WORKSHOP & REGULAR MEETING
OF THE TOWN COUNCIL

Tuesday, March 16, 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 March 16, 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/97793097428](https://zoom.us/j/97793097428)
- To view the live stream meeting, click [https://www.littleelm.org/1258/Agendas-Minutes-Video](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C. Items to be Withdrawn from Consent Agenda.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. Discuss **Naming Options for the New Park located in The Lakefront**.

B. Present and Discuss the **Master Wayfinding Signage Program for the Town of Little Elm**.

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

5. Presentations.

A. Present a **Citizen Certificate of Appreciation to Madelyn Radabaugh for her Swift and Timely Actions which Assisted the Little Elm Fire Department with the Evacuation of Residents during a Structure Fire**.

6. 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.*

7. 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 March 2, 2021, Regular Town Council Meeting**.

B. Consider Action to Approve the **Performance Agreement between 575 Pizzeria-Little Elm, LLC and Little Elm Economic Development Corporation**.

C. Consider Action to Approve a **Contract with Aqua-Aerobic Systems Inc. for the Wastewater Treatment Plant (WWTP) Filter System Upgrades**.

D. Consider Action to Approve the **Recreation Center Rebrand and Logo**.

E. Consider Action to Approve a **Professional Services Agreement with Plante & Moran, PLLC for Enterprise Resources Planning (ERP) Selection and Implementation, in the estimated Amount of $75,000**.
F. Consider Action to Approve **Granting an Electric Line Easement and Right-of-Way to Coserv Electric along Lakefront Drive.**

G. Consider Action to Approve the **Second Amendment to Chapter 380 Economic Development Program and Agreement between the Town of Little Elm and Flix Entertainment, LLC.**

8. **Public Hearings.**

A. Hold a Public Hearing to Consider **Proposed Assessments for Phase #1 to be Levied Against the Assessable Property within the Spiritas Ranch Public Improvement District (the “District”) pursuant to the Provisions of Chapter 372 of the Texas Local Government Code, as Amended (the “Act”).**

   Open Public Hearing:
   Receive Public Comments:
   Close Public Hearing:
   Take Action:

B. Hold a Public Hearing to **Consider Proposed Assessments for Phase #2-4 to be Levied Against the Assessable Property within the Spiritas Ranch Public Improvement District (the “District”) pursuant to the Provisions of Chapter 372 of the Texas Local Government Code, as Amended (the “Act”).**

   Open Public Hearing:
   Receive Public Comments:
   Close Public Hearing:
   Take Action:

C. Hold a Public Hearing, Present, Discuss, and Consider Action on **Ordinance 1604 to Rezone Approximately 7.645 acres of Land from Light Commercial (LC) to Planned Development-Light Commercial (PD-LC) to Allow for the Use of Hardware and Home Improvement Store and Commercial/Retail with Modified Development Standards, Generally Located Approximately 100 feet to the Southeast of the Oak Grove Parkway and Hill Lane intersection, within Little Elm’s Town Limits.**

   Open Public Hearing:
   Receive Public Comments:
   Close Public Hearing:
   Take Action:

9. **Reports and Requests for Town Council consideration.**

A. Present, Discuss, and Consider Action on a **Development Agreement between the Town of Little Elm and the Developer for the ACE Hardware Commercial Development.**

B. Present, Discussion and Consider Action to **Accept the Town’s Independent Audit Report and the Comprehensive Annual Financial Statements and Federal Single Audit Report for the Fiscal Year ended September 30, 2020.**

C. Present, Discuss, and Consider Acceptance of the **Town’s “Financial Highlights” for the Fiscal Year ended September 30, 2020.**
10. **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.

11. **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.

12. **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 12th day of March 2021 before 5:00 p.m.
Town Council Meeting

Date: 03/16/2021
Agenda Item #: 3.A.
Department: Administrative Services
Strategic Goal: Maximize community recreation and leisure activities
Staff Contact: Matt Mueller, Town Manager

AGENDA ITEM:
Discuss Naming Options for the New Park located in The Lakefront.

