



**WORKSHOP & REGULAR MEETING
OF THE TOWN COUNCIL**

Tuesday, June 7, 2022

6:00 PM

Little Elm Town Hall

100 W Eldorado Parkway, Little Elm, TX 75068

1. **Roll Call/Call to Order Regular Town Council Meeting at 6:00 p.m.**
 - A. Invocation.
 - B. Pledge to Flags.
 - C. Items to be Withdrawn from Consent Agenda.
 - D. Emergency Items if Posted.
 - E. Request by the Town Council for Items to be Placed on a Future Agenda for Discussion and Recognition of Excused Absences.
 - F. Presentation of Monthly Updates.
 - G. Town Council to Highlight Items on the Agenda Needing Further Discussion or Comments Prior to the Regular Session.

2. **Presentations.**

- A. Present a **Proclamation Recognizing June 2022 as Pride Month.**

3. **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.

4. **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.

- A. Consider Action to Approve the **Minutes from the May 17, 2022, Regular Town Council Meeting.**
- B. Consider Action to Approve the **Minutes from the June 1, 2022, Pre-Budget Workshop.**
- C. Consider Action to Approve **Resolution No. 0607202201 Suspending the June 17, 2022, Effective Date of Oncor Electric Delivery Company's Requested Rate Change to Permit the Town Time to Study the Request and to Establish Reasonable Rates; Approving Cooperation with the Steering Committee of Cities Served by Oncor; Hiring Legal and Consulting Services to Negotiate with the Company and Direct any Necessary Litigation and Appeals; Finding that the Meeting at which the Resolution is Passed is Open to the Public as Required by Law; Requiring Notice of this Resolution to the Company and Legal Counsel.**
- D. Consider Action to Approve **Authorization to the Town Manager to Execute the Home Improvement Tax Incentive Program Agreement.**

5. **Regular Items.**

- A. Present, Discuss, and Consider Action on **Resolution No. 0607202202 Appointing a Mayor Pro Tem for a One-Year Term of Office and Providing an Effective Date.**
- B. Present, Discuss, and Consider Action on **Appointing a Town Council Member as Liaison for the Economic Development Corporation Board.**

- C. Present, Discuss, and Consider Action on **Appointing a Town Council Member as Liaison for the Community Development Corporation Board.**
- D. Present, Discuss, and Consider Action on **Appointing a Town Council Member as Liaison for the Planning and Zoning Commission.**
- E. Present, Discuss, and Consider Action on **Appointing a Town Council Member as the School Board Liaison.**
- F. Present, Discuss, and Consider Action on **Appointing a Town Council Member as Liaison for the Veterans Committee.**

6. **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.

7. **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.

8. **Adjourn.**

Pursuant to the Texas Open Meeting Act, (Chapter 551, Texas Government Code), one or more of the above items will be taken or conducted in open session following the conclusion of the executive closed session.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aide of service such as interpreters for the hearing impaired, reader or large print are requested to contact the secretary at 214-975-0452 two days prior to the meeting so appropriate arrangements can be made.
BRAILLE IS NOT PROVIDED.

Respectfully,

Town Secretary

This is to certify that the above notice was posted on the Town's website this 3rd day of June 2022 before 5:00 p.m.



Date: 06/07/2022
Agenda Item #: 2. A.
Department: Administrative Services
Strategic Goal: Ensure strong relationship within the community and region
Staff Contact: Caitlan Biggs, Director of Administrative Services/Town Secretary

AGENDA ITEM:

Present a **Proclamation Recognizing June 2022 as Pride Month.**

DESCRIPTION:

Mayor Cornelious will present a proclamation recognizing June 2022 as Pride Month.

BUDGET IMPACT:

There is no budget impact for this item.

RECOMMENDED ACTION:

No action required, information only.

Attachments

Pride Month Proclamation



Proclamation

WHEREAS, our Nation was founded upon the declaration that all people are created equal; that life, liberty, and the pursuit of happiness are among the inalienable rights of every person, and that every person shall be afforded equal protection under the law; and

WHEREAS, LGBTQ+ Pride celebrations include people who are members of the LGBTQ+ community, as well as supporters; and

WHEREAS, the Stonewall Inn, a New York City establishment that catered to the LGBTQ+ community, was raided on June 28, 1969. The incident sparked public demonstrations that lasted for six days and later served as a catalyst for the LGBTQ+ rights movement in the United States and around the world; and

WHEREAS, Pride celebrations have taken place around the United States every June to commemorate this historical event, to commit to achieving equal justice under the law for the LGBTQ+ community, and to educate others; and

WHEREAS, the Town of Little Elm has a diverse community that includes many residents who are members of the LGBTQ+ community, as well as supporters, and is committed to being inclusive of all residents.

NOW, THEREFORE, we recognize that **Pride Month** occurs in the month of June, and call this observance to the attention of all our residents.

