WORKSHOP & REGULAR MEETING
OF THE TOWN COUNCIL

Tuesday, April 20, 2021
6:00 PM
Little Elm Town Hall
100 W Eldorado Parkway, Little Elm, TX 75068

1. 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   C. Items to be Withdrawn from Consent Agenda.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.

2. Workshop.
   A. Present and Discuss a Concept Design for The Lawn at The Lakefront.

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

4. Public Comments
   Persons may address the Town Council on any issue. This is the appropriate time for citizens to address the Council on any concern whether on this agenda or not. 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.

5. Consent Agenda
All matters listed under the Consent Agenda are considered to be routine by the Town Council and require little or no deliberation. There will not be a separate discussion of these items and the agenda will be enacted by one vote. If the Council expresses a desire to discuss a matter listed, that item will be removed from the consent agenda and considered separately.

A. Consider Action to Approve the Minutes from the April 6, 2021, Regular Meeting.

B. Consider Action to Approve the Final Acceptance of the Little Elm Park Swim Beach Sidewalk Project and Authorizing the Release of $7,907.25 in Retainage Funds When All Final Closeout Documents Are Received.

C. Consider Action to Approve the Final Acceptance of the Town Building Expansion Project Phase 1 (Project 2020-01) and Authorizing the Release of $8,236.80 in Retainage Funds When All Final Closeout Documents Are Received.

D. Consider Action to Award the Construction Contract for the Town Building Expansion Project Phase 2 (Project 2020-01) in an Amount not to Exceed $821,469.00 and Authorizing the Town Manager to Execute the Necessary Contract Amendments.

E. Consider Action to Approve a Proposed Task Order with Dunaway Associates, LP (Engineering Design Services Contract) for The Lawn at The Lakefront Project in an Amount not to Exceed $273,475 and Authorize the Town Manager to Execute the Contract.

F. Consider Action to Award a Professional Services Contract to Freese and Nichols, Inc. regarding the Wastewater Treatment Plant Fine Screen Installation Project in an Amount not to Exceed $201,561 and Authorize the Town Manager to Execute the Contract.

G. Consider Action to Approve an Interlocal Agreement between the Town of Little Elm, the Town of Prosper, and the City of Frisco regarding the Design and Maintenance of Continuous Lighting Along the US 380 Corridor.

H. Consider Action to Approve Change Order #1 to the Design Contract with TRC Engineers, Inc. regarding the McCord Reuse Water Line Project.

I. Consider Action to Approve an Agreement between the Town of Little Elm and the Texas Department of Transportation regarding Proposed Revisions to the US 380 Expansion Project and Authorize the Town Manager to Execute the Final Agreement.

J. Consider Action to Approve the Tax Increment Reinvestment Zone Number Three and Little Elm EDC Reimbursement Agreement and Performance Agreement.

K. Consider Action to Approve the Chapter 380 Economic Development Program and Performance Agreement by and between the Town of Little Elm and Little Elm EDC.

L. Consider Action to Approve Resolution No. 0406202101T3 regarding Pledge of the TIRZ #3 Revenue up to $200,000 per year, which is Intended as a Back-Up Source of Revenue in the Event
of a Shortfall on EDC Loan in the Amount of $7,593,750 with Government Capital to Build a Spec Building.

M. Consider Action to Approve Resolution No. 0420202103 Accepting a Petition Filed by Certain Landowner Requesting Annexation into the Town of Little Elm.


A. Hold a Public Hearing on Accepting and Approving a Service and Assessment Plan and Improvements on Area #1 Assessment Roll for the Spiritas Ranch Public Improvement District.

Open Public Hearing:
Receive Public Comments:
Close Public Hearing:

B. Hold a Public Hearing on Accepting and Approving a Service and Assessment Plan and Major improvements Area Assessment Roll for the Spiritas Ranch Public Improvement District.

Open Public Hearing:
Receive Public Comments:
Close Public Hearing:

C. Hold a Public Hearing on Annexing Approximately 301.071 Acre Tract or Tracts of Land Located within the Marsella Jones Survey, Abstract No. 662, within the Extraterritorial Jurisdiction (ETJ) of the Town of Little Elm, Denton County, Texas.

