations with the following additional conditions:

1. A maximum of 10 acres be permitted for multifamily uses within the remaining undeveloped portion of the subject PD; and,
2. The future site plan for the additional multifamily development shall be considered and acted upon by the Planning & Zoning Commission.

Attachments

Ordinance 1589 - Provident PD Amendment

Location Map - Provident PD Amendment

Timeline - Provident PD Amendment

Conceptual Exhibit - Provident PD Amendment

PD Stipulations - Provident PD Amendment

Ordinance No. 1283 - Provident PD Amendment