WORKSHOP & REGULAR MEETING
OF THE TOWN COUNCIL

Tuesday, May 4, 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   C. Items to be Withdrawn from Consent Agenda.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 an Update on The Lawn at the Lakefront Concept Design.

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. **Presentations.**
   
   A. Present a **Proclamation Recognizing May as Motorcycle Safety and Awareness Month.**
   
   B. Present a **Proclamation Recognizing May as Bike Month.**

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 April 20, 2021, Regular Meeting.**
   
   B. Consider Action to Approve the **Quarterly Investment Report for the Period Ending March 31, 2021.**
   
   C. Consider Action to Approve the **Unaudited Quarterly Budget Report for the Quarter Ending March 31, 2021.**
   
   D. Consider Action to Approve the **Rudman Tract Public Improvement District (PID) Public Hearing for Levy and Assessment by Ways of Adopting Resolution No. 0504202102.**
   
   E. Consider Action to Approve a **Development Agreement between the Town of Little Elm and the Developer for Alta 3Eighty, LLC.**
   
   F. Consider Action to Approve **Ordinance No. 1607 for the Amended Final Project and Finance Plan for TIRZ #5.**

7. **Public Hearings.**
   
   A. Continue 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.**
      
      Continue Public Hearing:
      Receive Public Comments:
      Close Public Hearing:
   
   B. Continue Public Hearing on **Accepting and Approving a Service and Assessment Plan and Major Improvements Area Assessment Roll for the Spiritas Ranch Public Improvement District.**
      
      Continue Public Hearing:
      Receive Public Comments:
      Close Public Hearing:
   
   C. Hold a Public Hearing on **Annexing an Approximately 7.21 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:

8. Reports and Requests for Town Council consideration.

A. Present, Discuss, and Consider Action on Resolution No. 0504202101 Approving an Annexation Agreement with MM Little Elm 548, LLC, Concerning the Annexation of 7.21 Acres of Land in the Marsella Jones Survey, Abstract No. 662, Denton County, Texas.

B. Present, Discuss, and Consider Action on Ordinance No. 1608 to Annex an Approximately 7.21 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 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.

D. Present, Discuss, and Consider Action to Approve a Development Agreement between the Town of Little Elm and James F. S. Eppright.

E. Present, Discuss, and Consider Action to Approve Resolution No. 0504202103 of the Town Council of the Town of Little Elm, Texas Consenting to the Annexation of Land into Denton County Municipal Utility District No. 8.

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 __30__ day of __April__ 2021 before 5:00 p.m.
Date: 05/04/2021
Agenda Item #: 2.A.
Department: Community Services
Strategic Goal: Provide a safe and welcoming environment for Little Elm residents and visitors
Staff Contact: Chad Hyde, Director of Community Services

AGENDA ITEM:
Present and Discuss an Update on The Lawn at the Lakefront Concept Design.

DESCRIPTION:
At the April 20, 2021, Regular Town Council meeting, staff presented a concept design for The Lawn at the Lakefront. Based on feedback received by Town Council, staff will present an update to the concept design.

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

RECOMMENDED ACTION:
Staff requests direction from Town Council.
Date: 05/04/2021
Agenda Item #: 5.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 a Proclamation Recognizing May as Motorcycle Safety and Awareness Month.

DESCRIPTION:
This proclamation provides an opportunity to increase awareness and education of motorcycle safety to all drivers.

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

RECOMMENDED ACTION:
Staff recommends approval.

Attachments
Motorcycle Safety and Awareness Month Proclamation
AGENDA ITEM:
Present a Proclamation Recognizing May as Bike Month.

DESCRIPTION:
This proclamation provides an opportunity to encourage all residents to learn about bicycle safety and enjoy bicycling during the month of May. Many organizations across the region such as Bike Texas, Shawnee Trail Cycling Club, and Frisco Triathlon Club will promote bicycle safety during the month of May. May has been declared National Bike Month since 1956.

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

RECOMMENDED ACTION:
Staff recommends approval.

Attachments
Bike Month Proclamation
Date: 05/04/2021
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 April 20, 2021, Regular Meeting.

DESCRIPTION:
The minutes from the April 20, 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 20, 2021
Date: 05/04/2021
Agenda Item #: 6.B.
Department: Finance
Strategic Goal: Maintain operational integrity and viability
Staff Contact: Kelly Wilson, Chief Financial Officer

AGENDA ITEM:
Consider Action to Approve the Quarterly Investment Report for the Period Ending March 31, 2021.

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 March 31, 2021.

BUDGET IMPACT:
Interest earnings for the second quarter of the Fiscal Year 2020-2021 was $196,099 for the reporting period of January to March 2021 with the year-to-date total earnings of $342,656.

RECOMMENDED ACTION:
Staff recommends approval.

Attachments

TOLE 03.31.21 Investment Report
AGENDA ITEM:
Consider Action to Approve the Unaudited Quarterly Budget Report for the Quarter Ending March 31, 2021.

