

# 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 JULY 18, 2023 - 6:00 p.m.

Present: Mayor Curtis J. Cornelious; Council Member Neil Blais; Mayor Pro Tem Jamell T. Johnson; Council Member Tony Singh; Council Member Lisa G. Norman; Council Member Andrew Evans; Council Member Michel Hambrick

Staff Present: Caitlan Biggs, Director of Administrative Services/Town Secretary; 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; Kelly Wilson, Chief Financial Officer; Paul Rust, Fire Chief; Robert Brown, Town Attorney; Rodney Harrison, Police Chief; Shea Rodgers, Chief Information Officer

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

*Workshop was called to order at 6:01 p.m.*

#### A. Present and Discuss the **Board Member Appointment for the Highway 380 Municipal Management District No. 1, Commonly Known as Union Park.**

*Town Manager Matt Mueller gave an update on this item. He stated that there is an opportunity to appoint a homeowner to this board through an appointment by Hillwood. He stated that the Town will pass a resolution in support of the Town Council's recommendation for the board appointment.*

*Town Council recommended following the same process for appointments to all Boards and Commissions. Council Member Neil Blais recommended Doug Peach, Council Member Evans, and the Mayor serve on the interview committee.*

*Town staff will coordinate an announcement that can be sent out through the Union Park Homeowners Association.*

#### B. Present and Discuss an **Update on The Lawn at the Lakefront.**

***Town Manager Matt Mueller gave an update on this project. He discussed the option of installing a permanent video wall at the pavilion as part of the project. Staff is researching options and will give an update at the August 1 meeting. He stated there might be some cost savings from the lighting to be put toward the video wall. He also gave a recap of the scope of the project.***

- C. Discuss the **Cricket Field at Brent Elementary.**

***Council Member Tony Singh requested this item be placed on the agenda. He provided a history of cricket in Little Elm since the field at Brent Elementary opened. He is requesting from Town Council to authorize funds to level the field. The current quote is \$113,000.***

***Community Services Director Chad Hyde provided a history of the project and what has been completed to date.***

***Council Member Neil Blais recommended including it in the Parks Master Plan. Town Manager Matt Mueller stated that a community survey will be included in the process.***

***Community Services Director Chad Hyde stated that there are less expensive options to try and improve what is currently out there. He stated that staff can go in without removing the field and fix spot areas, then reevaluate this time next year.***

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

- A. 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.

***Council Member Neil Blais will miss the August 1 meeting. Council Member Tony Singh missed the June 20 meeting due to a trip to Washington, DC.***

- 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 commended staff on the hardwork during the July Jubilee set up, day of, and clean up. He also stated that the project at the Lakeside Sports Complex is almost complete.***

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

***None.***

3. **Presentations.**

- A. Present a **Life-Saving Award to Officer Joseph Nunez.**

***Chief Rodney Harrison and Assistant Chief Mandy Biter presented the award.***

- B. Recognition of Chad Hyde for completing the **New and Emerging City Managers Roundtable through the North Central Texas Council of Governments.**

***Town Manager Matt Mueller recognized Community Services Director Chad Hyde.***

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 551.007, Texas Government Code.*

***Lana Broberg, 3811 Fishermans Cove, spoke to Town Council regarding a drainage issue that runs behind her two properties due to the widening of Eldorado. She stated that staff has tried to address it but the fix was temporary. She is requesting to reopen this issue with the appropriate individuals to look at additional options.***

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 Neil Blais, seconded by Mayor Pro Tem Jamell T. Johnson ***to approve the Consent Agenda.***

**Vote:** 7 - 0 - Unanimously

- A. Consider Action to Approve the **Minutes from the June 20, 2023, Regular Town Council Meeting.**
- B. Consider Action to Approve the **Minutes from the June 21, 2023, Pre-Budget Workshop.**

- C. Consider Action to Approve a **Professional Services Agreement with Freese and Nichols, Inc. for the Design of the Wastewater Treatment Plant Clarifier No.1 Improvements in an Amount not to Exceed \$78,600**
- D. Consider Action to Approve the **Partial Termination of Ground Lease Purchase Agreement and Performance Agreement between Little Elm Hospitality, LLC and Little Elm Economic Development Corporation for York Little Elm, LLC.**
- E. Consider Action to Approve **Retroactive Authorization for Emergency Sanitary Sewer Reconstruction, with Quality Excavation, LLC in the Estimated Amount of \$292,525.**
- F. Consider Action to Award **Bid 2023-14 for the Purchase and Installation of a 40-foot Artificial Holiday Tree to Decor IQ in the amount of \$87,500.**
- G. Consider Action to Approve **Amendment #1 to the Professional Services Agreement with Cobb-Fendley & Associates regarding Development Plan Review Services.**
- H. Consider Action to Approve the **FM 2931 Right of Way Project Developer Participation Agreement between the Town of Little Elm and MM Little Elm 548 LLC.**

**6. Regular Items.**

- A. Continue the Public Hearing, Present, Discuss, and Consider Action on **Ordinance No. 1710 Regarding a Request for a Specific Use Permit (SUP) for a 3,040 Square-Foot Liquor Store Use, Generally Located in Building 200, 11700 FM 423, Currently Zoned Planned Development with a Light Commercial Base Through Ordinance No. 1691, in Order to Allow for Sale of Alcoholic Beverages for Off-Site Consumption Only.**

