

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

WORKSHOP, PUBLIC HEARING AND REGULAR TOWN COUNCIL MEETING
May 15, 2012

Present: Charles Platt Mayor, Curtis Cornelious Mayor Pro-tem, Council members Richard Stevens, Stephanie Shoemaker, Brandon Gerard, and Bill Roebken. **Staff:** Robert Brown, Doug Peach, Kathy Phillips, Alan Dickerson, Dee Dee Hale, Jason Laumer, Dusty McAfee, Lynn Tompkins, Tony Chrisman, Kevin Mattingly, Waylan Rhodes, and Leslie Smith.

1. Call to Order Council Work Shop **at 6:00 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 - a. Items to be withdrawn from Consent Agenda.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. **Council Member Stevens** asked that (2) items be placed on a future agenda for discussion; release of employee for time spent in participation in Special Olympics type programs and discussion on reducing the current height of 48 inches on grass/weeds to less than that amount. Excused absences. **NONE**
 - d. Presentation of monthly updates from department heads: **Parks Director Tony Chrisman** reminded council of the Arts and Sounds event this Saturday May 19th. There also will be a barbeque cook-off this Saturday; a soccer end of year event will also take place this weekend. The Brenda Button Mills Senior Center is now open; the Seniors are very exciting about their new facility. Staff plans grand opening in latter part of June. A new program will be started soon in conjunction with Spam group regarding Healthy & Nutritional Meals for Seniors and Senior Fitness Program. **Public Works Director Kevin Mattingly** reported on the Special Waste event held on May 12th. Also the North Texas Water District Board of Directors would meet on May 24th on their agenda will be an item to relax the water restrictions back to Stage 2; watering twice a week.
 - e. Council to highlight items on the agenda needing further discussion or comments prior to the regular session. **NONE**
2. **Presentations and Announcements:** Council member Stevens stated he had (2) things he would like to mention. Today is National Police Officer Memorial Day and this week is National Police Week. I regret I discovered this today after noticing the flags at half-mast; and began asking questions. I hope that next year we can take notice of it a little sooner and do some in addition. We do want to express gratitude to our Police Department for putting their lives at risk and the time and effort they put in protecting our city. Secondly I want to say thank you to Kathy Phillips for the extra time that goes into the election process here; if you do not realize the amount of time that she put is over and

above the 40 hours you need to hang around during the election process. It definitely requires a huge amount of time. I for one want to say thank her for that extra effort.

3. **Roll Call/Call to Order Regular Town Council Immediately Following Council Workshop.**
4. **Opening Prayer:** Pastor Rodney Haynes –New Life Community Fellowship.
5. **Pledge to the Flags:** Boy Scout Troop 285 led the pledge to the flags.
 - a. United States Flag
 - b. Texas Flag
6. Upon motion by Council member Roebken and second by Council member Gerard the members **voted 6-0** to approve Resolution No. 05151201 a Resolution of the Town Council of the Town of Little Elm, Texas canvassing the returns and declaring the results of the General/Special Election held in the Town of Little Elm on May 12, 2012, for the purpose of electing a Mayor for a three (3) year term; (1) Council member for Place 3 for a three (3) year term; (1) Council member to Place 4 for the remainder of an unexpired (3) three year term; and (1) Council member to Place 5 for a three (3) year term; and declaring a Runoff Election if needed; and finding other matters in connection with said elections as set forth herein; finding that all matters set forth herein are true and correct; providing for an effective date.
7. **Certificate of Elections** was issued to newly elect Council member. No new council members were elected; Run-off Election required.
8. **Statement of Elected Officer:** Town Secretary swore in newly elected officers; giving Statement of Elected Officer and Oath of Officer. No new council members were elected; Run-off Election required.
9. Upon motion by Council member Gerard and second by Council member Shoemaker the members **voted 6-0** to adopt Ordinance No. 1102 an Ordinance of the Town of Little Elm, Texas ordering a Runoff Election to be held on June 23, 2012 for the purpose of electing a Mayor for a three (3) year term; one (1) Town Council member from Place 3 for a three (3) year term, one (1) Town Council member from Place 4 for the remainder of an unexpired three (3) year term; and one (1) Town Council member from Place 5 for a three (3) year term; providing for the appointment of election officers; providing for the designation of the places and matter of holding said election; providing for the designation of the Early Voting polling places; providing for the designation of the Early Voting clerk; providing for the posting and publication of notice; providing a severability clause and conflicts clause; and providing for an immediate effective date.
10. **Public Comments:** None

