WORKSHOP & REGULAR MEETING
OF THE TOWN COUNCIL

Tuesday, February 2, 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 February 2, 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/97029767537
- 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C. Items to be Withdrawn from Consent Agenda.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, Discuss, and Receive Direction on the Current Planning & Zoning Commission and Board of Adjustment Roster.

B. Present and Discuss a Progress Update on The Cove at the Lakefront.

C. Presentation to Recognize Danny Weakley for Receiving the 26th District Congressional Veteran Commendation for 2020.

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 January 19, 2021 Regular Meeting.

B. Consider Action to Approve an Agreement between the Town of Little Elm and the Texas Department of Transportation regarding Illumination Improvements along US 380.


D. Consider Action to Approve the Unaudited Quarterly Budget to Actual Report for the Quarter Ending December 31, 2020.

E. Consider Action to Approve Resolution No. 0202202101 Authorizing and Creating the Spiritas Ranch Public Improvement District in Accordance with Chapter 372 of the Texas Local Government Code.

F. Consider Action to Award a Construction Contract for the Little Elm Aquatic Center North Parking
Addition Project (Contract #2021-06).

G. Consider Action to Approve the Fire Department to Apply for This Year's FEMA/Department of Homeland Security's Assistance to Firefighters Grant.

H. Consider Action to Approve Ordinance No. 1594 Amending the FY 2020-2021 Annual Budget in Accordance with Existing Statutory Requirements; Appropriating the Various Amounts herein; Repealing all Prior Ordinances and Actions in Conflict herewith; and Providing for an Effective Date.

7. Public Hearings.

A. Continue a Public Hearing, Present, Discuss, and Consider Action 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.

8. Reports and Requests for Town Council consideration.

A. Present, Discuss, and Consider Action to Approve Ordinance No. 1593 Ordering a General and Special Election to be held on May 1, 2021.

B. Present, Discuss, and Consider Action to Approve the Joint Election Agreement and Contract for Election Services with the Denton County Elections Administrator.

C. Present, Discuss, and Consider Action on a Developers Agreement between the Town of Little Elm and MM Little Elm 548, LLC (Spiritas Ranch Development Agreement).

D. Present, Discuss, and Consider Action on the 6th Amendment to the Valencia on the Lake Pre-Annexation Agreement, Development Agreement, Public Improvement District Agreement, and Tax Increment Reinvestment Zone Agreement.

9. 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.

10. 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.

11.  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 29th day of January 2021 before 5:00 p.m.
Town Council Meeting

Date: 02/02/2021
Agenda Item #: 3.A.
Department: Development Services
Strategic Goal: Maintain operational integrity and viability
Staff Contact: Skye Thibodeaux, Planning Manager

AGENDA ITEM:
Present, Discuss, and Receive Direction on the Current Planning & Zoning Commission and Board of Adjustment Roster.

DESCRIPTION:
Staff will discuss with Council recent conversations with active members and will be seeking direction regarding potential options to shuffle the current roster accordingly.

BUDGET IMPACT:
There is no budget impact for this item.

RECOMMENDED ACTION:
Staff is requesting direction from Town Council.

Attachments
Current Roster
Town Council Meeting

Date: 02/02/2021
Agenda Item #: 3.B.
Department: Community Services
Strategic Goal: Maximize community recreation and leisure activities
Staff Contact: Chad Hyde, Director of Community Services

AGENDA ITEM:
Present and Discuss a Progress Update on The Cove at the Lakefront.

DESCRIPTION:
Town staff will provide a presentation to update the following related to The Cove at the Lakefront:

- Construction
- Staffing
- Memberships
- Timeline
- Launch date

BUDGET IMPACT:
There is no budget impact for this item.

RECOMMENDED ACTION:
Information only, no action required.
Town Council Meeting

Date: 02/02/2021
Agenda Item #: 3.C.
Department: Administrative Services
Strategic Goal: Ensure strong relationship within the community and region
Staff Contact: Caitlan Biggs, Director of Administrative Services/Town Secretary

AGENDA ITEM:
Presentation to Recognize Danny Weakley for Receiving the 26th District Congressional Veteran Commendation for 2020.