Open Public Hearing:
Receive Public Comments:
Close Public Hearing:

7. Reports and Requests for Town Council consideration.

A. Present, Discuss, and Consider Action on Resolution No. 0420202101 Approving an Annexation Agreement with MM Little Elm 548, LLC, Concerning the Annexation of 301.071 Acres of Land in the Marsella Jones Survey, Abstract No. 662, Denton County, Texas.

B. Present, Discuss, and Consider Action on Ordinance No. 1601 to Annex Approximately 301.071 Acre Tract or Tracts of Land Located Within the Marsella Jones Survey, Abstract No. 662, Within the Extraterritorial Jurisdiction (ETJ) of the Town of Little Elm, Denton County, Texas.

C. Present, Discuss, and Consider Action on the Adoption of the Town of Little Elm West Implementation Plan.

D. Present, Discuss, and Consider an Appeal of the Planning and Zoning Commission Decision on Linden Hill Phase 3 Preliminary Plat and Consider any Actions Determined to be Appropriate by the Town Council.

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).
• 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).
• Section 551.076 to discuss security matters.
• Section 551.087 to discuss Economic Development.

10. **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 16 day of April 2021 before 5:00 p.m.
Date: 04/20/2021
Agenda Item #: 2.A.
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 Concept Design for The Lawn at The Lakefront.

DESCRIPTION:
On April 6, 2021, Town Council named the upcoming park near the Tinman water tower The Lawn at The Lakefront. Staff will present concept design options for Town Council consideration.

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

RECOMMENDED ACTION:
Staff requests Town Council provide direction and/or approve a concept design for The Lawn at The Lakefront.
AGENDA ITEM:
Consider Action to Approve the Minutes from the April 6, 2021, Regular Meeting.

DESCRIPTION:
The minutes from the April 6, 2021, regular meeting are attached for approval.

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

RECOMMENDED ACTION:
Staff recommends approval.

Attachments
Minutes - April 6, 2021
Town Council Meeting

**Date:** 04/20/2021  
**Agenda Item #:** 5.B.  
**Department:** Development Services  
**Strategic Goal:** Maximize community recreation and leisure activities  
**Staff Contact:** Wesley Brandon, Town Engineer

**AGENDA ITEM:**
Consider Action to Approve the Final Acceptance of the Little Elm Park Swim Beach Sidewalk Project and Authorizing the Release of $7,907.25 in Retainage Funds When All Final Closeout Documents Are Received.

**DESCRIPTION:**
In January 2021, Town Council awarded the construction contract to Grod Construction for the Swim Beach Sidewalk Project at Little Elm Park. The project included the installation of a short retaining wall along the downstream side of the existing sidewalk located between the sand volleyball area and the swim beach. The purpose of the project was to replace eroded backfill material under the sidewalk and prevent future erosion when lake levels rise. This work has been completed and placed into service and the contractor is preparing to submit the required closeout documentation.

**BUDGET IMPACT:**
Funding for the project was allocated in the FY 2020-2021 budget from the Drainage Fund for $170,000.

<table>
<thead>
<tr>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>$159,025.00</td>
<td>Original Contract Amount</td>
</tr>
<tr>
<td>$ (880.00)</td>
<td>Pay Item Underruns</td>
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<tr>
<td>$158,145.00</td>
<td>Final Contract Amount</td>
</tr>
<tr>
<td>$7,907.25</td>
<td>Retainage Due (5%)</td>
</tr>
</tbody>
</table>

**RECOMMENDED ACTION:**
Staff recommends approval.

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**Attachments**
Final Pay Application
Town Council Meeting

Date: 04/20/2021
Agenda Item #: 5.C.
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 Town Building Expansion Project Phase 1 (Project 2020-01) and Authorizing the Release of $8,236.80 in Retainage Funds When All Final Closeout Documents Are Received.

DESCRIPTION:
In August 2020, after completing a Request for Qualifications (RFQ) process, Town Council approved the construction contract to AUI Partners for the Town Building Expansion Project. The project was split into two phases, with the first phase including the build-out of existing spaces within the Recreation Center and the Public Safety Building. The Recreation Center’s first floor activity room was converted into 1,140 square feet of office and conference space. In the Public Safety Building, approximately 700 square feet of unfinished space on the second floor was converted into office space, and a first-floor work area was converted into additional office space.

