

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

WORKSHOP, PUBLIC HEARING AND REGULAR TOWN COUNCIL MEETING
Tuesday November 20, 2018 - 6:00 p.m.

Present: David Hillock Mayor, Neil Blais, Mayor Pro-tem, Council members James Dominy, Curtis Cornelious, Chip Norman, Nick Musteen, and Stephanie Shoemaker. **Staff:** Robert Brown, Matt Mueller, Doug Peach, Kathy Phillips, Caitlan Biggs, Karla Stovall, Dee Dee Hale, Fred Gibbs, Jennette Killingsworth-Espinosa, Chad Hyde, Kevin Mattingly, Rodney Harrison, and Brian Roach.

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

- a. Invocation: Council member Blais.
- b. Items to be withdrawn from Consent Agenda.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. *None*
- e. Discussion with Council regarding the alternate work schedule. *Assistant to Town Manager Caitlan Biggs* gave Council a power point presentation regarding the alternate work schedule. Council consensus was to implement the proposed pilot program for 6 months then report back to Council with results. *Town Manager Matt Mueller* stated that if program proves to be non-beneficial can change back to regular hours.
- f. Presentation of monthly updates from department heads: *Fire Chief Brian Roach* informed Council that the firefighters who were deployed to California to help with wild fire were on way home. Director of Parks and Recreation Chad Hyde informed Council that the lettering for the parks signs had been repaired or was in process.
- g. 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. Presentations:

- a. Mayor Hillock presented the Finance Department with the 2017 CAFR Award; this achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.
- b. Mayor Hillock read a proclamation on behalf on the Little Elm Food Bank and Friends of the Library recognizing Chad Lacerte for his sponsorship efforts for both the 14th Annual Jet Ski Run and the 2018 Trivia Night.

5. Public Comments: *None*

6. Upon motion by Council member Norman and second by Council member Blais the members **voted 7-0** to approve the Consent Agenda as presented:

- a. **Minutes** of the November 6, 2018 Workshop and Regular Meeting.
- b. **Award Bid 2019-151** for the construction of the McCord Park Phase 2 Dog Park Improvements to Ratliff Hardscape, LTD in an amount not to exceed \$1,429,368.56, authorize use of contingency funds, if needed, and to authorize the Town Manager to execute the agreement.
- c. **First Amendment** to Amended and Restated Ground Lease Purchase Agreement for Area 1 and Area 2 Located in the Town of Little Elm, Denton County, Texas.
- d. **First Amendment** to Amended and Restated License Agreement to Improve, Use and Maintain Area 3 for Park Purposes.
- e. **First Amendment** to Amended and Restated Ground Lease Purchase Agreement for Area 4 Located in Town of Little Elm, Denton County, Texas.
- f. **First Amendment** to Amended and Restated Ground Lease Purchase Agreement for Area 5 Located in the town of Little Elm, Denton County, Texas.
- g. **Town of Little Elm, Texas and Palladium USA International, Inc. First Amendment** to Amended and Restated Chapter 380 Economic Development Program Agreement.

- h. **Authorization** to purchase Virtual Server and Storage Infrastructure Upgrade Project from Technology Assets, LLC dba Global Asset for the purchase price of \$190,651.00.
 - i. **Authorization** to use the City of Frisco contract with Galls, LLC for the purchase of Police Department Uniforms.
 - j. **Authorization** to dispose of sludge and bulk waste at the unit price of \$24.50 per ton and \$46.00 per ton with Denton Municipal Landfill.
7. Public Hearing: on request to rezone approximately 22.254 acres of land from Light Commercial (LC) to Planned Development-Single Family 4 (PD-SF4) to allow for a residential development with modified standards, generally located at the northeast corner of Witt Road and King Road, within Little Elm's town limits.
- a. Staff Comments: *Town Planner Skye Thibodeaux* informed Council that over the past year, the Town has worked with the current property owner, Brazos Electric, in an effort to attract a residential development with high-end "move-up", residential homes. Town staff has been engaged in this process per an agreement with Brazos Electric following recent developments, namely the Brazos Substation, adjacent to the property. Given the proximity to one of the major entrances into the Town, along the land being one of the last prime pieces of developable property within the Frisco ISD, Town staff desires to ensure a quality residential development that will maintain value as the development ages over time. The proposed zoning of Single Family 4 (SF 4) is compatible with the Future Land Use Plan and is appropriate for the subject property. Elements included minimum lot area, dwelling area, lot coverage, lot width, lot depth, with enhanced entryway, landscaping and architectural design standards. The Planning and Zoning Commission recommended approval by a vote of 6-1.
 - b. Opened Public Hearing: **6:50 p.m.**
 - c. Received Public Comments: **None.** Representative for Hovnanian Enterprise, Inc. was present and gave council brief presentation on the proposed development.
 - d. Closed Public Hearing **at 6:51 p.m.**
 - e. Upon motion by Council member Cornelious and second by Council member Blais the members **voted 7-0** to adopt Ordinance No. 1473 an Ordinance of the Town of Little Elm, Texas, amending the Comprehensive Zoning Ordinance of the Town of Little Elm, Texas, by rezoning approximately 22.25 acres of land from Light Commercial (LC) to Planned Development – Single Family 4 (PD-SF4), generally located at the northeast corner of Witt Road and King Road, providing a savings clause; correcting the official zoning map; providing a penalty; providing a severability clause; providing a repealer clause; and providing an effective date.