DESCRIPTION:
Council Member Tony Singh nominated Danny Weakley for the 26th District Congressional Veteran Commendation for 2020. The Congressional Veteran Commendation, in conjunction with the Veterans History Project sponsored by the Library of Congress, honors the distinguished veterans of Texas’ 26th Congressional District and preserves their stories for future generations of Americans.

Mr. Weakley was selected as one of five recipients.

BUDGET IMPACT:
There is no budget impact for this item.

RECOMMENDED ACTION:
Information only, no action required.

Attachments

Award Letter
Town Council Meeting

Date: 02/02/2021
Agenda Item #: 6.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 January 19, 2021 Regular Meeting.

DESCRIPTION:
The minutes from the January 19, 2021 regular meeting are attached for approval.

BUDGET IMPACT:
There is no budget impact for this item.

RECOMMENDED ACTION:
Staff recommends approval.

Attachments
Minutes - January 19, 2021 Regular Meeting
**Town Council Meeting**

**Date:** 02/02/2021  
**Agenda Item #:** 6.B.  
**Department:** Development Services  
**Strategic Goal:** Provide a safe and welcoming environment for Little Elm residents and visitors  
**Staff Contact:** Wesley Brandon, Town Engineer

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**AGENDA ITEM:**  
Consider Action to Approve an Agreement between the Town of Little Elm and the Texas Department of Transportation regarding Illumination Improvements along US 380.

**DESCRIPTION:**  
The Texas Department of Transportation (TxDOT) has proposed improvements to US 380 between FM 720 and Legacy Drive, which will include expanding the highway to six lanes (three lanes in each direction with a divided median), as well as installing grade separations (overpasses) at specific intersections along the corridor. As part of the project, TxDOT has agreed to fund and coordinate the installation of continuous lighting along the corridor. The lighting would extend through the Town of Little Elm as well as the Town of Prosper and the City of Frisco.

TxDOT is requesting an agreement with the Town that describes the commitments of TxDOT to fund the construction of illumination improvements and also includes the obligation of the Town to provide electrical services and continued maintenance and operation of the improvements after the construction phase is complete. The obligation would only include the improvements within the Town’s jurisdiction and the other jurisdictions will be required to fund their portion of the costs.

**BUDGET IMPACT:**  
There is no immediate budget impact for this item; however, funding for the continued operation and maintenance of the improvements will be needed in future budgets.

**RECOMMENDED ACTION:**  
Staff recommends approval.

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**Attachments**  
Draft Agreement  
Illumination Layout
AGENDA ITEM:
Consider Action to Approve the Quarterly Investment Report for the Period Ending December 31, 2020.

DESCRIPTION:
The purpose of this item is to provide Town Council an overview of the Town’s cash and invested balances for the fiscal period ending December 31, 2020.

BUDGET IMPACT:
Interest earnings for the first quarter of the Fiscal Year 2020-2021 was $146,557 for the reporting period of October to December 2020 with the year-to-date total earnings of $146,557.

RECOMMENDED ACTION:
Staff recommends approval.

Attachments
Memo to TM Qtrly Investment Report
LE Quarterly Investment Report as of 12.31.2020
Town Council Meeting

Date: 02/02/2021
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 the Unaudited Quarterly Budget to Actual Report for the Quarter Ending December 31, 2020.

DESCRIPTION:
The purpose of this item is to provide Town Council a report of the financial performance of the town regarding its Budget of Revenues and Expenditures for the 1st quarter of the Fiscal Year 2020-2021.

BUDGET IMPACT:
The Town’s financial outlook will be impacted as it relates to the current environment related to COVID-19 and the economy surrounding closures of businesses however Little Elm is seeing a strong increase in building permits with the residential home market booming in the North DFW area. This quarter reflects the majority of property tax collections which is a major revenue stream for the Town. Through the first quarter, the Town’s property tax collection rate is 66.91% compared to 66.81% collected this time last year. The Park and Recreation Fund is seeing a shortfall in revenue due to minimum use of the recreation center. The Town had a successful special event held in December for Magic of Lights. We have not received the revenue collection from the third party that administered the event. This will be highlighted in the next quarterly financial report. Another major revenue stream for the Town is the reported sales tax. The sales tax reported for December collections is for the October sales in this period. Year to date, the Town has seen an increase of 7.46% over this time last year on reported sales tax collections. The Utility Funds are on target with their billed revenue for services.

