

MINUTES
Town of Little Elm
214-975-0404
<http://www.littleelm.org>

WORKSHOP PUBLIC HEARING AND REGULAR TOWN COUNCIL MEETING

Tuesday March 15, 2016

Present: David Hillock Mayor, Michael McClellan Mayor Pro-Tem, Council members James Dominy, Neil Blais, and Stephanie Shoemaker. **Absent:** Council members Nick Musteen and Chip Norman. **Staff:** Robert Brown, Matt Mueller, Doug Peach, Joe Florentino, Kathy Phillips, Karla Stovall, Dianne Lawson, Jason Laumer, Lisa Reich, Kevin Mattingly, Chad Hyde, Brian Roach, Jeremy Wilson, Rodney Harrison, and Greg Wilkerson.

I. Call to Order Council Work Shop at 6:00 p.m.

- a. Invocation:
- b. Items to be withdrawn from Consent Agenda. *None*
- c. Emergency Items if posted. *None*
- d. Request by the Town Council for items to be placed on a future agenda for discussion, and recognition of excused absences. *Council member Blais* asks that the engine break issue be addressed for Eldorado Parkway and Oak Grove. Town Manager Matt Mueller stated that staff could place a couple signs on roadway; as the issue was already addressed in ordinance.
- e. Update status of Farmers Market: *Parks and Recreation Director Chad Hyde and Special Events Coordinator Alicia Gray* reported that after talking with vendors and the Chamber regarding alternative days for the farmers market and the current location vs. moving was not a good option. Several vendors would be interested to stay in Little Elm even if postponed to next year. Problems occurring where the lack of visibility at current location and decline in patrons. Council consensus was to hold off until Lakefront built as this would be an ideal location and perfect fit.
- f. Update on Little Elm Parks: *Parks and Recreation Director Chad Hyde* gave Council a power point presentation on Swim Beach, Johnny Broyles Trail, Cottonwood Park, McCord Park, and Beard Park.
- g. Presentation on the 2016 Street Maintenance Program: *Director of Development Services Jason Laumer* informed Council that the Town's street and road repair and maintenance program allows the Town to use the best methods to perform a variety of repair and maintenance projects. To perform moderate size repair and maintenance projects throughout the fiscal year the Town uses the bid process. The unit prices are good for the life of the annual contract, and allows the Town to get the most work done for the best price in the quickest amount of time. Staff is here tonight to discuss this year's program and items expected to be funded out of the street maintenance fund long with discussion on all the existing streets in the Town that are not concrete and the costs of a program to rebuild/rehab them to concrete. Town Staff will put together next bid package for construction in May.

- h. Discuss and receive Council input on CAFR as of 09-30-15: **Chief Financial Officer Karla Stovall** asked Council if they had any questions regarding the financial statement on the agenda tonight for acceptance. Staff was pleased to announce that we retained at 27% general fund balance. The auditors would give full report during regular meeting. No council questions.
 - i. Presentation of monthly updates from department heads: **Fire Chief Brian Roach** introduced new Assistant Fire Chief Jeremy Wilson to council and staff. He stated that Jeremy was very dedicated to the department and town.
 - j. Council to highlight items on the agenda needing further discussion or comments prior to the regular session. **None**
2. **Roll Call/Call to Order** Regular Town Council Immediately Following Council Workshop.
3. **Pledge to the Flags:**
 - a. United States Flag
 - b. Texas Flag
4. **Presentation of Military Banners:**
 - a. **Mayor Hillock** stated that the Town of Little Elm Military Banner Program was designed to honor and recognizes Little Elm active duty military personnel. The banner signifies the Town's gratitude for their service and commitment to our nation and our community. To be eligible honorees must be currently serving as active duty in a full-time capacity in the United States Armed Forces (Army, Marines, Navy, Air Force, Coast Guard) and currently residing in Little Elm or have an immediate family member (parent, spouse, son, daughter, or grandparent) residing in Little Elm. The banners are placed on the new light poles in Little Elm on Lobo Lane, Veterans Memorial Bridge, and Little Elm Park. The banners are put on the poles around military holidays (Memorial Day, Veterans Day, etc.). The banners are presented to the honorees when they return home for their military service. To date 56 banners have been requested and approved. This is our first time to present to service men and women who have completed their service. Six banners will be presented tonight and five others at future council meetings. Mario Sobers and Christine Powers were presented their banners. Family representatives were present and received banners for Kyle Green, Adrian Macias, Jeremy Sellers and William Miller.
5. Public Comments: **None**
6. Upon motion by Council member Dominy and second by Council member Shoemaker the members **voted 5-0** to approve the Consent Agenda as presented:
 - a. **Minutes** of the February 25, 2016 Budget Workshop.
 - b. **Minutes** of the March 1, 2016 Workshop and Regular Meeting.