(Council member Cornelious left meeting at 7:03 p.m.)

8. Public Hearing: on request to rezone approximately 5.1107 acres of land from Light Commercial (LC) to Planned Development-Light Commercial (PD-LC) to allow for the use of retail, restaurant, and medical office with modified development standards, generally located on the southeast corner of Smotherman Road and FM 423, within Little Elm's town limits.

- a. Staff Comments: *Town Planner Skye Thibodeaux* informed Council that the proposed amendment request is to allow for the development of retail, restaurant, and office with modified standards primarily regarding architectural design. Section 106.06.05 (Architectural Standards for Commercial Structures) of the Zoning Ordinance requires structures be constructed of a minimum of 80 percent masonry (brick, stone, or manufactured stone). Some projects are presented to staff that warrant certain considerations when thinking about the relative goals of Town's Comprehensive Plan. In looking at the Aesthetic Appearance section within Chapter 3 (Livability) of the Comprehensive Plan, the subject request appears to be compatible with the Town's goal to "maximize desirability and aesthetic appeal throughout the Town". In contemplating this goal while comparing the proposed design to similar developments, such as the Main Marketplace development along the FM 423 commercial corridor, staff believes this request will help to further promote unique aesthetic along with creating a sense of place in the general area. The applicant is also requesting an increase to the maximum setback of 100 feet to 120 feet. Staff is amendable to this request as the proposed development features space for patio dining which pushes the associated structure slightly behind the 100 foot maximum setback as outlined in the base LC standards. Patio dining will help promote outside activity and engagement within the overall development. The Planning and Zoning Commission recommended approval of the project by unanimous vote.
- b. Opened Public Hearing: **7:12 p.m.**
- c. Received Public Comments: **None**
- d. Closed Public Hearing: **7:12 p.m.**
- e. Upon motion by Council member Musteen and second by Council member Shoemaker the members **voted 6-0** to adopt Ordinance No. 1474 an Ordinance of the Town of Little Elm, Texas, amending the Comprehensive Zoning Ordinance of the Town of Little Elm, Texas, by rezoning approximately 5.11 acres of land from Light Commercial (LC) to Planned Development – Light Commercial (PD-LC), to allow for retail, restaurant, and office use with modified development standards, generally located on the southeast corner of Smotherman Road and FM 423, providing a savings clause; correcting the official zoning map; providing a penalty; providing a severability clause; providing a repealer clause; and providing an effective date.

9. Public Hearing: on request for a Specific Use Permit on approximately 0.04 acre of land zoned Light Industrial (LI) to allow the use of a communication tower, generally located on the south side of U.S. Highway 380, approximately 2,400 feet west of Doe Creek Road, within Little Elm's town limits.

- a. Staff Comments: *Town Planner Skye Thibodeaux* stated the purpose of this specific use permit is to allow for the construction of a telecommunications network tower for the subject property in a light industrial zone. The tower shall be built in accordance with ADA, FCC, and The Town of Little Elm's special regulations for telecommunication towers. The tower will be constructed with a height of 120' with all ground equipment being screened from public view. Four antennas will be attached for future carrier use. The Planning and Zoning Commission recommended approval by unanimous vote.
- b. Opened Public Hearing **at 7:17 p.m.**
- c. Received Public Comments: *None*
- d. Closed Public Hearing **at 7:17 p.m.**
- e. Upon motion by Council member Blais and second by Council member Musteen the members **voted 6-0** to adopt Ordinance No.1475 an Ordinance of the Town of Little Elm, Texas, amending the Comprehensive Zoning Ordinance of the Town of Little Elm, Texas, as amended by issuing a Specific Use Permit for Communication Tower Use on approximately 0.04 acre tract of land currently zoned Light Industrial (LI); generally located on the south side of U.S. Highway 380, approximately 2,400 feet west of Doe Creek Road; 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.

10. Reports and requests for Town Council consideration and appropriate action:

- a. Upon motion by Council member Norman and second by Council member Musteen the members **voted 6-0** to approve Development Agreement for Brazos North Tract (Calloway Trails/K Hovnanian Homes LLC).

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

- a. Town Secretary Monthly Report for October 2018.
- b. Development Services Monthly Report for October 2018.
- c. Public Works Monthly Report for October 2018.
- d. Police Department Monthly Reports for October 2018.
- e. Fire Department Monthly Report for October 2018.
- f. Parks, Recreation, Library and Animal Services Monthly Report for October 2018.
- g. Letter of appreciation from resident regarding Valeni Bloemker, Chief Plans Examiner.

12. Council convened in Executive Session *at 7:19 p.m.* pursuant to Texas Government Code:

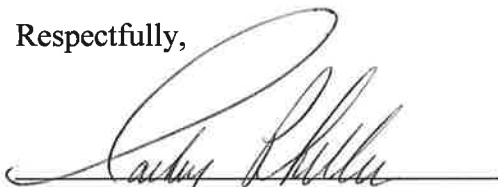
- Section 551.071 for private consultation with the Town Attorney to seek legal advice with respect to pending and contemplated litigation and including all matters on this agenda to which the Town Attorney has a duty under the Texas Rules of Discipline and Professional conduct regarding confidential 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.

13. Reconvened into Open Session *at 7:30 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**

14. Adjourned Work Shop and Regular Meeting *at 7:32 p.m.*

Respectfully,



Town Secretary

Passed and approved this 4th day of December 2018.