DESCRIPTION:
The purpose of this item is to provide Town Council a report of financial performance of the town regarding its Budget of Revenues and Expenditures for the 2nd quarter of the Fiscal Year 2020-2021.

BUDGET IMPACT:
The Town’s financial outlook will be impacted as it relates to 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. The first quarter reflected the majority of property tax collections, which is a major revenue stream for the Town. Through the 2nd quarter, the Town’s property tax collection rate is 98.67% compared. The Town is seeing an uptick on collecting prior year’s taxes. The Town is also experiencing properties that are having their protest hearings from the 2020 tax roll. Therefore, these properties are in the process of billing once certified amounts have been determined. 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. Funds for this event are reflected in this quarterly financial report. Another stream of revenue for the Park and Recreation Fund is the membership of the COVE @ the Lakefront. This opened after this quarterly financial report. Finance will continue to monitor this fund, events, and amenities related to offset expenditures. Another major revenue stream for the Town is the reported sales tax. To date, the Town is over FY 2021 projected budgeted sales tax revenue by 10.46%.tax collections. The Utility Funds are on target with their billed revenue for services. The Town is experiencing increased water sales, which offsets the cost of purchase of water. Finance tracks the amount of water purchases to our take or pay amount and we anticipate the Town to exceed our take or pay.

RECOMMENDED ACTION:
Staff recommends approval.

Attachments

2nd Qtr Financial Report Memo
March Financial Report
AGENDA ITEM:
Consider Action to Approve the Rudman Tract Public Improvement District (PID) Public Hearing for Levy and Assessment by Ways of Adopting Resolution No. 0504202102.

DESCRIPTION:
October 18, 2016, Town Council approved Resolution No. 10181601 establishing the Rudman Tract Public Improvement District (PID). At which time, the Town authorized the District the issuance up to $19,000,000 in bonds for the District to finance certain public improvements. April 4, 2017, Council adopted Ordinance No. 1359, which approved the District Service and Assessment Plan (SAP). The District is being developed in phases and the second phase of this development includes approximately 61 acres (Phase #2). Staff is recommending approval to amend the SAP to reflect the Phase #2 improvements and the construction of the development of Phase #2. The approximate total cost of Phase #2 Improvements is $9,160,000 reference in Table IV-B of the Preliminary Amended SAP (attached). The Rudman Tract PID Preliminary SAP, updated for Phase #2 include the proposed assessment roll for Phase #2.

The Act requires that a public hearing be called to consider proposed assessments and requires the Town Council to hear and pass on any objections to the proposed assessment at, or on the adjournment of, the Assessment Hearing. Staff is recommending Council authorize and calls, a meeting and a public hearing to be held May 18, 2021, to meet such requirements.

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

RECOMMENDED ACTION:
Staff recommends approval.

Attachments
Resolution No 0504202102
Rudman PID Phase #2 SAP
Date: 05/04/2021
Agenda Item #: 6.E.
Department: Development Services
Strategic Goal: Promote and expand Little Elm’s identity
Staff Contact: Fred Gibbs, Director of Development Services

AGENDA ITEM:
Consider Action to Approve a Development Agreement between the Town of Little Elm and the Developer for Alta 3Eighty, LLC.

DESCRIPTION:
On January 25th, 2021 the Alta 3Eighty Planned Development (Ordinance 1589) was approved by Town Council. Within this Planned Development, it was requested that the developers provide a site plan that must be approved by The Planning and Zoning Commission. This site plan was approved on March 18th, 2021. It was also required that upon the future submittal of plans, a Development Agreement would be acted on by Town Council. Within this Development Agreement, we are solidifying the exterior elevations and ensuring this development meets the requirements listed within the Planned Development. The proposed elevations align with the architectural features the Town of Little Elm is looking for in this type of development by providing a blend of type A and type B materials as outlined within our Code of Ordinances.

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

RECOMMENDED ACTION:
Staff recommends approval.

Attachments

Development Agreement
Date: 05/04/2021
Agenda Item #: 6.F.
Department: Economic Development Corporation
Strategic Goal: Maintain operational integrity and viability
Staff Contact: Jennette Espinosa, EDC Executive Director

AGENDA ITEM:
Consider Action to Approve Ordinance No. 1607 for the Amended Final Project and Finance Plan for TIRZ #5.

DESCRIPTION:
Revised the future development assumption, specifically the addition of 21 lots and the addition of 8 acres of Multi-Family at FM 2931. Updated documents will be provided by the Bond Council the day of the Council Meeting.

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

RECOMMENDED ACTION:
Staff recommends approval.

Attachments
Ordinance 1607-Amended Project and Finance Plan
Amended Project and Finance Plan
Date: 05/04/2021
Agenda Item #: 7.A.
Department: Economic Development Corporation
Strategic Goal: Maintain operational integrity and viability
Staff Contact: Jennette Espinosa, EDC Executive Director

AGENDA ITEM:
Continue 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.

Continue Public Hearing:
Receive Public Comments:
Close Public Hearing:

DESCRIPTION:
Public Hearing will continue 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 emended (the "Act").