The work at each building has been completed and the contractor is preparing to submit the required closeout documentation. Phase 2 of the project will involve the renovation and expansion of the Town Hall building, which will follow in a separate agenda item.

BUDGET IMPACT:
Funding for the project was allocated in the FY 2020-2021 budget:

$ 160,455.00 Original Contract Amount
$ 4,281.01 Change Orders
$ 164,736.01 Final Phase 1 Contract Amount
$ 8,236.80 Retainage Due (5%)

RECOMMENDED ACTION:
Staff recommends approval.
Attachments

Proposed Change Requests
CMAR Agreement
Town Council Meeting

Date: 04/20/2021
Agenda Item #: 5.D.
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 the **Construction Contract for the Town Building Expansion Project Phase 2 (Project 2020-01) in an Amount not to Exceed $821,469.00 and Authorizing the Town Manager to Execute the Necessary Contract Amendments.**

DESCRIPTION:
In August 2020, after completing a request for qualifications (RFQ) process, AUI Partners was awarded a Construction Manager at Risk (CMAR) contract to complete the expansion of various town buildings. The project was split into two phases, with the first phase including the recently completed build-out of existing spaces within the Recreation Center and the Public Safety Building.

Phase 2 of the project involves the renovation and expansion of the Town Hall building. Specific elements of the project include the reconfiguration of the second-floor reception areas and office space within the Development Services and Finance departments, as well as the expansion of the Town Council Executive Room. Other improvements include upgraded audio/visual equipment in the executive room, controlled-access doors, and additional conference space on the second floor.

Construction Manager at Risk (CMAR) is a construction delivery method that requires a commitment by the construction manager to deliver the project within a Guaranteed Maximum Price (GMP). The construction manager acts as a consultant to the Town in the development and design phases (preconstruction), and as the general contractor during the construction phase.

The pre-construction phase has been completed and AUI Partners has submitted a Guaranteed Maximum Price (GMP) proposal.

BUDGET IMPACT:
Funding for the project is allocated in the FY 2020-2021 budget:

<table>
<thead>
<tr>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>$781,469.00</td>
<td>Proposed GMP</td>
</tr>
<tr>
<td>$40,000.00</td>
<td>Contingency</td>
</tr>
</tbody>
</table>
$ 821,469.00  Proposed Total Cost

RECOMMENDED ACTION:
Staff recommends approval.

Attachments
Guaranteed Maximum Price Proposal
Proposed Layout
CMAR Agreement
Town Council Meeting

Date: 04/20/2021
Agenda Item #: 5.E.
Department: Development Services
Strategic Goal: Maximize community recreation and leisure activities
Staff Contact: Wesley Brandon, Town Engineer

AGENDA ITEM:
Consider Action to Approve a Proposed Task Order with Dunaway Associates, LP (Engineering Design Services Contract) for The Lawn at The Lakefront Project in an Amount not to Exceed $273,475 and Authorize the Town Manager to Execute the Contract.

DESCRIPTION:
The Town selected Dunaway Associates, LP as part of a Request for Qualifications (RFQ) for landscape architecture design services. The Town has a current Master Service Agreement to Furnish Consulting Services with Dunaway Associates, LP. This Task Order includes the work required to design improvements related to The Lawn at The Lakefront Project, located on Main Street near Eldorado Parkway.

In general, the proposed design will include the following elements:

- Open Space/Lawn Games Area
- Sidewalk and Paving connections to adjacent developments and neighborhood
- Playground
- Interactive Fountain
- Performance Plaza with Outdoor Seating
- Site Lighting and Utilities
- Landscaping and Irrigation

The design is based on an overall construction budget for these elements of approximately $2,000,000.

BUDGET IMPACT:

<table>
<thead>
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<th>Description</th>
<th>Amount</th>
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<tbody>
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<tr>
<td>Contingency</td>
<td>$40,000</td>
</tr>
<tr>
<td>Total Funding Request</td>
<td>$273,475</td>
</tr>
</tbody>
</table>

RECOMMENDED ACTION:
Staff recommends approval.
Attachments

Proposed Task Order
Project Exhibit
Town Council Meeting

Date: 04/20/2021
Agenda Item #: 5.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 Award a Professional Services Contract to Freese and Nichols, Inc. regarding the Wastewater Treatment Plant Fine Screen Installation Project in an Amount not to Exceed $201,561 and Authorize the Town Manager to Execute the Contract.