**Public Hearing Opened: 7:00 p.m. on June 20, 2023**

**Receive Public Comments:**

**Close Public Hearing:**

**Take Action on Ordinance No. 1710:**

**The applicant requested to withdraw this request.**

**Public Hearing Opened: 7:00 p.m. on June 20, 2023**

**Receive Public Comments:**

**Close Public Hearing: 7:01 p.m.**

**Take Action on Ordinance No. 1710: The Town Council took no action.**

- B. Hold a Public Hearing, Present, Discuss, and Consider Action on **Ordinance No. 1713 Regarding a Request to Rezone Approximately 35 Acres of Land, Currently Zoned as Planned Development based on Light Commercial and Multifamily District Standards (Ordinance No. 1589), Generally Located on the Northwest Corner of US Highway 380 and FM 2931, within Little Elm's Town Limits, in Order to Allow for a 1,112 Square Foot, On-Site Resident-Only Resource Center for the Existing Planned Development District.**

**Open Public Hearing:**

**Receive Public Comments:**

Close Public Hearing:  
Take Action on Ordinance No. 1713:

*Managing Director of Olga Chernomorets presented an overview of the item in the attached presentation.*

Open Public Hearing: 7:10 p.m.  
Receive Public Comments: None  
Close Public Hearing: 7:11 p.m.  
Take Action on Ordinance No. 1713:

Motion by Council Member Neil Blais, seconded by Council Member Lisa G. Norman **to approve Ordinance No. 1713.**

**Vote:** 7 - 0 - Unanimously

- C. Present, Discuss, and Consider Action on a **Development Agreement Amendment to an existing Development Agreement between the Town of Little Elm and Alta 3Eighty LLC.**

Motion by Mayor Pro Tem Jamell T. Johnson, seconded by Council Member Andrew Evans **to approve the Development Agreement.**

**Vote:** 7 - 0 - Unanimously

- D. Hold a Public Hearing, Present, Discuss, and Consider Action on **Ordinance No. 1714 a Request to Rezone Approximately 1.88 Acres of Land, Currently Zoned as Planned Development Based on Light Commercial Standards (Ordinance No. 449), Generally Located on the Northwest Corner of E. Eldorado Parkway and Hart Road, within Little Elm's Town Limits, in Order to Allow for a New 1,507 Square-Foot Quick Service Food Establishment with a Drive-Thru Component.**

Open Public Hearing:  
Receive Public Comments:  
Close Public Hearing:  
Take Action on Ordinance No. 1714:

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

Open Public Hearing: 7:18 p.m.  
Receive Public Comments: None  
Close Public Hearing: 7:19 p.m.  
Take Action on Ordinance No. 1714:

Motion by Council Member Andrew Evans, seconded by Mayor Pro Tem Jamell T. Johnson **to approve Ordinance No. 1714.**

**Vote:** 7 - 0 - Unanimously

- E. Hold a Public Hearing, Present, Discuss and Consider Action on **Ordinance No. 1712, Accepting and Approving an Updated Service and Assessment Plan and Improvement Area #1 Assessment Roll - Additional Improvement Area #1 Projects for the Spiritas Ranch Public Improvement District.**

**Open Public Hearing:**

**Receive Public Comments:**

**Close Public Hearing:**

**Take Action on Ordinance No. 1712**

**Chief Financial Officer Kelly Wilson gave an overview of the item.**

**Open Public Hearing: 7:22 p.m.**

**Receive Public Comments: None**

**Close Public Hearing: 7:23 p.m.**

**Take Action on Ordinance No. 1712:**

Motion by Mayor Pro Tem Jamell T. Johnson, seconded by Council Member Neil Blais ***to approve Ordinance No. 1712.***

**Vote: 7 - 0 - Unanimously**

- F. Present, Discuss, and Consider Action on **Resolution No. 0718202301 Authorizing the Mayor to Approve the Additional Improvement Area #1 Projects Reimbursement Agreement between the Town of Little Elm and MM Little Elm 548, LLC.**

Motion by Council Member Michel Hambrick, seconded by Council Member Lisa G. Norman ***to approve Resolution No. 0718202301.***

**Vote: 7 - 0 - Unanimously**

- G. Present, Discuss, and Consider Action to Approve the **Second Amendment to the Spiritas Ranch Development Agreement between MM Little Elm 548, LLC and the Town of Little Elm, Texas.**

***Development Services Director Fred Gibbs gave an overview of the item.***

Motion by Council Member Andrew Evans, seconded by Council Member Michel Hambrick ***to approve the Development Agreement.***

**Vote: 7 - 0 - Unanimously**

- H. Present, Discuss, and Consider Action to Approve the **Second Amendment to the Spiritas East Ranch Development Agreement between MM Little Elm 43, LLC and the Town of Little Elm.**

Motion by Mayor Pro Tem Jamell T. Johnson, seconded by Council Member Andrew Evans ***to approve the Development Agreement.***

**Vote: 7 - 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).
- Section 551.076 to discuss security matters.
- Section 551.087 to discuss Economic Development.

***Town Council convened into Executive Session at 7:27 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).
- Section 551.076 to discuss security matters.
- Section 551.087 to discuss Economic Development.

***Town Council reconvened into Open Session at 8:35 p.m. No action was taken.***

**9. Adjourn.**

***Meeting was adjourned at 8:36 p.m.***

Respectfully,

**Caitlan Biggs**  
Town Secretary

Passed and Approved this 1st day of August 2023.