DESCRIPTION:
Mayor David Hillock requested this item be placed on the agenda to discuss naming options for the new park located in The Lakefront.

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

RECOMMENDED ACTION:
Staff requests direction from Council.
AGENDA ITEM:
Present and Discuss the Master Wayfinding Signage Program for the Town of Little Elm.

DESCRIPTION:
In 2019, the Town approved the contract with Fd2s to develop a Master Wayfinding Signage Program. Since then, staff and the consultant team have been creating a signage program that will help support the strategic goal that Town Council set with promoting and expanding Little Elm's identity. In addition to promoting and expanding identity of Little Elm, a main focus of the project is to welcome and guide visitors to our major areas that includes the Lakefront District, area parks, Senior Center, the Aquatic Center and other points of interest throughout Town. The program will establish design standards for town wide signage that is reflective of the Town of Little Elm's identity.

Last year we reached out to Town Council to get their input on the draft design. Below is some of the comments we received:

- "I think I prefer the cleaner look over the geo pattern".
- "No need for "the Town of". This is unnecessarily wordy. The rest is good."
- "I like the district separation."
- "Like the blue, green signs that shows to be mounted on the monument."
- "I'm a fan of our Town colors of Blue/Green/White with the Lakefront Sun graphic here or there."
- "I think going with stone over just concrete and staying in more of the richer colors of blue and green with a splash of orange or yellow looks classier, sophisticated and more pleasing to the eye."

During the budget session, we went through a draft that was under TXDOT review and was pleased to receive good comments from the Council. Not a lot has changed from the first review that Council made comments on till today, but we wanted to formally present it to Council and go through it again.

Unfortunately, the pandemic and the back and forth with TXDOT created some delays in getting the project done faster, but we are finally at the finish line with a solid program that will continue our identity.
The project is slated to be broken up into two phases over the next two budget years. We plan on focusing on the Lakefront District area first and concentrate on the 380 area during the second phase due to the future construction of 380.

**BUDGET IMPACT:**
This item is budgeted for in the Landscape Fund in the phased approach.

**RECOMMENDED ACTION:**
Staff requests direction from Council.

---

**Attachments**

Master Wayfinding Program
Town Council Meeting

Date: 03/16/2021
Agenda Item #: 5.A.
Department: Fire
Strategic Goal: Ensure strong relationship within the community and region
Staff Contact: Paul Rust, Fire Chief

AGENDA ITEM:
Present a Citizen Certificate of Appreciation to Madelyn Radabaugh for her Swift and Timely Actions which Assisted the Little Elm Fire Department with the Evacuation of Residents during a Structure Fire.

DESCRIPTION:
The Little Elm Fire Department is presenting a Citizen Certificate of Appreciation to Madelyn Radabaugh for her actions that assisted the department in evacuating a family during a structure fire that occurred on February 25, 2021.

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

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

Date: 03/16/2021
Agenda Item #: 7.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 March 2, 2021, Regular Town Council Meeting.

DESCRIPTION:
The minutes from the March 2, 2021, regular meeting are attached for approval.

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

RECOMMENDED ACTION:
Staff recommends approval.

Attachments
Minutes - March 2, 2021
Town Council Meeting

Date: 03/16/2021  
Agenda Item #: 7.B.  
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 the **Performance Agreement between 575 Pizzeria-Little Elm, LLC and Little Elm Economic Development Corporation**.

DESCRIPTION:
Below is an overview of the Performance Agreement:

- **Qualified Expenditures**: Developer agrees to provide the EDC required documentation in the minimum amount of **One Million and No/100 Dollars ($1,000,000.00)** by **April 1, 2022**.
- **Certificate of Occupancy**: Developer agrees to obtain a Certificate of Occupancy by **March 1, 2022**, for a minimum of 4,800 square feet space
- **Operate 575 Pizzeria Restaurant**: Developer agrees by **March 1, 2022**, and during the Term of this Agreement to keep open to the general public.
- **Job Creation and Retention**: Developer agrees by **March 1, 2022**, and during the Term of this Agreement to employ and maintain a minimum of forty (40) Full-Time Equivalent Employment positions working at the Property.
- **Chamber of Commerce**: Developer agrees to obtain a Yacht Level Membership or higher prior to opening for business and agrees to maintain said membership for the Term of this Agreement.
- **Performance Conditions**: Developer agrees to make, execute and deliver to the EDC such other promissory notes, instruments, documents and other agreements as the EDC or its attorneys may reasonably request to evidence this Agreement
- **Performance**: Developer agrees to perform and comply with all terms, conditions and provisions set forth in the this Agreement and in all other instruments and agreements between the Developer and the EDC.

