

DRAFT

Minutes
Town of Little Elm
100 W Eldorado Parkway
Little Elm, Texas 75068
214-975-0404
<http://www.littleelm.org>

REGULAR TOWN COUNCIL MEETING TUESDAY NOVEMBER 15, 2022 - 6:00 p.m.

Present: Mayor Curtis J. Cornelious; Council Member Jamell Johnson; Mayor Pro Tem Lisa Norman; Council Member Jeremy Lukas; Council Member Michael McClellan

Absent: Council Member Neil Blais; Council Member Tony Singh

Staff Present: Caitlan Biggs, Director of Administrative Services/Town Secretary; Jennette Espinosa, Executive Director; Joe Florentino, Assistant Town Manager; Matt Mueller, Town Manager; Chad Hyde, Director of Community Services; Doug Peach, Deputy Town Manager; Fred Gibbs, Director of Development Services; Jason Shroyer, Director of Public Works; Kate Graham, Assistant to the Town Manager; Kelly Wilson, Chief Financial Officer; Paul Rust, Fire Chief; Robert Brown, Town Attorney; Rodney Harrison, Police Chief

1. Call to Order Council Workshop at 6:00 p.m.

Meeting was called to order at 6:00 p.m.

A. Present and Discuss **Denton County Days**.

Assistant EDC Director Natasha Roach gave an overview of the item. She extended the invitation for Town Council to accompany the EDC and Chamber to Denton County Days in Austin, TX.

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

A. Invocation.

Mayor Cornelious gave the invocation.

B. Pledge to Flags.

C. Items to be Withdrawn from Consent Agenda.

None.

- D. Emergency Items if Posted.

None.

- E. Request by the Town Council for Items to be Placed on a Future Agenda for Discussion and Recognition of Excused Absences.

None.

- F. **Presentation of Monthly Updates.**

Presentation of monthly updates from department heads: concerning law enforcement activities, municipal court, customer service, emergency medical services, fire department response, fire prevention activities, emergency management, ongoing economic development projects, building permits, code enforcement activities, library activities, human resources updates, information technology report, revenue and expenditure report, street construction status, sanitation services, highway construction status, utility operations, parks and recreation activities, as well as facility and fleet updates.

Town Manager Matt Mueller recognized the Veteran's Committee and Kate Graham for the inaugural Veteran's Walk that took place last weekend.

- G. Town Council to Highlight Items on the Agenda Needing Further Discussion or Comments Prior to the Regular Session.

Police Chief Rodney Harrison highlighted Item 5D on the Consent Agenda and recognized Officer Kyle Meyers for taking the initiative to apply for the grant on behalf of the department and Chief Financial Officer Kelly Wilson for assisting with the administration of the grant.

3. **Presentations.**

- A. Present **Certificates of Recognition to Little Elm Students Who Have Been Awarded the Presidential Service Award.**

Mayor Cornelious presented the certificates.

- B. Present a **Proclamation Declaring November 2022 as Adopt a Senior Pet Month.**

Mayor Cornelious presented the proclamation.

- C. Present a **Proclamation Declaring the Month of November 2022 as Adoption Month.**

Mayor Cornelious presented the proclamation.

- D. Present the **2022 Planning Excellence Award.**

Mayor Cornelious presented the award.

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.

None.

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.

Motion by Council Member Michael McClellan, seconded by Council Member Jamell Johnson **to approve the Consent Agenda.**

Vote: 5 - 0 - Unanimously

- A. Consider Action to Approve the **Minutes from the November 1, 2022, Regular Town Council Meeting.**
- B. Consider Action to Award **Bid 2022-20 for an Annual Requirements Agreement for Fire Department Uniforms to Galls, Inc., for an estimated annual expenditure of \$50,000.**
- C. Consider Action to Award **Bid 2023-01 for an Annual Requirements Contract for Street and Road Repair and Maintenance to Urban Infraconstruction, LLC, in the estimated annual amount of \$2,000,000.**
- D. Consider Action to **Authorize the Town Manager, Grantee's Authorized Official, to Accept the Fiscal Year 2023 Victim Assistance, General Victim Assistance Direct Services Program Grant Awarded in the amount of \$82,680.00 (Application Number 4529001).**
- E. Consider Action to Approve the **Lease Addendum to the First Amendment Ground Lease Purchase Agreement between the Little Elm EDC and Village at Lakefront, LLC.**
- F. Consider Action to Approve a **Letter of Intent from the Little Elm Economic Development Corporation to La Finca Coffee and Bakery.**

6. Regular Items.

- A. Present and Discuss the **Appointment of a Town Council Subcommittee for Redistricting.**

Motion by Council Member Michael McClellan, seconded by Mayor Pro Tem Lisa Norman **to appoint Council Members Tony Singh, Neil Blais, and Jeremy Lukas.**

Vote: 5 - 0 - Unanimously

- B. Continue the Public Hearing, Present, Discuss, and Consider Action on **Ordinance No. 1689 Regarding a Request to Rezone Approximately 4.159 Acres of Land, Currently Zoned as Lakefront District (LF), in Order to Establish a New Planned Development District Based on Lakefront (LF) District, to Capture Existing Development, and Allow New Commercial and Residential Development with Modified Uses and Development Standards as well as Expand the Existing Daycare Facility.**

Opened Public Hearing on October 18, 2022, at 6:45 p.m.