Given under my hand and Seal of the Town of Little Elm, Texas, this 7th day of June, 2022.

Curtis J. Cornelious, Mayor of Little Elm



Date: 06/07/2022
Agenda Item #: 4. A.
Department: Administrative Services
Strategic Goal: Maintain operational integrity and viability
Staff Contact: Caitlan Biggs, Director of Administrative Services/Town Secretary

AGENDA ITEM:

Consider Action to Approve the **Minutes from the May 17, 2022, Regular Town Council Meeting.**

DESCRIPTION:

The minutes from the May 17, 2022, regular Town Council meeting are attached for approval.

BUDGET IMPACT:

There is no budget impact for this item.

RECOMMENDED ACTION:

Staff recommends approval.

Attachments

Minutes - May 17, 2022

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 MAY 17, 2022 - 6:00 p.m.

Present: Mayor Curtis J. Cornelious; Mayor Pro Tem Neil Blais; Council Member Jamell Johnson; Council Member Tony Singh; Council Member Lisa Norman; Council Member Michael McClellan

Absent: Council Member Jeremy Lukas

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; Deidre Hale, Human Resources Director; 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; Rebecca Hunter, Purchasing Manager; Robert Brown, Town Attorney; Rodney Harrison, Police Chief

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

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

A. Invocation.

Invocation given by Gale Carter.

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 Michael McClellan will miss the June 21st meeting. Council Member Tony Singh will miss the June 7th meeting.

- F. Presentation of Monthly Updates.

None.

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

None.

2. Workshop.

- A. Recognition of the **Public Works Department.**

Town Manager Matt Mueller recognized the Public Works Department for National Public Works Week and reaccreditation from the APWA.

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

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: 6 - 0 - Unanimously

- A. Consider Action to Approve the **Minutes from the May 3, 2022, Regular Town Council Meeting.**
- B. Consider Action to Approve the **Updated Little Elm Boards and Commissions Appointment Policy.**

- C. Consider Action to Approve the **Chapter 380 Agreement between the Little Elm Economic Development Corporation (EDC) and the Town of Little Elm to Reimburse the EDC for the Second Round of the Resident Voucher Program.**
- D. Consider Action to Approve a **Reimbursement Agreement between the Town and Little Elm Economic Development Corporation for Financial Responsibility in the Construction of an Eight (8') Foot Masonry Screening Wall for the Palladium Phase II Development.**
- E. Consider Action to Approve the **First Amendment Performance Agreement between 575^o Pizzeria Little Elm, LLC and Little Elm Economic Development Corporation.**
- F. Consider Action to Approve **Amendment No. 1 to the Professional Services Agreement with Cobb-Fendley & Associates regarding Development Plan Review Services.**

6. Regular Items.

- A. Hold a Public Hearing, Present, Discuss, and Consider Action on **Ordinance No. 1665 Regarding Proposed Text Amendments to Chapter 86 - Signs, in General, Subsequently Amending Chapter 26 - Business Ordinance, Section 26-283 - Special Events and Chapter 106 - Zoning, by Amending Section 106.02.01 - Planning and Zoning Commission and 106.02.02 - Board of Adjustments, in Order to Enhance and Clarify Signage Requirements, and to Allow the Planning and Zoning Commission Authority Over Sign Variance Requests.**

Open Public Hearing:

Receive Public Comments:

Close Public Hearing:

Take Action on Ordinance No. 1665:

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

Open Public Hearing: 6:22 p.m.

Receive Public Comments:

Close Public Hearing: 6:23 p.m.

Motion by Council Member Michael McClellan, seconded by Mayor Pro Tem Neil Blais **to approve Ordinance 1665.**

Vote: 6 - 0 - Unanimously

- B. Present, Discuss and Consider Action on **Resolution No. 0517202201 Canvassing the Returns and Declaring the Results of a General Election held on Saturday, May 7, 2022, for the Following Purposes: Elect One (1) Town Council Member from Place 1 for a Three (3) Year Term; Elect One (1) Town Council Member from Place 2 for a Three (3) Year Term; Elect One (1) Town Council Member from Place 4 for a Three (3) Year Term; Making Other Declarations and Finding Other Matters in Connection with the Said Elections as Set Forth Herein; Finding that All Matters Set Forth Herein are True and Correct; and Providing for an Immediate Effective Date.**

Motion by Council Member Michael McClellan, seconded by Council Member Jamell Johnson **to approve Resolution No. 0517202201.**

Vote: 6 - 0 - Unanimously

7. Presentations.

- A. Present the **Certificate of Election and Administer the Statement of Officer and Oath of Office for Jamell Johnson, Council Member Place 1.**

The Mayor presented the Certificate of Election and the Town Secretary administered the Statement of Officer and Oath of Office.