DESCRIPTION:
As part of the Town’s current Capital Improvement Program, staff has identified the need to replace the existing fine screen mechanism that is currently installed at the wastewater treatment plant. Screening equipment plays a vital role in the overall treatment process and the purpose of a fine screen is to remove particles that may cause equipment maintenance issues and/or problems during the treatment process.

Freese and Nichols, Inc. currently has a Master Agreement for Professional Services executed with the Town (MAPS #2016-1065). They have submitted a proposal to provide engineering services for the design, bidding, and construction phases for the installation of a new fine bar screen, as well as the addition of a cantilever maintenance platform that will improve access and safety around the screens and other equipment.

BUDGET IMPACT:
Funding for the project was allocated within the capital improvement program budget:

<table>
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<tr>
<th></th>
<th>Amount</th>
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</thead>
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<tr>
<td>Proposed Contract Amount</td>
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<tr>
<td>Contingency</td>
<td>$15,000.00</td>
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<tr>
<td>Proposed Total Contract Amount</td>
<td>$201,561.00</td>
</tr>
</tbody>
</table>

RECOMMENDED ACTION:
Staff recommends approval.

Attachments
Proposal
Town Council Meeting

Date: 04/20/2021
Agenda Item #: 5.G.
Department: Development Services
Strategic Goal: Provide a safe and welcoming environment for Little Elm residents and visitors
Staff Contact: Wesley Brandon, Town Engineer

AGENDA ITEM:
Consider Action to Approve an **Interlocal Agreement between the Town of Little Elm, the Town of Prosper, and the City of Frisco regarding the Design and Maintenance of Continuous Lighting Along the US 380 Corridor.**

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.

The City of Frisco has offered to coordinate the overall design of the proposed continuous lighting along the corridor and has requested an interlocal agreement (ILA) with the Town that establishes the proportional cost, terms of payment for the proposed design work, as well as maintenance responsibilities after construction is completed. The final design plans would then be presented to TxDOT for incorporation into the US 380 Expansion Project. The Town of Prosper is also a party to the proposed agreement. The proportional cost to the Town is based on the total length of roadway frontage within the project limits.

BUDGET IMPACT:
The Town’s cost related to the project is **145,662.80**, which represents the proportional share of the total project cost based on the roadway frontage length within the project limits. Funding for the project is identified and allocated within the North Roadway Impact Fee Fund.

RECOMMENDED ACTION:
Staff recommends approval.
Interlocal Agreement
Illumination Layout
Town Council Meeting

Date: 04/20/2021
Agenda Item #: 5.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 Change Order #1 to the Design Contract with TRC Engineers, Inc. regarding the McCord Reuse Water Line Project.

DESCRIPTION:
In February 2017, the Town awarded a professional services contract to TRC Engineers, Inc. to provide engineering design services related to the McCord Reuse Water Line Project. The purpose of the project is to extend a reuse water line from the existing storage tank located at the wastewater treatment plant to the intersection of Witt Road and King Road. These improvements will provide a cost-effective and sustainable source of water that can be used for irrigation purposes within Town-owned property and adjacent landscaping areas.

The original contract did not include the work necessary to provide documents related to easement acquisition and environmental permitting. TRC Engineers, Inc. has provided a proposal to include this additional scope of work in the original contract.

BUDGET IMPACT:
Funding for the project is identified and allocated in the Capital Improvement Program Budget:

$ 66,850.00 Original Contract Amount
$ 12,900.00 Proposed Change Order
$ 79,750.00 Total Contract Amount

RECOMMENDED ACTION:
Staff recommends approval.

Attachments

Proposed Work Order
Original Proposal
Town Council Meeting

Date: 04/20/2021
Agenda Item #: 5.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 an Agreement between the Town of Little Elm and the Texas Department of Transportation regarding Proposed Revisions to the US 380 Expansion Project and Authorize the Town Manager to Execute the Final Agreement.

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. TxDOT is also installing continuous lighting along the corridor.

During the plan development phase the project, Town Staff, along with staff members from the Town of Prosper and the City of Frisco, have recommended revisions to the design plans that should improve the operations of the proposed traffic signals, as well as provide additional turn lanes into major developments within the project limits. Hillwood, the developer of Union Park, has also negotiated a proposed revision that will include improvements near the development.