BUDGET IMPACT:
**Financial Assistance**: EDC agrees to submit reimbursement for Qualified Expenditures made by the Developer in the amount of **Four Hundred Thousand and NO/100 Dollars ($400,000.00)** within thirty (30) days of receipt of invoices, receipts, or other documentation in the minimum amount of **One Million and No/100 Dollars ($1,000,000.00)** by **April 1, 2022**, consistent with Section 4(a) of this Agreement, and receives a certificate of
occupancy and is open for business consistent with Section 4(b) and 4(c) of this Agreement. This amount will be paid only after the Certificate of Occupancy has been obtained.

**RECOMMENDED ACTION:**
Staff recommends approval.

---

**Attachments**

Performance Agreement
Town Council Meeting

Date: 03/16/2021
Agenda Item #: 7.C.
Department: Public Works
Strategic Goal: Maintain operational integrity and viability
Staff Contact: Jason Shroyer, Director of Public Works

AGENDA ITEM:
Consider Action to Approve a Contract with Aqua-Aerobic Systems Inc. for the Wastewater Treatment Plant (WWTP) Filter System Upgrades.

DESCRIPTION:
The Wastewater Treatment Plant (WWTP) utilizes a filtration system to remove particulates from the effluent prior to disinfection. The existing filtration system is twelve years old, and we are experiencing regular system breakdowns. The existing electrical control systems are now obsolete and making repairs has become increasingly difficult due to antiquated parts. The system improvement is proprietary and provided by Aqua-Aerobic Systems (a sole source vendor) in the amount of $59,374. The scope of this project will include the replacement of several obsolete electrical components such as microprocessors and Human Machine Interface (HMI) screens. The work is expected to take 1 month from the delivery of the components. Lead time on the components is 14 – 16 business weeks. This filtration system is critical to plant operation and maintaining compliance with the Texas Commission on Environmental Quality (TCEQ) for effluent discharge.

BUDGET IMPACT:
The new filter system is budgeted in the Engineering CIP Bond Fund for WWTP improvements.

RECOMMENDED ACTION:
Staff recommends approval.

Attachments

Contract
Sole Source Letter
Town Council Meeting

Date: 03/16/2021
Agenda Item #: 7.D.
Department: Community Services
Strategic Goal: Promote and expand Little Elm’s identity
Staff Contact: Chad Hyde, Director of Community Services

AGENDA ITEM:
Consider Action to Approve the Recreation Center Rebrand and Logo.

DESCRIPTION:
At the March 2, 2021, Town Council meeting, staff brought forward an item to rebrand existing Little Elm Community Recreation Center "The Rec at The Lakefront" and included options for a distinct logo for the facility be approved.

Town Council discussed the options and selected staff's recommendation. This logo is attached to this item for approval.

BUDGET IMPACT:
Costs associated with the rebranding will be budgeted for and phased in, including uniforms, signage, marketing materials, and swag.

RECOMMENDED ACTION:
Staff recommends approval.

Attachments
Rec Center Logo - Final
Town Council Meeting

Date: 03/16/2021
Agenda Item #: 7.E.
Department: Finance
Strategic Goal: Ensure excellence in public services while keeping up with the growth in the community
Staff Contact: Kelly Wilson, Chief Financial Officer

AGENDA ITEM:
Consider Action to Approve a Professional Services Agreement with Plante & Moran, PLLC for Enterprise Resources Planning (ERP) Selection and Implementation, in the estimated Amount of $75,000.