- B. Present the **Certificate of Election and Administer the Statement of Officer and Oath of Office for Tony Singh, Council Member District 2.**

The Mayor presented the Certificate of Election and the Town Secretary administered the Statement of Officer and Oath of Office.

- C. Present the **Certificate of Election and Administer the Statement of Officer and Oath of Office for Lisa Norman, Council Member District 4.**

The Mayor presented the Certificate of Election and the Town Secretary administered the Statement of Officer and Oath of Office.

8. 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.

Council convened into Executive Session at 6:43 p.m.

9. 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.

Council reconvened into Regular Session at 6:57 p.m. No action.

10. Adjourn.

Meeting adjourned at 6:58 p.m.

Respectfully,

Caitlan Biggs
Town Secretary

Passed and Approved this 7th day of June 2022.



Date: 06/07/2022
Agenda Item #: 4. B.
Department: Administrative Services
Strategic Goal: Maintain operational integrity and viability
Staff Contact: Caitlan Biggs, Director of Administrative Services/Town Secretary

AGENDA ITEM:

Consider Action to Approve the **Minutes from the June 1, 2022, Pre-Budget Workshop.**

DESCRIPTION:

The minutes from the June 1, 2022, Pre-Budget Workshop are attached for approval.

BUDGET IMPACT:

There is no budget impact for this item.

RECOMMENDED ACTION:

Staff recommends approval.

Attachments

Minutes - June 1, 2022

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 JUNE 1, 2022 - 6:00 p.m.

Present: Mayor Curtis J. Cornelious; Council Member Tony Singh; Council Member Lisa Norman; Council Member Jeremy Lukas; Council Member Michael McClellan
Absent: Mayor Pro Tem Neil Blais; Council Member Jamell Johnson
Staff Present: Caitlan Biggs, Director of Administrative Services/Town Secretary; Matt Mueller, Town Manager; Chad Hyde, Director of Community Services; Kelly Wilson, Chief Financial Officer

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

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

2. 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.

3. Present and Discuss Potential Items for the Fiscal Year 2022-2023 Budget.

Town Manager Matt Mueller gave an overview of the item in the attached presentation. No action was taken.

4. 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.

No Executive Session.

5. 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.

6. Adjourn.

Meeting adjourned at 7:47 p.m.

Respectfully,

Caitlan Biggs
Town Secretary

Passed and Approved this 7th day of June 2022.



Date: 06/07/2022
Agenda Item #: 4. C.
Department: Finance
Strategic Goal: Maintain operational integrity and viability
Staff Contact: Kelly Wilson, Chief Financial Officer

AGENDA ITEM:

Consider Action to Approve **Resolution No. 0607202201 Suspending the June 17, 2022, Effective Date of Oncor Electric Delivery Company's Requested Rate Change to Permit the Town Time to Study the Request and to Establish Reasonable Rates; Approving Cooperation with the Steering Committee of Cities Served by Oncor; Hiring Legal and Consulting Services to Negotiate with the Company and Direct any Necessary Litigation and Appeals; Finding that the Meeting at which the Resolution is Passed is Open to the Public as Required by Law; Requiring Notice of this Resolution to the Company and Legal Counsel.**

DESCRIPTION:

Oncor Electric Delivery Company ("Oncor" or "the Company") filed an application on or about May 13, 2022, with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by about \$251 million or approximately 4.5% over present revenues. The Company is asking the Town to approve an 11.2% increase in residential rates and a 1.6% increase in street lighting rates. If approved, a residential customer using 1,300 kWh per month would see a bill increase of about \$6.02 per month.

The resolution suspends the June 17, 2022, effective date of the Company's rate increase for the maximum period permitted by law to allow the Town, working in conjunction with the Steering Committee of Cities Served by Oncor, to evaluate the filing, determine whether the filing complies with the law, and if lawful, to determine what further strategy, including settlement, to pursue.

The law provides that a rate request made by an electric utility cannot become effective until at least 35 days following the filing of the application to change rates. The law permits the Town to suspend the rate change for 90 days after the date the rate change would otherwise be effective. **If the Town fails to take some action regarding the filing before the effective date, Oncor's rate request is deemed administratively approved.**

BUDGET IMPACT:

Town participates in this Steering Committee to help provide a proactive approach to residents in the Town with regard to rate changes.

RECOMMENDED ACTION:

Staff recommends approval.