TxDOT is requesting an agreement with the Town that describes the commitments of TxDOT to facilitate the construction of the proposed improvements and also includes the obligation of the Town to provide funding for the effort required to incorporate the plan revisions, as well as the increased construction cost. The funding obligation would only apply to the improvements within the Town’s jurisdiction and the other jurisdictions will be required to fund their portion of the costs. The costs for additional work adjacent to Union Park will be funded by the developer with those terms included in a separate agreement previously approved by Town Council.

BUDGET IMPACT:
Funding for the Town’s portion of the improvements is available from the North Roadway Impact Fee Fund:

Total Cost $441,238.28

https://destinyhosted.com/print_all.cfm?seq=16&reloaded=true&id=54885
Funding by Developer $322,166.62  
Total Cost to the Town $119,071.66

RECOMMENDED ACTION:
Staff recommends approval.

Attachments
Proposed Draft Agreement
Date: 04/20/2021
Agenda Item #: 5.J.
Department: Economic Development Corporation
Strategic Goal: Maintain operational integrity and viability
Staff Contact: Jennette Espinosa, EDC Executive Director

AGENDA ITEM:
Consider Action to Approve the Tax Increment Reinvestment Zone Number Three and Little Elm EDC Reimbursement Agreement and Performance Agreement.

DESCRIPTION:
This Reimbursement Agreement and Performance Agreement is made and entered into by and among the Tax Increment Reinvestment Zone Number Three and Little Elm Economic Development Corporation, following these terms and conditions:

- This TIRZ Agreement shall be effective as of the Effective Date, and shall continue thereafter until May 15, 2041, for the purpose of pledging funds on an annual basis, which is intended as a backup source in the event of a shortfall on the EDC loan in the amount of $7,593,750 with Government Capital to build a spec building.

BUDGET IMPACT:
TIRZ #3 will reserve Two Hundred Thousand and No/100 Dollars ($200,000.00) annually as a backstop for the Little Elm EDC for said loan. This amount will only need to be paid in the event of a shortfall.

RECOMMENDED ACTION:
Staff recommends approval.

Attachments
TIRZ #3 Reimbursement between TIRZ 3 and EDC
Date: 04/20/2021  
Agenda Item #: 5.K.  
Department: Economic Development Corporation  
Strategic Goal: Maintain operational integrity and viability  
Staff Contact: Jennette Espinosa, EDC Executive Director

AGENDA ITEM:
Consider Action to Approve the **Chapter 380 Economic Development Program and Performance Agreement by and between the Town of Little Elm and Little Elm EDC.**

DESCRIPTION:
The EDC is borrowing $7,593,750 from Government Capital Corporation for the construction of a shell building. The Town agrees to pay the EDC and/or Lender loan payments to pay said loan in the event the EDC is unable to make said loan payment. Term unit is May 15, 2041, or until the loan is paid in full.

BUDGET IMPACT:
Backstop is to pay the EDC loan in the event that the EDC is unable to make the loan payment.

RECOMMENDED ACTION:
Staff recommends approval.

Attachments
Chapter 380 - Backstop Loan Payment
Date: 04/20/2021
Agenda Item #: 5.L.
Department: Economic Development Corporation
Strategic Goal: Maintain operational integrity and viability
Staff Contact: Jennette Espinosa, EDC Executive Director

AGENDA ITEM:
Consider Action to Approve Resolution No. 0406202101T3 regarding Pledge of the TIRZ #3 Revenue up to $200,000 per year, which is Intended as a Back-Up Source of Revenue in the Event of a Shortfall on EDC Loan in the Amount of $7,593,750 with Government Capital to Build a Spec Building.

DESCRIPTION:
A Resolution approving the reservation of Two Hundred Thousand and no/100 dollars ($200,000.00) annually, towards the $7,593,750 Sales Tax Revenue Note issued by The Little Elm Economic Development Corporation towards the spec building in The Lakefront. The approval is for a pledge of the TIRZ #3 revenue up to $200,000, which is intended as a backup source of revenue in the event of a shortfall. The TIRZ is not required to pay anything unless there is a shortfall or default, and we are not requiring a reserve fund with those monies.

BUDGET IMPACT:
Reserve $200,000.00 and hold it over each year.

RECOMMENDED ACTION:
Staff recommends approval.