RECOMMENDED ACTION:
Staff recommends approval.

Attachments
Budget Memo to Town Manager and Council
December 2020 Financial Data
Town Council Meeting

Date: 02/02/2021
Agenda Item #: 6.E.
Department: Economic Development Corporation
Strategic Goal: Promote and expand Little Elm’s identity
Staff Contact: Jennette Espinosa, EDC Executive Director

AGENDA ITEM:
Consider Action to Approve Resolution No. 0202202101 Authorizing and Creating the Spiritas Ranch Public Improvement District in Accordance with Chapter 372 of the Texas Local Government Code.

DESCRIPTION:
On November 12, 2020, MM Little Elm 548, LLC submitted and filed with the Town Secretary of Little Elm a petition requesting the establishment of a Public Improvement District for the property within the Town.

BUDGET IMPACT:
There is no budget impact for this item.

RECOMMENDED ACTION:
Staff recommends approval.

Attachments
Resolution for the Creation of Spiritas PID
AGENDA ITEM:
Consider Action to Award a **Construction Contract for the Little Elm Aquatic Center North Parking Addition Project (Contract #2021-06)**.

DESCRIPTION:
On January 20, 2021, the Town received bids for the construction of additional parking north of the Little Elm Aquatic Center. Bids were advertised in the local paper and posted on the Town’s eProcurement system. Seventeen (17) vendors responded. The lowest responsible bidder is Austin Raymond Construction, LLC of Yantis, Texas.

The project consists of installing a parking area that will provide eighty (80) additional parking spaces located just north of the aquatic center. The project also includes landscaping, lighting, and sidewalk improvements.

BUDGET IMPACT:
Funding for the project is allocated and available through a reimbursement approved by the Community Development Corporation.

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<th>Amount</th>
<th>Description</th>
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<td>$461,829.82</td>
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RECOMMENDED ACTION:
Staff recommends approval.

Attachments
Draft Agreement
Project Layout
Town Council Meeting

Date: 02/02/2021
Agenda Item #: 6.G.
Department: Fire
Strategic Goal: Provide a safe and welcoming environment for Little Elm residents and visitors
Staff Contact: Paul Rust, Fire Chief

AGENDA ITEM:
Consider Action to Approve the Fire Department to Apply for This Year's FEMA/Department of Homeland Security's Assistance to Firefighters Grant.

DESCRIPTION:
The Assistance to Firefighters Grant (AFG) is an annual program offered by FEMA/Dept. of Homeland Security. The grant is intended to assist fire departments with the purchase of major equipment or vehicles necessary for delivering emergency fire and rescue services. This request to Town Council is to consider allowing the Fire Chief to pursue a grant application for this year's AFG. The project, which has been deemed most appropriate for the Little Elm Fire Department, is a replacement of our portable and mobile radios. The radios currently used by the Fire department have been discontinued by the manufacturer, and obtaining replacement parts and repairs will become problematic in the near future. The estimated project cost to replace the radios is approximately $900,000. If our AFG grant project is awarded by FEMA/DHS, the Town will be responsible for only 10% of the project costs, with FEMA/DHS funding 90%. As radio replacement is something we must eventually face, the Fire Chief believes this is an opportunity we should pursue.

BUDGET IMPACT:
The cost to apply for the grant is estimated to be $7,000 and will be covered with funds already approved in the Fire department’s operational budget.

RECOMMENDED ACTION:
Staff recommends approval.

Attachments

AFG Guide
Town Council Meeting

Date: 02/02/2021
Agenda Item #: 6.H.
Department: Finance
Strategic Goal: Maintain operational integrity and viability
Staff Contact: Kelly Wilson, Chief Financial Officer

AGENDA ITEM:
Consider Action to Approve Ordinance No. 1594 Amending the FY 2020-2021 Annual Budget in Accordance with Existing Statutory Requirements; Appropriating the Various Amounts herein; Repealing all Prior Ordinances and Actions in Conflict herewith; and Providing for an Effective Date.

DESCRIPTION:
The Town Charter requires that when budgets are amended, that the amendment be by ordinance. This budget amendment addresses several items discussed below.