Attachments

Oncor Resolution No. 0607202201

RESOLUTION NO. 0607202201

**RESOLUTION OF THE TOWN OF LITTLE ELM, TEXAS
SUSPENDING THE JUNE 17, 2022 EFFECTIVE DATE OF
ONCOR ELECTRIC DELIVERY COMPANY'S
REQUESTED RATE CHANGE TO PERMIT THE TOWN
TIME TO STUDY THE REQUEST AND TO ESTABLISH
REASONABLE RATES; APPROVING COOPERATION
WITH THE STEERING COMMITTEE OF CITIES SERVED
BY ONCOR TO HIRE LEGAL AND CONSULTING
SERVICES AND TO NEGOTIATE WITH THE COMPANY
AND DIRECT ANY NECESSARY LITIGATION AND
APPEALS; 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 LEGAL
COUNSEL FOR THE STEERING COMMITTEE**

WHEREAS, on or about May 13, 2022, Oncor Electric Delivery Company (Oncor), pursuant to PURA §§ 33.001 and 36.001 filed with the Town of Little Elm, Texas a Statement of Intent to increase electric transmission and distribution rates in all municipalities exercising original jurisdiction within its service area effective June 17, 2022; and

WHEREAS, the Town of Little Elm is a member of the Steering Committee of Cities Served by Oncor ("Steering Committee") and will cooperate with the 169 similarly situated TOWN members and other TOWN participants in conducting a review of the Company's application and to hire and direct legal counsel and consultants and to prepare a common response and to negotiate with the Company prior to getting reasonable rates and direct any necessary litigation; and

WHEREAS, PURA § 36.108 grants local regulatory authorities the right to suspend the effective date of proposed rate changes for ninety (90) days after the date the rate change would otherwise be effective; and

WHEREAS, PURA § 33.023 provides that costs incurred by Cities in ratemaking proceedings are to be reimbursed by the regulated utility.

THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LITTLE ELM, TEXAS:

1. That the June 17, 2022 effective date of the rate request submitted by Oncor on or about May 13, 2022, be suspended for the maximum period allowed by law to permit adequate time to review the proposed changes and to establish reasonable rates.

2. As indicated in the Town's resolution approving membership in the Steering Committee, the Executive Committee of Steering Committee is authorized to hire and direct legal counsel and consultants, negotiate with the Company, make recommendations regarding reasonable rates, and to intervene and direct any necessary administrative proceedings or court litigation associated with an appeal of a rate ordinance and the rate case filed with the TOWN or Public Utility Commission.

3. That the Town's reasonable rate case expenses shall be reimbursed by Oncor.

4. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

5. A copy of this Resolution shall be sent to Oncor, Care of Howard V. Fisher, Oncor Electric Delivery Company LLC, 1616 Woodall Rodgers Freeway, Dallas, Texas 75202 and to Thomas Brocato, Counsel to the Steering Committee, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

PASSED AND APPROVED this the 7th day of June, 2022.

Curtis J. Cornelious
Mayor, TOWN of Little Elm

ATTEST:



Date: 06/07/2022
Agenda Item #: 4. D.
Department: Development Services
Strategic Goal: Promote and expand Little Elm's identity
Staff Contact: Fred Gibbs, Director of Development Services

AGENDA ITEM:

Consider Action to Approve **Authorization to the Town Manager to Execute the Home Improvement Tax Incentive Program Agreement.**

DESCRIPTION:

In 2017, the Town initiated a Home Improvement Incentive Program, open to all single-family residential property owners. The incentive program applies to improvements made to the exterior or interior of a residence, as well as permanent improvements to the lot, such as an in-ground pool or outdoor kitchen. The incentive is based on the increase in the Town property tax on the residence in the first full tax year following the completion of the improvements. The incentive amount is calculated as follows: the Town tax increase multiplied by ten (tax increase X 10). Payments shall be paid to the homeowner in one lump sum.

All homeowners in single-family zoned areas are eligible to participate, except those who are delinquent in property taxes or other fees. To qualify, improvement project(s) involving the reconstruction or remodeling of a single-family home must cost at least \$20,000 and be completed within 24 months of project approval. After applying for the program, Staff must approve the project before the property owner moves forward with improvements. Staff will conduct inspections as necessary. Once work is completed, Staff will do a final inspection, review the provided receipts for the scope of work completed, and initiate the incentive amount to the homeowner based on the tax increase between the appraised taxable property value at the time of application and the appraised taxable property value one year after completion of the improvements.

Staff will continue to work with the current property owners of 2413 Ranchview Drive, Alan J. Austin, Jr. and Dolores Russo Austin, in the redevelopment of their property pursuant to the Agreement.

Proposed projects the property owners intend to complete include, but are not limited to pool and pavilion improvements, the addition of an outdoor kitchen, and the pouring of a concrete driveway.

BUDGET IMPACT:

The Agreement details the property owners have up to 24 months to complete their project(s). The impacted budget will have funding for the Home Improvement Tax Incentive Program; the anticipated range of the incentive payment is between \$2,000-\$5,000. The funds will be allocated in the General Fund within the Finance Department's operating budget.

RECOMMENDED ACTION:

Staff recommends approval.