- c. **Final Plat** Union Park, Phase 2A from Hillwood Communities, generally located east of Union Park Blvd West and south of Fishtrap Road, with Little Elm town limits.
 - d. **Final Plat** Valencia on the Lake, Phase 3A from Petitt Barraza, LLC, generally located along Palmera Drive and Montesa Drive, within Little Elm town limits.
 - e. **Final Plat** Valencia on the Lake, Phase 3C from Petitt Barraza, LLC, generally located along Barx Drive and Miramar Drive, within Little Elm town limits.
 - f. **Award** Contract to Quality Excavation for Sunset Pointe Retaining Wall for an amount not to exceed \$180,077.00 and authorize the Town Manager to execute the contract.
 - g. **Award** RFP 2016-47 for mowing of ROW and Medians to Haven Landscaping and Irrigation, Inc. and authorize the Town Manager to execute the contract.
 - h. **Approve** amended 2015-2016 EDC Budget.
7. **Public Hearing:** regarding a request for a Specific Use Permit for Minor Auto Repair Use on approximately 0.888 acres of land, generally located on the northwest corner of University Drive and FM 2931, currently zoned Planned Development-Light Commercial district (PD-LC).
- a. Staff Comments: *Planning Manager Lisa Reich* informed Council that Chapter 106 of the LE Code of Ordinances requires Minor Auto Repair uses to obtain a Specific Use Permit (SUP) to legally operate in Light Commercial (LC) zoning districts. An SUP is required of uses that the zoning ordinance may allow, but uses that should be screened and specially approved for situational suitability. The purpose of the SUP requirement is to allow the Town to determine the appropriateness of a proposal. Thus Council has broad discretionary approval of the requested SUP. The Future Land Use (FLUP) designates the subject property with a Retail/Office District land use category, which is appropriate for the use of minor auto car repair. The requested SUP, if approved, would not be in conflict with the FLUP. The applicant requests the ability to perform minor auto repair from a newly proposed building forecasting eight auto repair bays. All eight bays are conceptually planned to face the east, which is directed at the new fueling station and FM 2931. The direction of the bays is not a problem, as they will be not be visible from any proposed direction once the parent tract fills in with other commercial uses. However, the bays should be screened to alleviate the undesirable view, and staff proposed requiring 5' tall evergreen shrubs be planted in the median abutting the neighboring property. The proposed use will have high visibility on the subject property. Staff feels that minor auto repair on University Drive will be a valuable and needed use to the thousands of residents that will be moving to the immediate area with the opening of subdivisions like Union Park and Hillstone Pointe, among others. Staff recommends approval of the requested SUP with the following special ordinance provisions: (1) no vehicles shall be stored outdoors on the property overnight; (2) the subject property shall be responsible for installing evergreen shrubs of at least 5 feet in height at the time of planting in a 10 foot wide median bordering the property line. The purpose is to screen the auto repair bays from University Drive, FM 2931, and the adjacent

property. Important to note, the conceptual plans are for reference only and are necessarily an accurate indication of how the final product will appear. Only the land use is approved via the SUP. On March 3, 2016, the Planning and Zoning Commission unanimously recommended approval of the proposed SUP with staff's requested conditions.

- b. Opened Public Hearing **at 7:22 p.m.**
- c. Citizen Comments: Representative was present to answer any council questions.
- d. Closed Public Hearing **at 7:24 p.m.**
- e. Upon motion by Council member McClellan and second by Council member Dominy the members **voted 5-0** to adopt Ordinance No. 1319 an Ordinance of the Town of Little Elm, Texas amending the Comprehensive Zoning Ordinance of the Town of Little Elm, Texas, herefore amended, by issuing a Specific Use Permit for Minor Auto Repair Use on approximately 0.888 acres of land, currently zoned Planned Development-Light Commercial District (PD-LC), generally located on the northwest corner of University Drive and FM 2931, providing that this Specific Use Permit is established subject to certain conditions as set forth herein; providing a saving clause; correcting the official zoning map; providing a penalty; providing a severability clause; providing a repealer clause; and providing an effective date. ***Contingent upon staff recommendation being met: no vehicles shall be stored outdoors on the property overnight and the subject property shall be responsible for installing evergreen shrubs of a least 5 feet in height at the time of planting in a 10 foot wide median bordering the property line.***

8. **Reports and requests for Town Council consideration and appropriate action:**

- a. Upon motion by Council member McClellan and second by Council member Dominy the members **voted 5-0** on acceptance and receipt of the Town's Comprehensive Annual Report for the fiscal year ended 09-30-2015.
- b. Upon motion by Council member McClellan and second by Council member Dominy the members **voted 5-0** to adopt Ordinance No. 1320 an Ordinance altering the prima facie speed limits established for vehicles under the provisions of Transportation Code, Section 545.356, upon Eldorado Parkway between Oak Grove Parkway and Little Elm Parkway, within the corporate limits of the Town of Little Elm as set out in the Ordinance; and repealing all Ordinances in conflict herewith; providing a penalty of a fine not to exceed \$200.00 for the violation thereof; providing a severability clause; providing for publication and an effective date of this Ordinance.
- c. Upon motion by Council member Blais and second by Council member McClellan the members **voted 5-0** to approve a Task Order for the Comprehensive Plan, Impact Fee Update, and Reuse/Irrigation Master Plan between the Town of Little Elm and Freese & Nichols for the amount of \$320,000 and authorize the Town Manager to execute a contract for the same.

9. **FYI:** (All matters are provided to the Town Council for informational purposes only)

- a. Town Secretary Monthly Report for February 2016.
- b. Development Services Monthly Report for February 2016.
- c. Public Works Monthly Report for February 2016.
- d. Police Department Monthly Reports for February 2016.
- e. Fire Department Monthly Reports for February 2016.
- f. Parks, Recreation and Library Monthly Reports for February 2016.

10. Council convened in Executive Session *at 8:03 p.m.* pursuant to Texas Government Code:

- Section 551.071 for private consultation with the Town Attorney 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 551.076 to discuss security matters.
- Section 551.087 to discuss Economic Development.

11. Reconvened into Open Session *at 9:03 p.m.* Discussion and consideration to take any action necessary as the result of the Executive Session.

- Section 551.071 for private consultation with the Town Attorney 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. ***No Action Taken***
- Section 551.072 to discuss certain matters regarding real property. ***No Action Taken***
- Section 551.076 to discuss security matters. ***No Action Taken***
- Section 551.087 to discuss Economic Development. ***No Action Taken***

12. Adjourned Work Shop and Regular Meeting *at 9:05 p.m.*

Respectfully,



Town Secretary

Passed and approved this _____ day of _____, 2016.