Landscape Fund

Staff has been working with Lakefront businesses to increase or add lighting to the Lakefront lighting program. This budget amendment is to reflect the funds received from businesses and EDC to participate in this program and increase costs for the installation of lights.

Wynnfield HOA share of the screening wall was planned in FY 2020 but the project did not start until FY 2021. The HOA's share is being reflected in this budget amendment for FY 2021.

PEG Fund

The marketing offices were budgeted in FY 2020 for remodel and funded from PEG funds. The request for additional $20,000 reflects FF&E and other costs associated with the remodel of these offices. This will close out this project.

Special Revenue Fund

The police offices remodel came from the General Fund in FY 2020. However, IT hardware is required to support the infrastructure and bandwidth. Finance is recommending using the Court Technology funds to support the additional costs associated with the remodel for police. The budget amendment reflects $8,000 from this special dedicated funding source.
To mitigate risk, Police is requesting the body cam software to be placed in the cloud. The additional costs associated with this license has added $65,450 that was not allocated in the Police budget for FY 2021. Finance is recommending the use of the Child Safety dedicated funds that allows this funding to be used for police equipment.

Capital Improvement Fund

Increase in project costs associated with the special events center for a feasibility study is being required from capital recovery fees at a cost of $8,400. TxDOT Green Ribbon project requires the Town to fund the design and in order to move forward, the Town needs budget authority to do so. Staff recommends the funding for design of this project from the capital recovery fees.

BUDGET IMPACT:
See Budget Impact on Exhibit A attached to Ordinance No. 1594

RECOMMENDED ACTION:
Staff recommends approval.

Attachments

Ordinance No. 1594
Exhibit A Budget Amendment Support
Town Council Meeting

Date: 02/02/2021
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 a Public Hearing, Present, Discuss, and Consider Action 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.

DESCRIPTION:
At the January 5, 2021 Town Council meeting, Town Council directed the applicant to provide the following:

- More detailed information associated with the proposed elevations regarding materials and color pallets for garages along with additional details regarding exterior and interior finish materials.
- Additions to the proposed landscape plan providing additional tree plantings along the western boundary to mitigate visibility between Eldorado Parkway and the western facing garages.
- A POA document formed and executed for the property including language for shared use of dumpsters.

At the January 19, 2021 Town Council meeting, Council voted to continue the item to the February 2, 2021 Town Council meeting as the applicant had provided updated plans to staff but had not yet formed and executed the above mentioned POA document. At this time, the applicant is still in the process of forming and executing the POA document.

BUDGET IMPACT:
There is no budget impact for this item.

RECOMMENDED ACTION:
In order to provide additional time for the applicant to form and execute a POA document for the subject property with shared use language, staff is requesting that this item be continued to the February 16, 2021 Town Council meeting.
Town Council Meeting

Date: 02/02/2021
Agenda Item #: 8.A.
Department: Administrative Services
Strategic Goal: Ensure strong relationship within the community and region
Staff Contact: Caitlan Biggs, Director of Administrative Services/Town Secretary

AGENDA ITEM:
Present, Discuss, and Consider Action to Approve Ordinance No. 1593 Ordering a General and Special Election to be held on May 1, 2021.

DESCRIPTION:
The Town of Little Elm is ordering a general and special election to be held on May 1, 2021, for the following purposes:

- To elect a Mayor, for a three (3) year term;
- To elect a Town Council Member for Place 3, for a three (3) year term;
- To elect a Town Council Member for Place 5, for a two (2) year term;
- To consider reauthorization of the municipal sales and use tax for street maintenance, at the rate of one-fourth of one percent; and
- To consider four (4) ballot propositions for Town Charter amendments.

BUDGET IMPACT:
There is no budget impact for this item.

RECOMMENDED ACTION:
Staff recommends approval.

Attachments
Ordinance 1593 - May 2021 Election Order
Town Council Meeting

Date: 02/02/2021
Agenda Item #: 8.B.
Department: Administrative Services
Strategic Goal: Ensure strong relationship within the community and region
Staff Contact: Caitlan Biggs, Director of Administrative Services/Town Secretary

AGENDA ITEM:
Present, Discuss, and Consider Action to Approve the Joint Election Agreement and Contract for Election Services with the Denton County Elections Administrator.

DESCRIPTION:
The Town of Little Elm contracts with the Denton County Elections Administrator to provide election services for all elections.