Attachments

HITIP Agreement - 2413 Ranchview Drive

STATE OF TEXAS	§	TOWN OF LITTLE ELM, TEXAS
	§	HOME IMPROVEMENT TAX INCENTIVE PROGRAM
DENTON COUNTY	§	AGREEMENT

This Home Improvement Tax Incentive Program Agreement (“**Agreement**”) is made by and between the Town of Little Elm, Texas (“**Town**”) and Ms. Dolores Russo Austin (“**Property Owner**”) (each a “**Party**” or collectively the “**Parties**”), acting by and through their respective authorized officers and representatives.

WITNESSETH:

WHEREAS, the Property Owner is the owner of the real property located at 2413 Ranchview Drive (the “**Property**”); and

WHEREAS, Texas Local Government Code Chapter 380 allows the Town to provide incentives for the promotion of economic development; and

WHEREAS, the promotion of the redevelopment of existing housing stock in the Town promotes economic development within the Town and is essential for the continued economic growth and vitality of the Town; and

WHEREAS, it is well established that the availability of quality housing stock encourages the relocation of businesses and attracts new business enterprises, as well as the expansion of existing business enterprises within the Town, which in turn stimulates growth, creates jobs and increases property and sales tax revenues; and

WHEREAS, the promotion of the housing stock is a major contributing factor to the growth of the Town, which in turns stimulates trade and commerce and reduces unemployment; and

WHEREAS, residential development and redevelopment will attract and encourage business relocation and expansion since business will look to the available housing stock to meet the needs of management and the work force; and

WHEREAS, the Town has determined that providing an economic development incentive in accordance with this Agreement will further the objectives of the Town, will benefit the Town and the Town’s inhabitants and will promote local economic development and stimulate business and commercial activity in the Town.

NOW THEREFORE, in consideration of the foregoing, and on the terms and conditions hereinafter set forth, and other valuable consideration the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

Article I

Term

The term of this Agreement shall begin on the Effective Date and continue until the Expiration Date, unless sooner terminated, as provided herein.

Article II

Definitions

Wherever used in this Agreement, the following terms shall have the meanings ascribed to them:

“Approved Project” shall mean a project for home improvements, modifications or remodeling of the Property as approved by the Town’s Director of Development Services as being eligible for an incentive under the Home Improvement Program.

“Bankruptcy or Insolvency” shall mean insolvency, appointment of receiver for the Property Owner and such appointment is not terminated within ninety (90) days after such appointment is initially made, any general assignment for the benefit of creditors, or the commencement of any proceeding under any bankruptcy or insolvency laws by or against the Property Owner and such proceeding is not dismissed within ninety (90) days after the filing thereof.

“Commencement of Construction” shall mean that (i) the plans have been prepared and all approvals thereof required by applicable governmental authorities have been obtained for the Approved Project; and (ii) all necessary permits for the construction of the Approved Project have been issued by all applicable governmental authorities.

“Completion of Construction” shall mean the date of the final Home Improvement Tax Incentive Program inspection of the Property by the Town’s Director of Development Services, or designee, following the completion of construction of the Approved Project.

“Effective Date” shall mean the last date of execution hereof.

“Expiration Date” shall mean two (2) years from the Effective Date.

“Home Improvement Program” shall mean the Town of Little Elm Home Improvement Tax Incentive Program adopted by Town of Little Elm Ordinance No. 1433, as amended. The Home Improvement Program is limited to one approved project per location per calendar year. A proposed project for home improvements, modifications or remodeling of a property is not eligible for an incentive under the Home Improvement Program while an Approved Project is pending and has not been completed.

“Impositions” shall mean all taxes, assessments, use and occupancy taxes, charges, excises, license and permit fees, and other charges by public or governmental authority, general and special,

ordinary and extraordinary, foreseen and unforeseen, which are or may be assessed, charged, levied, or imposed by any public or governmental authority on the Property Owner or any property or any business owned by Property Owner within the Town.

“Incentive” shall mean an economic development incentive in an amount equal to ten (10) times the amount of increase in property taxes for the Property for the first tax year following the date of Completion of Construction as the result of the increase in the Taxable Value of the Improvements, under the Home Improvement Incentive Program as determined by the Director of Development Services for the Approved Project.

“Property” shall mean the real property, including the improvements, located at 2413 Ranchview Drive.

“Property Owner” shall mean the owner of the Property.

“Taxable Value” shall mean the appraised value of the Property as certified by the Denton County Appraisal District, or its successor entity, as of January 1 of a given year.

“Town” shall mean the Town of Little Elm, Texas.

Article III Economic Development Incentive

3.1 **Payment.** Subject to the Property Owner’s continued satisfaction of the terms and conditions of this Agreement and the obligation of the Property Owner to repay the Incentive pursuant to Section 5.2 hereof, the Town agrees to provide the Incentive to the Property Owner to be paid in a single lump-sum payment on April 1 of the first full calendar year following the date of Completion of Construction. For example, assume that the Approved Project is completed on June 30, 2019, and that the 2020 property taxes for the Property increased \$500.00 above the 2019 property taxes as a result of the Approved Project, then the total Incentive would be \$5,000.00, and would be paid on April 1, 2021.