DESCRIPTION:
The Town has budgeted to replace the existing Enterprise system (STW) this Fiscal Year. In order to leverage the best possible software offers, as well as seeking the best fit for the Town, staff has recommended contracting with a consultant to provide advisory services for the selection of the new software. This consultant has proposed project assistance in phases. Phase I will include a needs assessment discovery, as well as assistance with RFP development, evaluation, and vendor selection. Optional Phase II, includes software implementation, which will be considered separately for the next fiscal year. Staff is only seeking approval for Phase I at this time.

BUDGET IMPACT:
Funds have been budgeted for in the FY 2020-2021 General Fund.

RECOMMENDED ACTION:
Staff recommends approval.

Attachments

Plante Moran Proposal
Town Council Meeting

Date: 03/16/2021
Agenda Item #: 7.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 Granting an Electric Line Easement and Right-of-Way to Coserv Electric along Lakefront Drive.

DESCRIPTION:
As part of the upcoming development projects along Lakefront Drive and Main Street, Coserv Electric has designed a project to relocate the existing overhead electric facilities underground. In order to accommodate the proposed buildings, parking areas, and other utilities, additional easements are required to provide legal access to the relocated electrical facilities. The proposed easement is located within surplus right-of-way that the Town previously acquired when Lakefront Drive was constructed.

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

RECOMMENDED ACTION:
Staff recommends approval.

Attachments

Electric Easement
Excerpt from Coserv Plans
Town Council Meeting

Date: 03/16/2021
Agenda Item #: 7.G.
Department: Economic Development Corporation
Strategic Goal: Ensure strong relationship within the community and region
Staff Contact: Jennette Espinosa, EDC Executive Director

AGENDA ITEM:
Consider Action to Approve the Second Amendment to Chapter 380 Economic Development Program and Agreement between the Town of Little Elm and Flix Entertainment, LLC.

DESCRIPTION:
Currently, the Town of Little Elm and the EDC have an agreement with GCRE for seven (7) years from the time the Certificate of Occupancy was received, on the Entertainment Venue (Flix), which was May 2018. During the period of May 2018 through May 2025, Govia receives 50% of 1.5% sales tax (from both town and EDC) on all retail within their shopping center and 50% of the property tax ONLY on the entertainment venue, not the other buildings in the development.

This Amendment states that GCRE has agreed to assign their portion of the sales tax and property tax from the entertainment venue over to Flix for the remainder of their agreement with the stipulation that Flix must use the proceeds to pay their lease payment to GCRE. If Flix ceases to operate, the funds would be redirected back to GCRE.

Flix must be re-opened by June 30, 2021, or this offer will be rescinded.

BUDGET IMPACT:
In addition to what GCRE has allocated to Flix, the Town has agreed to allocate 50% of their 1% sales tax and 50% of their property tax for three (3) years and 25% of their 1% sales tax and 25% of their property tax for one (1) year.

RECOMMENDED ACTION:
Staff recommends approval.

Attachments

Second Amended 380-Flix
AGENDA ITEM:
Hold a Public Hearing to Consider Proposed Assessments for Phase #1 to be Levied Against the Assessable Property within the Spiritas Ranch Public Improvement District (the “District”) pursuant to the Provisions of Chapter 372 of the Texas Local Government Code, as Amended (the “Act”).

Open Public Hearing:
Receive Public Comments:
Close Public Hearing:
Take Action:

DESCRIPTION:
The District is proposed to include approximately 545 acres of land generally located south of U.S. Hwy 380, east of FM 720, and west of Lewisville Lake, located partially within the Town and partially within the extraterritorial jurisdiction of the Town and as more particularly described by the metes and bounds description available at Little Elm Town Hall and available for public inspection.