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

RECOMMENDED ACTION:
Staff recommends continuing the public hearing until the Special Meeting on May 11, 2021.
Date: 05/04/2021
Agenda Item #: 7.B.
Department: Economic Development Corporation
Strategic Goal: Maintain operational integrity and viability
Staff Contact: Jennette Espinosa, EDC Executive Director

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

Continue Public Hearing:
Receive Public Comments:
Close Public Hearing:

DESCRIPTION:
Public Hearing will continue 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 continuing the public hearing to the Special Meeting on May 11, 2021.
Date: 05/04/2021
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:
Hold a Public Hearing on Annexing an Approximately 7.21 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 acres to be brought into the Town after the receipt of the petition which we have received. After more review of the PID and annexation documents, staff found that approximately 7.21 acres was left off and needed to be included in the annexation.

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

Attachments
Spiritas Annexation 7.21 Acres
Date: 05/04/2021
Agenda Item #: 8.A.
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 Resolution No. 0504202101 Approving an Annexation Agreement with MM Little Elm 548, LLC, Concerning the Annexation of 7.21 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 and Annexation Agreement
Date: 05/04/2021
Agenda Item #: 8.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. 1608 to Annex an Approximately 7.21 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 acres to be brought into the Town after the receipt of the petition which we have received. After more review of the PID and annexation documents, staff found that approximately 7.21 acres was left off and needed to be included in the annexation.

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

RECOMMENDED ACTION:
Staff recommends approval.

Attachments
Annexation Ordinance
Annexation Exhibit
Annexation Petition
Date: 05/04/2021
Agenda Item #: 8.C.
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.

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.

This item was tabled by Town Council at the April 20, 2021, meeting to the May 4, 2021, meeting.

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 provide 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
Date: 05/04/2021
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 to Approve a Development Agreement between the Town of Little Elm and James F. S. Eppright.

DESCRIPTION:
Since the April 20, 2021, Council meeting we have been negotiating with the developer to ensure that Phase 3 of Linden Hills has the same consistent feel and development standards as Phase 1 and 2. As you recall, Phase 1 and 2 are being developed under the current Spiritas Agreement development standards. This area lies outside the original Spiritas Agreement East Tract designation. Town Council at the last meeting, wanted to see how some of those elements of the Spiritas Agreement could be incorporated into this Phase. After numerous conversations, the developer has agreed through a developers agreement to include some standards from that agreement outlined below.

1. Masonry content: The exterior facades of a main building or structure shall be constructed of 100 percent masonry. Cementitious fiberboard may constitute 50 percent of stories other than the first floor. Cementitious fiberboard may also be used for architectural features, including window box-outs, bay windows, roof dormers, garage door headers of rear entry garages, columns, chimney not part of an exterior wall, or other architectural features approved by the building official.
2. Maximum lot coverage: 65% (excluding open and screened porches and garages).
3. Minimum floor area of dwelling unit: 1,400 square feet (excluding basements, open and screened porches and garages).
4. Landscaping regulations: It shall be the homebuilder's responsibility that each lot shall contain a minimum of two trees of at least three caliper inches each and a fully sodded or hydro mulched yard.
5. Owner will use commercially reasonable efforts to cause the MUD to: (1) present a fire/EMS plan to the Texas Commission on Environmental Quality (“TCEQ”); (2) get the TCEQ to approve the fire/EMS plan; (3) call an election to request the district voters to approve the plan after the TCEQ approves it; and (4) if the voters approve the plan, enter into an agreement for police/fire/EMS services with the Town or another provider.
6. The Town will consent to the MUD annexing the Property and will evidence such consent by executing the resolution attached hereto as Exhibit B contemporaneous with the execution of
In addition to the standards, one other outstanding issue that came up during the plat appeal was who would be responsible to maintain the streets and drainage infrastructure. To address that concern, the developer is requesting consent from the Town Council for this area to be included in the Municipal Utility District that exists in that area which is MUD No.8. The District will ensure that the streets and drainage will be maintained from a more secure entity than the proposed HOA scenario. Lastly, the agreement will encourage the District to provide Public Safety to the area via a contract similar to ones we have with other Districts.

**BUDGET IMPACT:**
This item has no budget impact.

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

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**Attachments**

Linden Hills Phase 3 Developers Agreement
Date: 05/04/2021
Agenda Item #: 8.E.
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 to Approve Resolution No. 0504202103 of the Town Council of the Town of Little Elm, Texas Consenting to the Annexation of Land into Denton County Municipal Utility District No. 8.

DESCRIPTION:
This resolution is required from the Town Council to consent approximately 46.272 acres to the annexation of land into Denton County Municipal Utility District No 8. This resolution allows the District to be formed within the Towns ETJ. The area being added to the existing MUD n. 8 will address the maintenance concern regarding the streets and drainage infrastructure.

BUDGET IMPACT:
This item has no budget impact.

RECOMMENDED ACTION:
Town Staff requests Council direction.

Attachments
Linden Hills Phase 3 MUD Consent Resolution