______________________________________________
Attachments
Resolution NO 0420202101T3
Date: 04/20/2021
Agenda Item #: 5.M.
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. 0420202103 Accepting a Petition Filed by Certain Landowner Requesting Annexation in to the Town of Little Elm.

DESCRIPTION:
Resolution No 0420202103 Accepting a petition filed by certain landowner requesting annexation into the Town of Little Elm, Texas; scheduling the date, time, and place for the Annexation Public Hearing on the proposed 7.21 acres of land adjacent to the Town and located within the Town’s ETJ for Tuesday, May 4, 2021, Council Meeting scheduled to start at 6:00 p.m.

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

RECOMMENDED ACTION:
Staff recommends approval.

Attachments
Resolution 0420202103 - Annexation of 7.21 Acres
Date: 04/20/2021
Agenda Item #: 6.A.
Department: Economic Development Corporation
Strategic Goal: Maintain operational integrity and viability
Staff Contact: Jennette Espinosa, EDC Executive Director

AGENDA ITEM:
Hold a Public Hearing on Accepting and Approving a Service and Assessment Plan and Improvements on Area #1 Assessment Roll for the Spiritas Ranch Public Improvement District.

Open Public Hearing:
Receive Public Comments:
Close Public Hearing:

DESCRIPTION:
Public Hearing will be held to consider proposed assessments to be levied against the assessable property within the Spiritas Ranch Public Improvement District (the "District"), relating to the Phase #1 Improvements and the portion of the Major Improvements allocated to Phase #1 Assessed Property. Assessed Property (collectively, the "Assessment Rolls"), which Assessment Rolls include the assessments to be levied against each parcel in the District for the Phase #1 Improvements, pursuant to the provisions of Chapter 372 of the Texas Local Government Code, as amended (the "Act").

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

RECOMMENDED ACTION:
Staff recommends opening the public hearing and continuing to the May 4, 2021, Regular Town Council Meeting.
Date: 04/20/2021
Agenda Item #: 6.B.
Department: Economic Development Corporation
Strategic Goal: Maintain operational integrity and viability
Staff Contact: Jennette Espinosa, EDC Executive Director

AGENDA ITEM:
Hold a Public Hearing on Accepting and Approving a Service and Assessment Plan and Major improvements Area Assessment Roll for the Spiritas Ranch Public Improvement District.

Open Public Hearing:
Receive Public Comments:
Close Public Hearing:

DESCRIPTION:
Public Hearing will be held to consider proposed assessments to be levied against the assessable property within the Spiritas Ranch Public Improvement District (the "District"), relating to Phases #2-4 Major Improvements Assessment Roll relating to the Major Improvements allocated to Phases #2-4 Assessed property (collectively, the "Assessment Rolls"), which Assessment Rolls include the assessments to be levied against each parcel in the District for the Major Improvements allocated to Phases #2-4, pursuant to the provisions of Chapter 372 of the Texas Local Government Code, as amended (the "Act").

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

RECOMMENDED ACTION:
Staff recommends opening the public hearing and continuing to the May 4, 2021, Regular Town Council Meeting.
Date: 04/20/2021
Agenda Item #: 6.C.
Department: Development Services
Strategic Goal: Promote and expand Little Elm’s identity
Staff Contact: Fred Gibbs, Director of Development Services

AGENDA ITEM:
Hold a Public Hearing on **Annexing Approximately 301.071 Acre Tract or Tracts of Land Located within the Marsella Jones Survey, Abstract No. 662, within the Extraterritorial Jurisdiction (ETJ) of the Town of Little Elm, Denton County, Texas.**

Open Public Hearing:
Receive Public Comments:
Close Public Hearing:

DESCRIPTION:
On February 2, 2021, the Town Council entered into an agreement with MM Little Elm 548, LLC (Spiritas Ranch Development Agreement) for the development of approximately 545 acres. The development is estimated to include approximately 2,135 single-family lots which is located on the southeast corner of FM 720 and US HWY 380. The property is partially located within the Town limits, which is zoned Agriculture, and the remainder is partially located within the Town’s ETJ. The development will include a number of amenities, parks and open space, trails, infrastructure, a school, and a Fire Station. As part of Section 9 of the developer’s agreement, a voluntary annexation must happen that includes the additional 301.071 acres to be brought into the Town after the receipt of the petition which we have received.