The contract attached to this item is in draft form because the Denton County Elections Administrator is waiting for all locations and entities joining the contract to give notice of their participation in the May 1, 2021 election. Once all entities have given notice, the final cost of the Town’s portion will be calculated. This calculation is estimated to be available in late March.

BUDGET IMPACT:
This item is budgeted for in the General Fund operating budget.

RECOMMENDED ACTION:
Staff recommends approval.

Attachments
Contract - Joint Election Agreement and Election Services with the Denton County Elections Administrator
AGENDA ITEM:
Present, Discuss, and Consider Action on a Developers Agreement between the Town of Little Elm and MM Little Elm 548, LLC (Spiritas Ranch Development Agreement).

DESCRIPTION:
The Spiritas Ranch property includes approximately 545 acres (estimated to be 2,135 single family lots) located on the southeast corner of FM 720 and US Hwy 380. The property is partially located within the Town limits, zoned Agriculture, and the remainder is partially located within the Town's ETJ. In 2007, the Town and the owners of Spiritas Ranch executed a developers' agreement that included this property and the property to the east also known as the Navo tract. The 2007 agreement included some annexation and established subdivision and other development standards for some areas. In 2014, it included the annexation of the large tract known as Spiritas West that carried the same regulations that was part of the Lincoln Park ETJ portion. The new proposed developers' agreement amends a portion of that agreement to create a new one that includes the entire 545 acres and not just the ETJ portion.

The new Spiritas Ranch Developers agreement or DA, provides the details for the development of the Spiritas Ranch property creating a plan that includes many elements that are listed below:

Development Standards, Zoning and Annexations: (See Exhibit E)
- Landscaping, Gifts to the Streets, masonry and architectural standards.
- Planned Development will follow adopting all the standards set forth in the DA.
- Voluntary Annexation of the ETJ Property into the Town within 30 days of the Effective Date of the DA.

Public Infrastructure, Public Facilities and School: (See Exhibit D, D-3 (Phase 1), (Phase 2), (Phase 3), (Phase 4) and Exhibit G)
- **Denton ISD:** Subject to an agreement with Denton ISD, reserve approximately 13 acres for a future school.
- **Fire Station/EMS Center:** Construct a Fire Station/EMS Center similar to Fire Station 3 (approximately 14,000 square feet) on an approximately 3 acre site within the development. Construction of the Fire Station/EMS Center shall begin with the issuance of the 1250th residential building permit.
• **FM 2931 Extension**: Construct a portion of FM 2931 (proposed to be Ryan Spiritas Parkway) as a four-lane divided roadway as shown on the concept plan with the timing as follows:
  - Two lanes of Ryan Spiritas Parkway from FM 720 to US 380 shall be constructed during Phase 1 and construction of the remaining two lanes will begin by the 1000th residential building permit.
• **HEB Roadway**: Construct approximately twenty-five (25) feet of pavement of the four lane divided roadway. The turn lanes on HEB Road shall be designed to perform turns to access the HEB commercial property.

**Parks, Open Space and Trails: (See Exhibit D-1, D-2 and D-4)**

- 9 irrigated parks totaling approximately 11.5 acres.
- 36 acres of natural open space and ponds.
- 17,200 linear feet of trails
- Parks will include benches, tables, playgrounds and will be located throughout the subdivision.
- The Town may not issue PID bonds for a subsequent phase of development until the parks, open space, and trails are completed for the previous phase of development, provided such parks, open space, and trails are required for the previous phase of development.

**Additional Amenities Features: (See Exhibit D and F)**

- **Amenity Site 1**: Approximately a 4.2 acre site that will start construction 90 days after the acceptance of lots within Phase 1 (as shown on the Concept Plan) and be completed within 15 months of the Town’s acceptance of the Phase 1 lots. Amenity Site 1 will include the following features:
  - Cabana
  - Pool and pool deck
  - Kid pool
  - Playground
  - Open Space
  - Pond
  - Trails
  - Sidewalks
  - Parking
  - Proposed restaurant and or convenience if approved by Council, will begin within 90 days of the issuance of the 1500th residential building permit.