3.2 **Current Revenue.** The Incentive made hereunder shall be paid solely from lawfully available funds that have been appropriated by the Town. Under no circumstances shall the Town’s obligations hereunder be deemed to create any debt within the meaning of any constitutional or statutory provision. None of the Town’s obligations under this Agreement shall be pledged or otherwise encumbered in favor of any commercial lender and/or similar financial institution or other Party.

Article IV Incentive Conditions

The obligation of the Town to pay the Incentive shall be conditioned upon the continued compliance with and satisfaction of the terms and conditions of this Agreement by the Property Owner and each of the conditions set forth in this Article.

4.1 **Inspections.** The Property Owner agrees to submit to periodic inspections of the Property by the Town during the period beginning with the date of Commencement of Construction and ending on date of Completion of Construction.

4.2 **Construction Costs.** The construction costs incurred and paid by the Property Owner for the Approved Project shall be at least \$20,000.00 (the “**Certified Costs**”). The Property Owner shall, as a condition precedent to the payment of the Incentive, provide copies of invoices, receipts and other documentation as may be reasonably requested by the Town to verify the costs incurred and paid by the Property Owner for construction of the Approved Project.

4.3 **Completion of Construction.** The Property Owner shall cause Completion of Construction of the Approved Project to occur on or before twenty-four (24) calendar months after the Town approval of the Property Owner’s proposed project for an Incentive. The Property Owner shall request the Director of Development Services inspect the Approved Project on or before twenty-four (24) calendar months after the Town approval of the Property Owner’s proposed project for an Incentive. The Property Owner shall cause Completion of Construction of the Approved Project to occur prior to any sale or transfer of the Property to another person, company or other entity, unless the Agreement has been assigned by the Property Owner as permitted in Section 6.1.

Article V Termination

5.1 This Agreement shall terminate upon the occurrence of any one of the following:

- (a) Mutual agreement of the Parties;
- (b) The Expiration Date;
- (c) At the Town’s option, if any Impositions owed to the Town or the State of Texas by Property Owner shall become delinquent (provided, however, Property Owner retains the right to timely and properly protest and contest any such Impositions);
- (d) By the Town, in the event Property Owner breaches any of the terms or conditions of this Agreement and such breach is not cured within sixty (60) days after written notice thereof;
- (e) By the Town, if the Property Owner suffers an event of Bankruptcy or Insolvency;
- (f) By the Town, if any subsequent Federal or State legislation or any final, non-appealable decision of a court of competent jurisdiction declares or renders this Agreement invalid, illegal or unenforceable; or
- (g) The sale or transfer of the Property following one assignment of this Agreement as provided herein.

5.2 In the event of termination by the Town pursuant to 5.1(c), (d), (e), (f) or (g), the Property Owner shall immediately repay to the Town an amount equal to Incentive paid to Property Owner, if any, prior to termination of this Agreement.

Article VI Miscellaneous

6.1 **Assignment.** This Agreement may not be assigned without the prior written consent of the Town, except that this Agreement may be assigned by the Property Owner one (1) time in connection with the sale or transfer of the ownership (including a life estate) of the Property to a subsequent owner of the Property upon thirty (30) days prior written notice to the Town. This Agreement shall automatically terminate upon any subsequent sale or transfer of the ownership of the Property.

6.2 **Binding Agreement.** The terms and conditions of this Agreement are binding upon the successors and assigns of the Parties hereto.

6.3 **Limitation on Liability.** It is understood and agreed between the Parties that the Property Owner, in satisfying the conditions of this Agreement, has acted independently, and Town assumes no responsibilities or liabilities to third Parties in connection with these actions.

6.4 **No Joint Venture.** It is acknowledged and agreed by the Parties that the terms hereof are not intended to and shall not be deemed to create a partnership or joint venture among the Parties.

6.5 **Authorization.** Each Party represents that it has full capacity and authority to grant all rights and assume all obligations that are granted and assumed under this Agreement.

6.6 **Notice.** Any notice required or permitted to be delivered hereunder shall be deemed received three days thereafter sent by United States Mail, postage prepaid, addressed to the Party at the address set forth below or on the day actually received if sent by courier or otherwise hand delivered.

If intended for Property Owner, to:
Alan J. Austin, Jr. and Dolores Russo Austin
2413 Ranchview Drive
Little Elm, Texas 75068

If intended for Town, to:

Development Services Department
Town of Little Elm, Texas
100 West Eldorado
Little Elm, Texas 75068

6.7 **Entire Agreement.** This Agreement is the entire Agreement between the Parties with respect to the subject matter covered in this Agreement. There is no other collateral oral or written Agreement between the Parties that in any manner relates to the subject matter of this Agreement, except as provided in any Exhibits attached hereto.