This item is to conduct the public hearing. The adoption of the resolution and ordinance will be considered in separate items.

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

RECOMMENDED ACTION:
Staff recommends Town Council conduct the public hearing.

Attachments

Area Exhibit 1

https://destinyhosted.com/print_all.cfm?seq=16&reloaded=true&id=54885
Area Exhibit 2
Area Exhibit 3
AGENDA ITEM:
Present, Discuss, and Consider Action on Resolution No. 0420202101 Approving an Annexation Agreement with MM Little Elm 548, LLC, Concerning the Annexation of 301.071 Acres of Land in the Marsella Jones Survey, Abstract No. 662, Denton County, Texas.

DESCRIPTION:
As part of the annexation process, Town Council must adopt a resolution approving an annexation agreement that provides a list of services that the Town will provide as part of the annexation process. The service plan includes utilities, public safety, parks, and code enforcement.

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

RECOMMENDED ACTION:
Staff recommends approval.

Attachments
Resolution No. 0420202101
Annexation Agreement
Date: 04/20/2021  
Agenda Item #: 7.B.  
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 **Ordinance No. 1601 to Annex Approximately 301.071 Acre Tract or Tracts of Land Located Within the Marsella Jones Survey, Abstract No. 662, Within the Extraterritorial Jurisdiction (ETJ) of the Town of Little Elm, Denton County, Texas.**

DESCRIPTION:  
On February 2, 2021, the Town Council entered into an agreement with MM Little Elm 548, LLC (Spiritas Ranch Development Agreement) for the development of approximately 545 acres. The development is estimated to include approximately 2,135 single-family lots which is located on the southeast corner of FM 720 and US Hwy 380. The property is partially located within the Town limits which is zoned Agriculture, and the remainder is partially located within the Town’s ETJ. The development will include a number of amenities, parks and open space, trails, infrastructure, a school, and a Fire Station. As part of Section 9 of the developer’s agreement, a voluntary annexation must happen that includes the additional 301.071 acres to be brought into the Town after the receipt of the petition which we have received.

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

RECOMMENDED ACTION:  
Staff recommends approval.

Attachments  
Annexation Petition  
Area Exhibit 1  
Area Exhibit 2  
Area Exhibit 3  
Ordinance No. 1601
Date: 04/20/2021  
Agenda Item #: 7.C.  
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 Adoption of the Town of Little Elm West Implementation Plan.

DESCRIPTION:
Over the past few years, the Town has been experiencing an increased interest in the undeveloped property on the west side of town. With the addition of the newly built Walker Middle School and the transportation and improvements made by the Town and TxDOT, this area is prime for development. Knowing this, Town staff felt the need to be proactive and make sure we have a plan both from a planning and economic perspective. This initiative supports our strategic plan to promote and expand Little Elm's identity.

Promote and expand Little Elm's identity: Maintain Little Elm’s distinctive look and high development standards that provide vibrant, high-quality neighborhoods and development. Create a sense of place and brand identity that extends beyond our borders.

This study is intended to be a plan for Town staff to take critical steps to develop a unified development pattern on the west side of the Town. Through three committee meetings and direct guidance from committee members, the report details key strategies for Staff to focus on to align development patterns with desired outcomes.

The scenarios developed were narrowed down to a combined single approach to density and uses within the west side area. Key takeaways are to focus on infrastructure improvements, utility extensions, design standards for walkability and connectivity, and updating the comprehensive plan and zoning to reflect appropriate housing and land use types in the Town. Now that phase 1 is complete, staff recommends we move towards phase 2 of the project. This will ensure that the vision is captured by updating our ordinances, zoning map, land uses, and economic plans.

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

RECOMMENDED ACTION:
Staff recommends approval.
Attachments

West Side Study Report
Date: 04/20/2021  
Agenda Item #: 7.D.  
Department: Development Services  
Strategic Goal: Provide a safe and welcoming environment for Little Elm residents and visitors  
Staff Contact: Fred Gibbs, Director of Development Services

**AGENDA ITEM:**
Present, Discuss, and Consider an [Appeal of the Planning and Zoning Commission Decision on Linden Hill Phase 3 Preliminary Plat and Consider any Actions Determined to be Appropriate by the Town Council](https://destinyhosted.com/print_all.cfm?seq=16&reloaded=true&id=54885).