- **Amenity Site 2**: Approximately 2.3 acre site that will start construction 90 days after acceptance of the Town of the lots within Phase 2M (as shown on the Concept Plan) and be completed within 15 months of the Town’s acceptance of the lots within Phase 2m. Amenity Site 2 will include the following features:
  - Cabana
  - Pool and pool deck
  - Open Space
  - Pond
  - Sidewalks
  - Parking

**BUDGET IMPACT:**
There is no budget impact for this item.
RECOMMENDED ACTION:
Staff recommends approval.

Attachments

Exhibit A Legal Description
Exhibit B Boundary
Exhibit C Overall Probable Cost
Exhibit D Concept Plan
Exhibit D-1 Open Space Plan
Exhibit D-2 Trail Plan
Exhibit D-3 Phase 1
Exhibit D-3 Phase 2
Exhibit D-3 Phase 3
Exhibit D-3 Phase 4
Exhibit E Development Standards
Exhibit F Amenity Sites
Exhibit G HEB Road
Exhibit K TIRZ Exclusion Zone
Developers Agreement Signed
Approved MOU
Spiritas Timeline
Exhibit F Color
Spiritas Aerial
Spiritas Zoning
Spiritas Future Land Use
Town Council Meeting

Date: 02/02/2021
Agenda Item #: 8.D.
Department: Development Services
Strategic Goal: Promote and expand Little Elm’s identity
Staff Contact: Fred Gibbs, Director of Development Services

AGENDA ITEM:
Present, Discuss, and Consider Action on the 6th Amendment to the Valencia on the Lake Pre-Annexation Agreement, Development Agreement, Public Improvement District Agreement, and Tax Increment Reinvestment Zone Agreement.

DESCRIPTION:
The Valencia Subdivision was approved back in 2014 that included a developers agreement and Planned Development that covered development standards and other elements related to Valencia. Since then, there has been 5 amendments to the agreement that our summarized below.

Timeline of Amendments:

September 16, 2014 (First Amendment):

Revised the Type 4 (40's) lots

- 20' minimum front yards were reduced to 10' minimum.
- 20' minimum rear yards were reduced to 10' minimum.
  - These front and rear yard reductions allowed for a 30' x 75' building pad.

June 2, 2015 (Second Amendment):

Revised the Type 2 (80's) and Type 3 (60's) and

- 20' minimum rear yards were reduced to 15' minimum.

Added "Gifts to the Street" Please see the list below of the Gifts to the Street:

- Architectural garage doors
- Architectural pillars and posts
- Bay Window
- Brick chimney on exterior wall (front of house)
- Cast stone accents
- Covered front porches
- Cupolas or turrets
- Dormers
- Gables
- Garages door not facing street
- Roof accent upgrades (i.e. metal, tile, slate, etc.)
- Recessed entries, a minimum of three (3) feet deep
- Greater than an 8:12 primary roof pitch
- Separate transom windows
- Variable roof pitch
- Shutters
  - Type 1,2,3, and 5 lots shall have at least four of the listed Gifts to the Street.
  - Type 4 lots shall have at least five (5) of the listed Gifts to the Street.
- Remove the tile/masonry roof requirement from Type 4 (40's) lots.
- Increased the trail width from eight feet (8') to ten feet (10').
- Increased the trail concrete thickness from four inches (4") to six inches (6").
- Increased the trail subgrade from two inches (2") of bedding sand to six inches (6") of compacted subgrade.
- Added terms and conditions under which the developer would be able to utilize/contribute proceeds from a proposed TXDOT trial grant.
- Nine (9) parking locations identified for potential parking area. Developer is required to construct a minimum of three (3) parking areas with a minimum of three (3) parking stalls at each parking area.

**February 16, 2016 (Third Amendment):**

Reduced garage requirements of Type 2 (80's) lots

- Prior to the revision, garages on 80' lots could not face the street unless they were set back 30' from front of the home. The revision makes the garage requirements on the 80's mirror that of the 60' lots.

**August 2, 2016 (Fourth Amendment):**

Significant revisions were made to lot types via Concept Plan.