6.8 **Governing Law.** This Agreement shall be governed by the laws of the State of Texas; and venue for any action concerning this Agreement shall be in the State District Court of Denton County, Texas. The Parties agree to submit to the personal and subject matter jurisdiction of said court.

6.9 **Amendment.** This Agreement may only be amended by the mutual written agreement of the Parties.

6.10 **Legal Construction.** In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect other provisions, and it is the intention of the Parties to this Agreement that in lieu of each provision that is found to be illegal, invalid, or unenforceable, a provision shall be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

6.11 **Recitals.** The recitals to this Agreement are incorporated herein.

6.12 **Counterparts.** This Agreement may be executed in counterparts. Each of the counterparts shall be deemed an original instrument, but all of the counterparts shall constitute one and the same instrument.

6.13 **Survival of Covenants.** Any of the representations, warranties, covenants, and obligations of the Parties, as well as any rights and benefits of the Parties, pertaining to a period of time following the termination of this Agreement shall survive termination.

6.14 **Employment of Undocumented Workers.** During the term of this Agreement the Property Owner agrees not to knowingly employ any undocumented workers and if convicted of a violation under 8 U.S.C. Section 1324a (f), the Property Owner shall repay the amount of the Grant and any other funds received by the Property Owner from the Town as of the date of such violation within one hundred twenty (120) days after the date the Property Owner is notified by the Town of such violation, plus interest at the rate of four (4%) compounded annually from the date of violation until paid.

[Signature Page to Follow]

EXECUTED on this 7th day of June, 2022.

TOWN OF LITTLE ELM, TEXAS

By: _____
Matt Mueller, Town Manager

EXECUTED on this _____ day of _____, 20____.

PROPERTY OWNER



Date: 06/07/2022
Agenda Item #: 5. A.
Department: Administrative Services
Strategic Goal: Ensure strong relationship within the community and region
Staff Contact: Caitlan Biggs, Director of Administrative Services/Town Secretary

AGENDA ITEM:

Present, Discuss, and Consider Action on **Resolution No. 0607202202 Appointing a Mayor Pro Tem for a One-Year Term of Office and Providing an Effective Date.**

DESCRIPTION:

The Mayor Pro Tem is appointed within 30 days after the general election to be in compliance with the Governance Policy. In case of the failure, inability, or refusal of the Mayor to act, the Mayor Pro Tem shall perform the duties of the Mayor. If both the Mayor and the Mayor Pro Tem are absent, any council member may be appointed to preside at the Town Council Meeting.

To assist with the appointment, Town Council members submitted an interest questionnaire that indicated if they would be interested in serving in this capacity.

The current appointment is Neil Blais. Council Members Lisa Norman, Tony Singh, and Neil Blais have expressed interest in this position.

BUDGET IMPACT:

There is no budget impact for this item.

RECOMMENDED ACTION:

Staff requests direction from Town Council.

Attachments

Resolution No. 0607202202

TOWN OF LITTLE ELM, TEXAS

RESOLUTION NO. 0607202202

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LITTLE ELM, TEXAS APPOINTING A MAYOR PRO TEM FOR A TERM OF ONE YEAR, PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LITTLE ELM, TEXAS:

Section 1. That the Town Council has determined and does hereby declare that appointment of a Mayor Pro Tem, an officer of the Town shall be appointed by the Town Council. Mayor Pro Tem shall hold his/her office for a term of one year. In case of the failure, inability or refusal of the Mayor to act, the Mayor Pro Tem shall perform the duties of the Mayor. If both the Mayor and the Mayor Pro Tem are absent, any council member may be appointed to preside at the Town Council Meeting, L.G.C. Section 22.037.

Section 2. This Resolution No. 0607202202 shall become effective after its adoption.

Section 3. At the Town Council Meeting of June 7, 2022, the Town Council, upon motion by Council Member NAME and second by Council Member NAME, the members present voted to appoint Council Member NAME to serve as Mayor Pro Tem for a one year term.

PASSED AND APPROVED by the Town Council of the Town of Little Elm, Texas this 7th day of June, 2022.

Curtis J. Cornelious, Mayor

ATTEST:

Caitlan Biggs, Town Secretary



Date: 06/07/2022
Agenda Item #: 5. B.
Department: Administrative Services
Strategic Goal: Ensure strong relationship within the community and region
Staff Contact: Mayor Curtis J. Cornelious

AGENDA ITEM:

Present, Discuss, and Consider Action on **Appointing a Town Council Member as Liaison for the Economic Development Corporation Board.**

DESCRIPTION:

The Town Council has liaison positions with various boards, commissions, and committees. In compliance with Resolution No. 90080602 and the Governance Policy, liaison appointments must be made within 30 days of the date of the general election. Appointed liaisons shall serve in that capacity for one year.

