

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

WORKSHOP AND REGULAR TOWN COUNCIL MEETING
Tuesday May 1, 2012

Present: Curtis Cornelious Mayor Pro-tem, Council members Stephanie Shoemaker, Brandon Gerard, and Bill Roebken. **Absent:** Charles Platt Mayor and Council member Richard Stevens. **Staff:** Robert Brown, Doug Peach, Kathy Phillips, Alan Dickerson, Jason Laumer, Dee Dee Hale, Jennette Killingsworth, Kevin Mattingly, Joe Florentino, Waylan Rhodes, and Leslie Smith.

1. **Call to Order Council Work Shop at 6:02 p.m.**

- a. Items to be withdrawn from Consent Agenda. **NONE**
- b. Emergency Items if posted. **NONE**
- c. Request by the Town Council for items to be placed on the next regular council agenda for discussion, and recognition of excused absences. **NONE**
- d. Presentation of monthly updates from department heads: **Development Services Director** Jason Laumer reported to council on building permits, that the street study was in progress, the hazard mitigation plan would be on the next council meeting as public hearing to hear public comments. The animal shelter was temporarily relocated to the Hardwick location, community/recreation center on track; staff has begun moving items into the Senior Center. Little Elm Park construction looking good. Hoping to have the drive open by May 19th. Signage boards up and running; working out the kinks here and there. McCord Park discussion in progress. The GIS department is working on loading infrastructure and web site information. **Public Works Director** Kevin Mattingly informed council that he would present the Cross Connection Ordinance on the next agenda for council consideration. The Special Collections Day is May 12th; items being collected include household hazardous waste, ewaste and document shredding. No bulk and brush will be accepted. He stated he wanted to brag on the town, police department and public works staff on getting the medicine drop box located at Little Elm Pharmacy. Little Elm is one of six drop off locations in the state. Also that on the May 24th North Texas Municipal Water District Board of Director's agenda would be an item to relax water restrictions back to Stage 2 watering (twice a week) for the months of June, July, August, and September. **Police Chief** Waylan Rhodes gave council an update on the incident that occurred at the Little Elm High School. Reminded the council of the Grand Opening of the Public Safety Center on Saturday May 5th from 1:30 to 4:30 p.m. Both the fire department and police department are very proud of their new facility and want to show it to the council and the residents. The police department would be conducting an investigation on a prior accident scene

on Wednesday May 2 from 10:00 am to 1:00 pm on FM 423. Both north and south bounds lanes would be closed during the time from Little Elm Parkway to 4-corners.

- e. Council to highlight items on the agenda needing further discussion or comments prior to the regular session. **NONE**

2. **Presentations and Announcements:**

- a. Recognition: Chief Rhodes recognized Captain Leslie Smith who on March 30th graduated from the 48th Management College at the Institute of Law Enforcement Administration. This intensive, eight week program is designed to prepare law enforcement managers for leadership in the complex world of public service, and he was happy to report that Captain Smith distinguished herself over the course of this rigorous program. Her overall final academic average was a commendable 95.5. In addition to her academic accomplishments she represented Little Elm in a truly professional fashion.
- b. Proclamation: Mayor Pro-tem Cornelious read and presented Chief Rhodes a proclamation proclaiming May 25, 2012 as National Missing Children's Day as part of Little Elm, Texas' continuing efforts to prevent the abduction and sexual exploitation of children. Requested by the Texas Regional Office, National Center for Missing and Exploited Children.

- 3. Roll Call/Call to Order Regular Town Council Immediately Following Council Workshop **at 6:22 p.m.**

- 4. **Opening Prayer:** Rev. Zeke Trezevant-New Life Community Church.

5. **Pledge to the Flags:**

- a. United States Flag
- b. Texas Flag:

- 6. Public Comments: **NONE**

- 7. Upon motion by Council member Roebken and second by Council member Gerard the members **voted 4-0** to approve the Consent Agenda as presented:

- a. **Minutes** of the April 17, 2012 Workshop and Regular Meeting.
- b. **Final Plat** Frisco Hills, Phase 3A from Petitt Barraza, LLC, generally located south of Doe Creek and west of FM 423, in the ETJ.
- c. **Authorize** final payment of \$74,547.15 to Site Planning Site Development, Inc. (S.P.S.D.) of Arlington, Texas to close out the Town's Eldorado Parkway Streetscape and Gateways Phase 1 Construction Contract, and authorize the Town Manager to execute the same.