- Added the construction of the Amenity Center
- Revised several development standards that included:
  - Increased lot coverage for the 40's from 55% to 57%.
  - Added 50' lots for Patio Homes
  - Added 70's to the plan with a minimum of 154.
  - Added the requirement to plant at least one (1) ornamental tree per lot.
  - Added the new lots to provide Gifts to the Street.
  - Added that all garage doors and front doors in Phase 2, 3, 4 and 5 (excluding Type 4 and Type 5 lots) must consist of, or have the appearance of stained wood.
  - Added that all front yards shall be irrigated with an automated system.
- Revised the trail path exhibit to provide the new alignment.

**August 15, 2017 (Fifth Amendment):**

- Amended the whereas clause that dealt with the PID issue and TIRZ language.
- Added the section pertaining the amenity center by providing deadlines and penalties for the construction.
Proposed Development Agreement Amendment Details (Sixth Amendment):

Below is a summary of the proposed amendment to the Developers Agreement. All these items will be followed up with an amendment to the Planned Development that is currently in place within 60 days of execution of the Developers Agreement. The Developer conducted a meeting with the HOA on January 21, 2021 and received some favorable feedback with the items that are being requested.

Rockhill Parkway and 8' sidewalk completion: (See Exhibit D and J)

- If the amendment is approved by Town Council, as a condition of the Town's acceptance of the next phase of development (Phase 2B-2-4A0, the Developer will be required to construct the remaining portion of Rockhill Parkway, in its entirety.
- Final two lanes of Rockhill Parkway will be completed which will include streetlights and median some landscaping.
- Eight-foot (8') sidewalk along the entire length of Rockhill Parkway, from Riola Drive to Casinos Drive will be constructed.
- The Temporary trail there today will remain until the sidewalk is completed.
- A $500 per day penalty clause is within the agreement.

Parks and Open Space: (See Exhibit E, E-2, I, and K)

- Currently, the Developer is only required to dedicate two (2) park sites (5 acre min. for each site) to the Town and the Town is obligated to construct and maintain the parks. The new amendment proposes the developer construct two (2) new parks, each with open play areas, play structures, dog park and other features. The new parks will be owned by the (due to PID funding regulations) but maintained by the HOA.
  - **Park A**: Located strategically located in the "middle" of Valencia, adjacent to the school property, and when construction of the school and school's recreation facilities are complete, would serve as a large open space with playground and recreational facilities for all ages. The construction of this Park is directly tied to the construction of the next phase (Phase 2B-2-4A) and acceptance of the Phase.
  - There is a $500 per day penalty clause in the agreement.
  - **Park B**: Located adjacent to the existing Amenity Center and sport courts. This park is near the point of the peninsula and boast incredible views of the lake and has a great connection to untouched nature of the Corp. property. The park will also consist of a traditional playground structure as well as wellness/exercise equipment and large open play fields. The construction of Park B is directly tied to the construction and acceptance of Phase 4B/4C.
  - The penalty that was accessed as part of the amenity center construction delay, the $62,000 outstanding balance will be applied to Park Enhancements in the Park B.
  - There is a $500 per day penalty clause in the agreement.

Period of Agreement:

- The term of the agreement is for 15 years with automatic extensions of fifteen (15) years during the period which PID bonds remain outstanding.

Revisions to Development Standards and CC&R's:

- Within sixty (60) days from the Town's execution of the 6th amendment, revised development standards in form of a PD amendment will be processed that will include the changes to the lots, elimination of the Townhome lots and some masonry cleanup from the original PD.
Lot Mix and Concept Plan Modification: (See Exhibit D and Lot Mix Chart)

- The Concept Plan for the project will be modified as shown below.
  - Phase 2B will add four (4) additional 60' lots.
  - Phase 4 will be modified to eliminate the Developers' ability to develop any future 40' or any future Townhome lots.
  - Phase 4 will consist solely of 50' and 60' lots.
  - The overall Phase 4 lot count will increase from 341 lots to 444 lots, a 103-lot increase.

BUDGET IMPACT:
There is no budget impact for this item.

RECOMMENDED ACTION:
Staff recommends approval.

Attachments
Valencia HOA Presentation
Lot Mix and Chart
Developers Agreement
Valencia Timeline
Exhibit D Concept Plan
Exhibit E Parking Plan
Exhibit E-2 Trail and Sidewalk Plan
Exhibit I Parks Plan
Exhibit J Rockhill Parkway Construction
Exhibit K Park Enhancements
Valencia Aerial with Zoning
Valencia Future Landuse