11. Upon motion by Council member Stevens and second by Council member Shoemaker the members **voted 6-0** to approve the Consent Agenda as presented:

- a. **Minutes** of the May 1, 2012 Workshop and Regular Meeting.
- b. **Re-appoint** Steven Petrasic to the Parks and Recreation Board term expiring June 3, 2014. **Re-appoint** Gerard Beliveau, Brandon Gerard and Charlet Cornelious to the Community Development Corporation terms expiring June 1, 2014.
- c. **Resolution No. 05151202** a Resolution of the Town of Little Elm, Texas denying Atmos Energy Corp., Mid-Tex Division's ("Atmos Mid-Tex") requested rate change, requiring the Company to reimburse the Town's reasonable ratemaking expenses; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the Company and ACSC's Legal Counsel.
- d. **Resolution No. 05151203** a Resolution authorizing continued participation with the Atmos Cities Steering Committee; and authorizing the payment of five cents per capita to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation.
- e. **Approve** Task Order for testing on the FM 423 North-Water and Sewer Line Relocations-Phase 1 Improvements between the Town of Little Elm and D&S Engineering Lab, PLLC for the estimated amount of \$5,765.00 and authorize the Town Manager to execute a contract for the same.

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

- a. Upon motion by Council member Roebken and second by Council member Shoemaker the members **voted 6-0** to re-appoint Patricia Adams as Municipal Court Judge for the Town of Little Elm for a two (2) year term.
- b. Upon motion by Council member Gerard and second by Council member Stevens the members **voted 6-0** to adopt Ordinance No. 1098 an Ordinance of the Town of Little Elm Texas, adopting a Cross Connection Control Policy to require the installation of backflow prevention assemblies where deemed appropriate and necessary; for the institution of penalties and/or the disconnection of water service for noncompliance with the provisions of the Cross Connection Control Policy; providing for the repeal of conflicting ordinances; providing a saving and a severability clause; and providing for an effective date.
- c. **Public Hearing and Presentation** by Freeze & Nichols to educate council and public on the mitigation planning process and to invite opportunities for public input in the Planning Process. This meeting is open to the public and will also serve as a forum for the public to voice their opinions and concerns about the Hazardous Mitigation Action Plan (HMAP).

1. **Staff Report and Presentation.** The Town of Little Elm has recently started the process of developing a Hazard Mitigation Action Plan (HMAP). Town officials hope that the development of this plan will make Little Elm more resilient to the unavoidable natural hazards and hope to better mitigate damages from those future events. The HMAP serves as a preparatory measure to ensure that the Town limits damage when natural hazards impose danger on the community. To start the mitigation plan off on the right foot, a steering committee of integral Little Elm Officials and Citizens has been informed to help direct this process in the most effective manner possible. The steering committee will work together to develop goals for the mitigation plan and to select the natural hazards that loom the largest and most common threat to Little Elm. The HMAP will also help to identify Town assets and critical facilities, assess the risk of selected natural hazards on those assets, and identify mitigation strategies to reduce those risks. The presentation to educate the council on the mitigation planning process and to invite opportunities for public input in the planning process. This meeting will be open to the public and will also serve as a forum for the public to voice their opinions and concerns about the HMAP. Public input is vitally important to help shape the plan, and without public comments, this process will not be nearly as effective. Hazard Mitigation Action Plan contains several steps: Step (1) Establish a HMAP Steering Committee, Step (2) Hazard Identification and Profiling, Step (3) Risk Assessment-Asset Identification, Step (4) Develop Mitigation Strategies, Step (5) Complete Draft Hazard Mitigation Action Plan, Step (6) TDEM and FEMA Review, and Step (7) Council adoption. The schedule includes Freese and Nichols working on start of Step 1 through 3 while FEMA is processing the grant application. **Representative from Freese and Nichols** stated that **the agenda tonight would be** (1) Disaster Mitigation Act of 2000, (2) HMAP: What, Why, and How?, (3) Progress to Date, (4) HMAP Goals, and (5) Selected Natural Hazards. **The Disaster Mitigation Action of 2000** required all local governments to prepare a Hazard Mitigation Action Plan (HMAP). An HMAP is required for HMGP funding. It is intended to help communities minimize loss of life and property due to natural hazards. **What is an HMAP Action Plan:** FEMA program to address natural hazards, develop mitigation actions to minimize property damage and loss of life caused by disaster, led by a steering committee with guidance from consultants, and relies on the community and involves public input. **Why are we creating an HMAP:** to help reduce Little Elm's vulnerability to natural hazards that threaten the community, a FEMA approved HMAP opens the door to many different types of FEMA funding. **How is the HMAP created:** establishment of