Receive Public Comments:

Close Public Hearing:

Take Action on Ordinance No. 1689:

Opened Public Hearing on October 18, 2022, at 6:45 p.m.

Receive Public Comments: None

Close Public Hearing: 7:59 p.m.

Take Action on Ordinance No. 1689:

- C. Present, Discuss, and Consider Action on a **Development Agreement between the Town of Little Elm and Matt Mahdi Shekari with Lake Shore Plaza LLC.**

Motion by Council Member Michael McClellan, seconded by Mayor Pro Tem Lisa Norman ***to deny the development agreement.***

Vote: 5 - 0 - Unanimously

- D. Continue Public Hearing, Present, Discuss, and Consider Action on **Ordinance No. 1690 Regarding Establishes a New Specific Use Permit at 14111 King Road, Suite 2100, Approximately 2,114 sq ft. in Size, Currently Zoned as Light Commercial (LC), in Order to Allow for a New Smoking Establishment, with on Premise Sales and Smoking of Hookah Products, as well as the Sale of Alcoholic Beverages for on Premise Consumption Only.**

Opened Public Hearing on November 1, 2022 at 6:30 p.m.

Receive Public Comments:

Close Public Hearing:

Take Action on Ordinance No. 1690:

Managing Director of Planning Olga Chernomorets gave an overview of the item in the attached presentation.

Opened Public Hearing on November 1, 2022 at 6:30 p.m.

Receive Public Comments: None

Close Public Hearing: 6:59 p.m.

Take Action on Ordinance No. 1690:

Motion by Council Member Jamell Johnson, seconded by Council Member Jeremy Lukas ***to approve Ordinance 1690.***

Vote: 5 - 0 - Unanimously

- E. Hold a Public Hearing, Present, Discuss, and Consider Action on **Ordinance No. 1691 Regarding a Request to Rezone Approximately 7.22 Acres of Land, Currently Zoned as Planned Development - Light Commercial (LC) Through Ordinance No. 1526, in Order to Amend the Concept Plan to Allow New Commercial Development with Modified Development Standards.**

Open Public Hearing:

Receive Public Comments:

Close Public Hearing:

Take Action on Ordinance No. 1691:

Managing Director of Planning Olga Chernomorets gave an overview of the item in the attached presentation.

Open Public Hearing: 7:10 p.m.

Receive Public Comments: The architect for the developer stated that the development checks all the boxes.

Close Public Hearing: 7:11 p.m.

Take Action on Ordinance No. 1691:

Motion by Council Member Jeremy Lukas, seconded by Council Member Michael McClellan **to approve Ordinance No. 1691.**

Vote: 5 - 0 - Unanimously

- F. Present, Discuss, and Consider Action on a **Development Agreement between the Town of Little Elm and KM 423 Partners LP.**

Motion by Council Member Jeremy Lukas, seconded by Council Member Michael McClellan **to approve the development agreement.**

Vote: 5 - 0 - Unanimously

- G. Hold a Public Hearing, Present, Discuss, and Consider Action on **Ordinance No. 1692 Regarding a Proposed Text Amendment to Chapter 106, Zoning Ordinance, by Amending Sec. 106.01.14 - Land Use Definitions, in Order to Establish a Definition for "Family".**

Open Public Hearing:

Receive Public Comments:

Close Public Hearing:

Take Action on Ordinance No. 1692:

Open Public Hearing: 7:13 p.m.

Receive Public Comments:

Close Public Hearing:

Take Action on Ordinance No. 1692:

Motion by Council Member Michael McClellan, seconded by Mayor Pro Tem Lisa Norman **to continue to this public hearing to the December 6, 2022, meeting.**

Vote: 5 - 0 - Unanimously

7. 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).
 - Municipal Court Judge
- Section 551.076 to discuss security matters.
- Section 551.087 to discuss Economic Development.

Council convened into Executive Session at 7:31 p.m. No action was taken.

Council convened back into Executive Session at 8:01 p.m.

8. 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).
 - Municipal Court Judge
- Section 551.076 to discuss security matters.
- Section 551.087 to discuss Economic Development.

Council reconvened into Open Session at 7:59 p.m.

Council reconvened into Open Session at 8:23 p.m. No action was taken.

9. Adjourn.

Respectfully,

Caitlan Biggs
Town Secretary

Passed and Approved this 6th day of December 2022.