**DESCRIPTION:**
On April 1, 2021, the Planning and Zoning Commission took action to deny the Preliminary Plat for Linden Hill Phase 3. After our staff review, there were some items on the plat that didn’t meet our subdivision ordinances along with some items that needed separate action from the Town Council. One of those items included a note on the plat that indicated that maintenance of roads and drainage will be dedicated to the HOA. In addition, below are the sections and attached is the certified letter that was sent to the applicant after the Planning and Zoning Commission meeting outlining the sections that resulted in the action taken by the Planning and Zoning Commission.

State law requires a Town or City to take action on a plat within 30 days of the submittal after being considered complete. After the meeting, the applicant expressed interest in appealing the action from the Planning and Zoning Commission per Section 107.04.03 (i) Appeal of the decision on a preliminary plat application. That provision allows the applicant the opportunity to appeal the decision of the Planning and Zoning Commission to Council after 30 days of receiving the appeal. The Town Council may affirm, modify, or reverse the decision of the commission by simple majority vote. The decision of the Town Council is final. The applicant has decided to revise their Preliminary Plat and new appeal letter for the Council to consider as well.

1. **Section 107.01.01 – Authority, purpose and applicability.**

g. Special provisions.

4. The town shall not authorize any other person, nor shall the town itself repair, maintain, install or provide any streets or public utility services in any subdivision for which the standards contained herein or referred to herein have not been complied with in full.
2. **Section 107.07.01 - General policies in the extraterritorial jurisdiction (ETJ).**

c. *Design and construction standards for public improvements in the town’s extraterritorial jurisdiction (ETJ).* All public improvements constructed in conjunction with a new development in the town’s ETJ shall be designed, engineered and constructed in accordance with the town's standards and all other applicable town master plans (e.g., water reuse master plan, the comprehensive plan, etc.).

3. **Section 107.08.01 General Subdivision Policies.**

(b) *Adequate public facilities.*

1. **Adequate services for areas proposed for development.** Land proposed for development in the town and in the town's ETJ shall be served adequately by essential public facilities and services, including, but not limited to, water distribution, wastewater collection and treatment, roadways, pedestrian circulation, storm drainage conveyance, and park and recreational facilities. Land shall not be approved for platting or development until adequate public facilities necessary to serve the development exist or provisions have been made for the facilities, whether the facilities are to be located within the property being developed or offsite.

(3) *Property owner's responsibilities.* The property owner shall be responsible for, but not limited to, the following:

a. **Dedication and construction of improvements.** The property owner shall dedicate all rights-of-way and easements for, and shall construct and extend, all necessary on-site and off-site public improvements for water distribution, wastewater collection and treatment, streets, storm drainage conveyance, and other improvements that are necessary to adequately serve each phase of a proposed development at service levels that are consistent with the town's applicable master facilities plans and engineering design standards.

h. **Operations and maintenance of public facilities.** The property owner shall make provision for all operations and maintenance of the public facilities, or shall provide proof that a separate entity will be responsible for the operations and maintenance of the facilities.

4. **Section 107.08.03 – Streets and alleys.**

c. **Private Streets.**

2. **Town Council action required.** Dedicated streets and rights-of-way shall not be designated or used as private streets and such use is prohibited, except where specific approval is given by action of the town council for properties within the town’s extraterritorial jurisdiction and upon approval of a specific use permit for properties within the town limits. The town council may add any conditions as deemed appropriate as part of the approval of a private street development.

The submitted preliminary plat was denied based off the provisions above. The preliminary plat indicated on the face of the plat in note 13, that the streets and drainage would be maintained by the HOA. As indicated above, this would take a separate action from the Town Council to consider the HOA for that maintenance. In addition, if the dedication is to be to a utility district, that too requires separate action from the Council prior to action on the preliminary plat. Without proper action, as well as the ordinance require the infrastructure to be dedicated and maintained by some entity, the Planning and Zoning Commission denied the request.
**BUDGET IMPACT:**
There is no budget impact for this item.

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

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**Attachments**

Linden Hills Phase 3 Appeal Letter  
Linden Hills Phase 3 PP Certification Letter  
Linden Hills Phase 3 PP Submittal  
New Appeal Letter  
New Revised Preliminary Plat