goals and objectives, hazard identification and profiling, asset identification and loss estimation (Risk Assessment), Development of mitigation strategies, prepare draft plan and submit to TDEM (state) and FEMA (federal) for approval, address comments from state and federal, and adopt the final plan. **Progress to Date:** March 23, 2012 –Project Kick-off: develop project schedule, begin steering committee selection process, draft preliminary HMAP goals. April 19, 2012-First meeting of steering committee: HMAP goal finalized and four (4) natural hazards selection for HMAP. **Little Elm HMAP Goals:** (1) Protect the health and safety of the public, (2) facilitate sustainable growth, (3) protect established development, (4) educate the public about mitigation, and (5) reduce future damages from natural events. **Selected Hazards:** Four (4) hazards selection by the steering committee: (1) Tornadoes and High Winds, (2) Extreme heat and drought, (3) Severe winter and ice storm, and (4) flooding. **Public Education and Involvement:** Information to Public; HMAP page on www.littleelm.org, signs throughout the community advertising public meeting, and council meeting open to public discussion. Open for Questions and Comments. **Next Steps:** Discuss public comments with steering committee; finalize hazard profiles based on public comments, risk assessment: identify Town assets and estimated losses due to identified hazards, develop a minimum of two mitigation actions for each identified hazard, submit for approval by TDEM, and submit for approval by FEMA.

2. **Opened Public Hearing at 6:25 p.m.**

3. **Receive Public Comments.** Questions by audience present; plan of action regarding air plane crashes, place for residents to go in case of emergency, evacuation route to get people in and out of town, mass casualty events. These types of events fall under the Emergency Response Plan; which the Town has in place and have had table top discussions with mock scenarios for discussion. The items being presented are things that we can do in advance of a Natural Disaster and identify action we can take to prevent. One resident ask about wild fires as she lives west of the lake bridge. She was ask to go to the web site provided and give her comments and concerns to be taken into consideration at the next committee meeting

4. **Closed Public Hearing at 6:35 p.m.**

- d. Upon motion by Council member Cornelious and second by Council member Gerard the members **voted 6-0** to approve the Construction Manager at Risk contract and Guaranteed Maximum Price Amendment #1 for the Town's Animal Shelter in the amount of \$1,070,000 and Amendment #2 for the Water Utility Billing and Town Hall Reconfiguration in the amount of \$325,000

between the Town of Little Elm and Starling Richardson and authorize the Town Manager to execute a contract for the same.

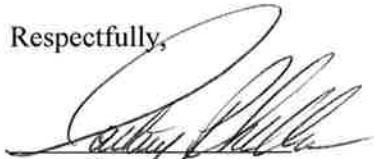
- e. Upon motion by Council member Gerard and second by Council member Shoemaker the members **voted 6-0** to award Construction Contract for FM 423 North –Water and Sewer Line Relocations-Phase 1 Improvements in the amount of \$463,999.00 to Pittard Construction Company of Allen, Texas and authorize the Town Manager to execute a contract for the same.
- f. Upon motion by Council member Stevens and second by Council member Cornelious the members **voted 6-0** to authorize a reduced final payment of \$19,491.28 to ET Water Services of Bowie, Texas to close out the Town's Cottonwood Irrigation Well Construction Contract, and authorize the Town Manager to execute the same.
- g. Upon motion by Council member Roebken and second by Council member Gerard the members **voted 6-0** to approve Conceptual Site Plan for PDS building parking expansion located at the northeast corner of Eldorado Parkway and Clark Street.

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

- a. Town Secretary Monthly Report for April 2012.
- b. Development Services Monthly Report for April 2012.
- c. Public Works Monthly Report for May 2012.

14. Adjourned Work Shop and Regular Meeting **at 6:50 p.m.**

Respectfully,



Town Secretary

Passed and Approved this _____ day of _____ 2012.