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

- a. Upon motion by Council member Gerard and second by Council member Shoemaker the members **voted 4-0** to adopt Ordinance No. 1103 an Ordinance authorizing the issuance of “Town of Little Elm, Texas, Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2012”, providing for the payment of said certificate of obligation by the levy of an ad valorem tax upon all taxable property within the Town and a limited pledge of the net revenues derived from the operation of the Town’s Waterworks and Sewer System; providing the terms and conditions of such certificates and resolving other matters incident and relating to the issuance, payment, security, sale and delivery of said certificates; including the approval and execution of a Paying Agent/Registrar Agreement; the approval and distribution of a Preliminary Official Statement and Official Statement; and providing an effective date.
- b. Upon motion by Council member Roebken and second by Council member Shoemaker the members **voted 4-0** to adopt Ordinance No. 1100 an Ordinance of the Town Council of the Town of Little Elm, Texas, amending Chapter 98, “Traffic and Vehicles,” of the Code of Ordinances of the Town of Little Elm by adding a new Article VIII, “operations of golf carts on public streets”; establishing definitions; establishing regulations for the operation of golf carts on public street; establishing exceptions; establishing a penalty; providing for a repeal of conflicting ordinances; providing a savings and a severability clause; providing for an effective date.
- c. Upon motion by Council member Gerard and second by Council member Roebken the members **voted 4-0** to adopt Ordinance No. 1101 an Ordinance of the Town Council of the Town of Little Elm, Texas, amending the Code of Ordinances of the Town of Little Elm, Texas, by adopting Section 70-4 relating to Urinating or Defecating in Public; providing a definition; providing for the repeal of conflicting ordinances; providing a severability clause; providing for an effective date.
- d. Upon motion by Council member Roebken and second by Council member Gerard the members **voted 4-0** to approve Surplus Right of Way Agreement between the developer, Rosebriar Little Elm, L.P., and the Town of Little Elm and authorize the Town Manager to execute for the same.
- e. Upon motion by Council member Roebken and second by Council member Shoemaker the members **voted 4-0** to approve an Engineering Task Order for the Surplus Right of Way services between the Town of Little Elm and Freese & Nichols for the amount of \$6,000.00 and authorize the Town Manager to execute a contract for the same.

- f. Upon motion by Council member Gerard and second by Council member Shoemaker the members **voted 4-0** to approve a Work Order to submit for a Farmer's Market Grant to USDA between the Town of Little Elm and Blais & Associates for an amount not to exceed \$4,953 and authorize the Town Manager to execute a work order for the same.
9. The Town Council held a Closed (executive) session meeting **at 6:52 p.m.** pursuant to Chapter 551, Texas Government Code, Vernon's Texas Code Annotated, in accordance with the authority contained in:

Section 551.071: Consultation with Town Attorney to receive legal advice concerning legal matters and contemplated litigations.

(1) Tri-Dal, LTD v Town of Little Elm.

10. Reconvened into Open Session **at 7:18 p.m.** Discussion and consideration to take any action necessary as the result of the closed (executive) session.

Section 551.071: Consultation with Town Attorney to receive legal advice concerning legal matters and contemplated litigations.

(1) Tri-Dal, LTD v Town of Little Elm.

Upon motion by Council member Gerard and second by Council member Roebken the members **voted 4-0** to approve the mediated settlement agreement between the Town of Little Elm and Tri Dal, as reflected in the Rule 11 Settlement Agreement dated April 30, 2012, and to authorize the Town Manager to execute all necessary paperwork to accomplish the settlement.

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

a. Thank You from Steve Garst.

12. Adjourned Work Shop and Regular Meeting **at 7:19 p.m.**

Respectfully,



Town Secretary

Passed and Approved this _____ day of _____ 2012.