The general nature of the proposed public improvements (collectively, the “Authorized Improvements”) may include: (i) street and roadway improvements, including related sidewalks, drainage, utility relocation, signalization, landscaping, lighting, signage, off-street parking and right-of-way; (ii) establishment or improvement of parks and open space, together with the design, construction and maintenance of any ancillary structures, features or amenities such as trails, playgrounds, walkways, lighting and any similar items located therein; (iii) sidewalks and landscaping, including entry monuments and features, fountains, lighting and signage; (iv) acquisition, construction, and improvement of water, wastewater and drainage improvements and facilities; (v) projects similar to those listed in subsections (i) - (iv) above authorized by the Act, including similar off-site projects that provide a benefit to the property within the District; (vi) special supplemental services for improvement and promotion of the district; (vii) payment of costs associated with operating and maintaining the public improvements listed in subparagraphs (i) - (vii) above; and (viii) payment of costs associated with developing and financing the public improvements listed in subparagraphs (i) - (vii) above, and costs of establishing, administering and operating the District. These Authorized Improvements shall promote the interests of the Town and confer a special benefit upon the Property.
Schedule:

- 3.16.21 Council opens and continues the Public Hearing on proposed Levy and Assessment to April 20, 2021
- 4.6.21 Council adopts Resolution authorizing distribution of the preliminary offering documents
- 4.20.21 Council continues Public Hearing on proposed Levy and Assessment
- 4.20.21 Council discussion on, and adoption of, Levy and Assessment
- 4.20.21 Council adopts bond ordinance(s) authorizing the bonds and approving Construction, Funding and Acquisition Agreement, Landowner Agreement(s) and approving final offering documents
- 5.12.21 Closing of PID Bonds

BUDGET IMPACT:

Cost: The Authorized Improvements that benefit Phase #1 of the District and Phase #1's allocable portion of the Authorized Improvements that benefit the entire District (collectively, the "Phase #1 Projects") including the costs of creating the District and issuing the bonds.

Funding: PID Bonds

RECOMMENDED ACTION:
Staff recommends that Council open and continue the Public Hearing on proposed levy and assessment to April 20, 2021.
Town Council Meeting

Date: 03/16/2021
Agenda Item #: 8.B.
Department: Economic Development Corporation
Strategic Goal: Promote and expand Little Elm’s identity
Staff Contact: Jennette Espinosa, EDC Executive Director

AGENDA ITEM:
Hold a Public Hearing to Consider Proposed Assessments for Phase #2-4 to be Levied Against the Assessable Property within the Spiritas Ranch Public Improvement District (the “District”) pursuant to the Provisions of Chapter 372 of the Texas Local Government Code, as Amended (the “Act”).

Open Public Hearing:
Receive Public Comments:
Close Public Hearing:
Take Action:

DESCRIPTION:
The District is proposed to include approximately 545 acres of land generally located south of U.S. HWY 380, east of FM 720, and west of Lewisville Lake, located partially within the Town and partially within the extraterritorial jurisdiction of the Town and as more particularly described by a metes and bounds description available at Little Elm Town Hall and available for public inspection.

The general nature of the proposed public improvements (collectively, the “Authorized Improvements”) may include: (i) street and roadway improvements, including related sidewalks, drainage, utility relocation, signalization, landscaping, lighting, signage, off-street parking and right-of-way; (ii) establishment or improvement of parks and open space, together with the design, construction and maintenance of any ancillary structures, features or amenities such as trails, playgrounds, walkways, lighting and any similar items located therein; (iii) sidewalks and landscaping, including entry monuments and features, fountains, lighting and signage; (iv) acquisition, construction, and improvement of water, wastewater and drainage improvements and facilities; (v) projects similar to those listed in subsections (i) - (iv) above authorized by the Act, including similar off-site projects that provide a benefit to the property within the District; (vi) special supplemental services for improvement and promotion of the district; (vii) payment of costs associated with operating and maintaining the public improvements listed in subparagraphs (i) - (vii) above; and (viii) payment of costs associated with developing and financing the public improvements listed in subparagraphs (i) - (vii) above, and costs of establishing, administering and operating the District. These Authorized Improvements shall promote the interests of the Town and confer a special benefit upon the Property.
Schedule:

- 3.16.21 Council opens and continues the Public Hearing on proposed Levy and Assessment to April 20, 2021
- 4.6.21 Council adopts Resolution authorizing distribution of the preliminary offering documents
- 4.20.21 Councils continues Public Hearing on proposed Levy and Assessment
- 4.20.21 Council discussion on, and adoption of, Levy and Assessment
- 4.20.21 Council adopts bond ordinance(s) authorizing the bonds and approving Construction, Funding and Acquisition Agreements, Landowners Agreements and possible Reimbursement Agreement(s) and approving final offering documents
- 5.12.21 Closing of PID Bonds

**BUDGET IMPACT:**

**Cost:** Phase #2-4's allocable portion of the Authorized Improvements that benefit the entire District (the "Major Improvements"), including the costs of creating the District and issuing the bonds.

**Funding:** PID Bonds

**RECOMMENDED ACTION:**

Staff recommends that Council open and continue the Public Hearing on proposed levy and assessment to April 20, 2021.
Town Council Meeting

Date: 03/16/2021
Agenda Item #: 8.C.
Department: Development Services
Strategic Goal: Promote and expand Little Elm’s identity
Staff Contact: Skye Thibodeaux, Planning Manager

AGENDA ITEM:
Hold a Public Hearing, Present, Discuss, and Consider Action on Ordinance 1604 to Rezone Approximately 7.645 acres of Land from Light Commercial (LC) to Planned Development-Light Commercial (PD-LC) to Allow for the Use of Hardware and Home Improvement Store and Commercial/Retail with Modified Development Standards, Generally Located Approximately 100 feet to the Southeast of the Oak Grove Parkway and Hill Lane intersection, within Little Elm’s Town Limits.

Open Public Hearing:
Receive Public Comments:
Close Public Hearing:
Take Action:

DESCRIPTION:
Location

The subject property is located approximately 100 feet to the southeast of the Oak Grove Parkway and Hill Lane intersection, within Little Elm’s town limits.

Planning Analysis

The requested zoning is for an Ace Hardware store and commercial shopping center with modified development standards. Staff has worked with the applicant on several items in bringing the proposed development to this point as shown in the attached exhibits and is excited to potentially see the first major commercial development commence on the west side of Town should the request be approved. The future land use plan designates the property as Commercial/Retail. This request is compatible with the future land use plan.

The applicant is requesting variance approval from the following site development standards which are amenable to staff:
• **Landscaping** - the applicant is seeking to vary from the 25' required buffer along Hill Lane to allow for cross access to be provided to the adjacent lot to the north. Additionally, as shown on the associated Landscape Exhibit, the applicant is proposing to deviate from required tree spacing requirements along the Oak Grove Parkway and Hill Lane right-of-ways along with the foundation planting requirements. To note, the applicant is proposing these items to match the standards associated with the previous landscape section before it was updated in 2019.

• **Detention** - the applicant is proposing a detention pond rather than the required retention pond. This is another item that meets previous standard prior to the 2019 update.

Site development standards proposed by staff differing from the applicant's request:

• **Screening** - along the southern boundary, the applicant is proposing an 8' precast fence that will have a similar aesthetic to a traditional masonry fence. However, as the product is precast to appear like traditional masonry rather than an actual "brick/stone and mortar", the proposed screening device requires stipulated approval as part of the PD request.

• **Cross access/paving** - the applicant is proposing a 25' cross access easement to the adjacent, undeveloped property to the north. The applicant proposed to only pave the area as indicated on the associated exhibit. The Planning & Zoning Commission, following staff's recommendation, recommended that the entire easement area be paved to the adjacent property boundary as it will minimize the added potential challenge of the adjacent property to the north having to pave the area in the event it is proposed to be developed. It is typical that developments, in similar scenarios, provide fully paved stub-outs for the purpose of future cross access in a more "turn key" fashion.

To note, the applicant has worked diligently with staff to provide the elevations as shown in the associated exhibits. A wing wall has been provided on the eastern portion of the proposed Ace Hardware structure to mitigate visibility between Oak Grove Parkway and the permitted open storage area. Additionally, the applicant has followed staff's request to enhance the rear facade of Building 1 so travelers along Oak Grove Parkway will be presented with a retail-like facade in order to approve visible aesthetic along with providing a patio area to engage the street for a future restaurant (or similar) tenant.