To assist with the appointments, Town Council members submitted an interest questionnaire that indicated which board, commission, and/or committee liaison position they are interested in.

The current appointment for the Economic Development Corporation Board is Michael McClellan. Council Members Michael McClellan, Tony Singh, Jeremy Lukas, Lisa Norman, and Neil Blais have expressed interest in this position.

Staff requests direction from Town Council for the appointment for 2022 - 2023.

BUDGET IMPACT:

There is no budget impact for this item.

RECOMMENDED ACTION:

Staff requests direction from Town Council.



Date: 06/07/2022
Agenda Item #: 5. C.
Department: Administrative Services
Strategic Goal: Ensure strong relationship within the community and region
Staff Contact: Mayor Curtis J. Cornelious

AGENDA ITEM:

Present, Discuss, and Consider Action on **Appointing a Town Council Member as Liaison for the Community Development Corporation Board.**

DESCRIPTION:

The Town Council has liaison positions with various boards, commissions, and committees. In compliance with Resolution No. 90080602 and the Governance Policy, liaison appointments must be made within 30 days of the date of the general election. Appointed liaisons shall serve in that capacity for one year.

To assist with the appointments, Town Council members submitted an interest questionnaire that indicated which board, commission, and/or committee liaison position they are interested in.

The current appointment for the Community Development Corporation Board is Lisa Norman. Council Members Jeremy Lukas and Jamell Johnson have expressed interest in this position.

Staff requests direction from Town Council for the appointment for 2022 - 2023.

BUDGET IMPACT:

There is no budget impact for this item.

RECOMMENDED ACTION:

Staff requests direction from Town Council.



Date: 06/07/2022
Agenda Item #: 5. D.
Department: Administrative Services
Strategic Goal: Ensure strong relationship within the community and region
Staff Contact: Mayor Curtis J. Cornelious

AGENDA ITEM:

Present, Discuss, and Consider Action on **Appointing a Town Council Member as Liaison for the Planning and Zoning Commission.**

DESCRIPTION:

The Town Council has liaison positions with various boards, commissions, and committees. In compliance with Resolution No. 90080602 and the Governance Policy, liaison appointments must be made within 30 days of the date of the general election. Appointed liaisons shall serve in that capacity for one year.

To assist with the appointments, Town Council members submitted an interest questionnaire that indicated which board, commission, and/or committee liaison position they are interested in.

The current appointment for the Planning and Zoning Commission is Jamell Johnson. None of the Council Members have expressed interest in this position.

Staff requests direction from Town Council for the appointment for 2022 - 2023.

BUDGET IMPACT:

There is no budget impact for this item.

RECOMMENDED ACTION:

Staff requests direction from Town Council.



Date: 06/07/2022
Agenda Item #: 5. E.
Department: Administrative Services
Strategic Goal: Ensure strong relationship within the community and region
Staff Contact: Mayor Curtis J. Cornelious

AGENDA ITEM:

Present, Discuss, and Consider Action on **Appointing a Town Council Member as the School Board Liaison.**

DESCRIPTION:

The Town Council has liaison positions with various boards, commissions, and committees. In compliance with Resolution No. 90080602 and the Governance Policy, liaison appointments must be made within 30 days of the date of the general election. Appointed liaisons shall serve in that capacity for one year.

To assist with the appointments, Town Council members submitted an interest questionnaire that indicated which board, commission, and/or committee liaison position they are interested in.

The current appointments for the School Board Liaison are Jeremy Lukas and Tony Singh. Council Member Jamell Johnson has expressed interest in this position.

Staff requests direction from Town Council for the appointment for 2022 - 2023.

BUDGET IMPACT:

There is no budget impact for this item.

RECOMMENDED ACTION:

Staff requests direction from Town Council.



Date: 06/07/2022
Agenda Item #: 5. F.
Department: Administrative Services
Strategic Goal: Ensure strong relationship within the community and region
Staff Contact: Mayor Curtis J. Cornelious

AGENDA ITEM:

Present, Discuss, and Consider Action on **Appointing a Town Council Member as Liaison for the Veterans Committee.**

DESCRIPTION:

The Town Council has liaison positions with various boards, commissions, and committees. In compliance with Resolution No. 90080602 and the Governance Policy, liaison appointments must be made within 30 days of the date of the general election. Appointed liaisons shall serve in that capacity for one year.

To assist with the appointments, Town Council members submitted an interest questionnaire that indicated which board, commission, and/or committee liaison position they are interested in.

The Town Council has recently established the Veterans Committee and does not currently have a liaison appointed. Council Members Jeremy Lukas, Tony Singh, and Jamell Johnson have expressed interest in this position.

Staff requests direction from Town Council for the appointment for 2022 - 2023.

BUDGET IMPACT:

There is no budget impact for this item.

RECOMMENDED ACTION:

Staff requests direction from Town Council.