**BUDGET IMPACT:**
There is no budget impact associated with this request.

**RECOMMENDED ACTION:**
The Planning & Zoning Commission recommended approval of the requested PD with the condition that the proposed access easement area be fully paved upon construction, a masonry screening device be constructed along the southern property line, along with approval being subject to potential changes to fire lanes and turning radii as directed by the Fire Department along with potential changes to future civil engineering items as directed by the Engineering Department. These potential changes to be reviewed and approved by said department during the civil stage of development.

---

**Attachments**

Location Map  
Zoning Exhibit  
Proposed Landscape Plan  
Proposed Elevations - Ace Hardware Store  
Proposed Elevations - Building 1  
Proposed Elevations - Building 2  
Proposed Elevations - Building 3
Proposed Screening Wall Options
Ordinance No. 1604
Town Council Meeting

Date: 03/16/2021
Agenda Item #: 9.A.
Department: Development Services
Strategic Goal: Promote and expand Little Elm’s identity
Staff Contact: Skye Thibodeaux, Planning Manager

AGENDA ITEM:
Present, Discuss, and Consider Action on a Development Agreement between the Town of Little Elm and the Developer for the ACE Hardware Commercial Development.

DESCRIPTION:
The attached agreement is to solidify the intended design of the proposed development as outlined in the associated planned development.

BUDGET IMPACT:
There is no budget impact associated with this item.

RECOMMENDED ACTION:
Staff recommends approval.

Attachments
Development Agreement
Town Council Meeting

Date: 03/16/2021
Agenda Item #: 9.B.
Department: Finance
Strategic Goal: Maintain operational integrity and viability
Staff Contact: Kelly Wilson, Chief Financial Officer

AGENDA ITEM:

DESCRIPTION:
Chapter 103 of the Texas Local Government Code, requires that an independent audit be conducted annually. The audit of the Town’s financial statements is conducted by an independent and certified public accounting firm. The Town staff is responsible for completeness and accuracy of the annual financial statements and the Comprehensive Annual Financial Report. Staff plans to submit an electronic Comprehensive Annual Financial Report to the Government Finance Officers Association in consideration for the Certificate of Achievement for Excellence in Financial Reporting.

The Town’s financial statements have been audited by the independent audit firm of Weaver and Tidwell, L.L.P. The purpose of this item is to hear the report of the independent auditor and to present an overview of the financial statements.

A printed copy of the Comprehensive Annual Financial Report will be provided to the Town Council under a separate cover. These will include the following:

- Comprehensive Annual Financial Report for the fiscal year ended September 30, 2020
- Communication with Those charged with Governance September 30, 2020
- Federal Single Audit Report year ended September 30, 2020

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

RECOMMENDED ACTION:
Staff recommends acceptance.
AGENDA ITEM:
Present, Discuss, and Consider Acceptance of the Town’s “Financial Highlights” for the Fiscal Year ended September 30, 2020.

DESCRIPTION:
Town staff is excited to present our second annual Town of Little Elm’s Financial Highlights Report also known as the Popular Annual Financial Report (PAFR) for the Fiscal Year ended September 30, 2020. This has been developed by Town staff in an effort to provide a snapshot of the Town’s financial performance and major initiatives as well as an overview of financial, economic, and demographic trends. Above all, it is designed to present a more easily understandable financial report.

A printed copy of the Financial Highlights Report will be provided to the Town Council under a separate cover. The distribution method for this report, outside of Town Council and management, will be through the Town’s website. Town staff will be moving forward every year in presenting a Financial Highlights Report as it relates to the prior audited fiscal year.

The Finance team received recognition from the Government Finance Officers Association for last year’s PAFR report in earning the Award for Outstanding Achievement in Popular Annual Financial Reporting. Staff plans to resubmit for consideration for our 2020 PAFR report for such recognition again.

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

RECOMMENDED ACTION:
Staff recommends acceptance.