



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

Tuesday, February 21, 2023

6:00 PM

Little Elm Town Hall

100 W Eldorado Parkway, Little Elm, TX 75068

1. **Call to Order Council Workshop at 6:00 p.m.**
 - A. Present and Discuss **Town Council Orientation 2023.**
 - B. Present and Discuss a **Keep Little Elm Beautiful 2022 Report.**
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 - C. Items to be Withdrawn from Consent Agenda.
 - 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.**

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.

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

3. **Presentations.**

A. Present the **2022 Achievement of Library Excellence Award.**

4. **Public Comments**

Persons may address the Town Council on any issue. This is the appropriate time for citizens to address the Council on any concern whether on this agenda or not. In accordance with the State of Texas Open Meeting Act, the council may not comment or deliberate such statements during this period, except as authorized by Section 551.007, Texas Government Code.

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.

A. Consider Action to Approve the **Minutes from the February 7, 2023, Regular Town Council Meeting.**

B. Consider Action to Approve the **Amended Administrative Services Agreement between the Town of Little Elm and the Little Elm Economic Development Corporation.**

C. Consider Action to Approve **Planning & Zoning Commissioner Appointments.**

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.
BRILLE IS NOT PROVIDED.

Respectfully,

Town Secretary

This is to certify that the above notice was posted on the Town's website this 17th day of February 2023 before 5:00 p.m.



Date: 02/21/2023
Agenda Item #: 1. A.
Department: Administrative Services
Strategic Goal: Ensure strong relationship within the community and region
Staff Contact: Matt Mueller, Town Manager

AGENDA ITEM:

Present and Discuss **Town Council Orientation 2023.**

DESCRIPTION:

Town Manager Matt Mueller will give an overview of the upcoming orientation for Town Council.

BUDGET IMPACT:

There is no budget impact for this item.

RECOMMENDED ACTION:

Information only, no action required.



Date: 02/21/2023
Agenda Item #: 1. B.
Department: Administrative Services
Strategic Goal: Ensure strong relationship within the community and region
Staff Contact: Kate Graham, Assistant to the Town Manager

AGENDA ITEM:

Present and Discuss a **Keep Little Elm Beautiful 2022 Report.**

DESCRIPTION:

The Keep Little Elm Beautiful Chair will give Town Council a presentation with updates from 2022.

BUDGET IMPACT:

There is no budget impact for this item.

RECOMMENDED ACTION:

Information only, no action required.



Date: 02/21/2023
Agenda Item #: 3. A.
Department: Administrative Services
Strategic Goal: Ensure strong relationship within the community and region
Staff Contact: Kate Graham, Assistant to the Town Manager

AGENDA ITEM:

Present the **2022 Achievement of Library Excellence Award**.

DESCRIPTION:

The Little Elm Public Library in Little Elm, Texas, has received the 2022 Achievement of Library Excellence Award from the Texas Municipal Library Directors Association (TMLDA), an affiliate of the Texas Municipal League. To successfully receive the Achievement of Library Excellence Award, the library must exhibit excellence by providing services to underserved and special populations; marketing in innovative ways; pursuing collaborative efforts; continually enhancing its services; supporting literacy, digital inclusion, and workforce development; providing cultural, topical, and educational programming; and comprehensively training its staff. Of the 552 public libraries in Texas, only 73 received this award in 2022.

BUDGET IMPACT:

There is no budget impact for this item.

RECOMMENDED ACTION:

Information only, no action required.



Date: 02/21/2023
Agenda Item #: 5. 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 February 7, 2023, Regular Town Council Meeting.**

DESCRIPTION:

The minutes from the February 7, 2023, 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 - February 7, 2023

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 FEBRUARY 7, 2023 - 6:00 p.m.

Present: Mayor Curtis J. Cornelious; Council Member Neil Blais; Council Member Jamell Johnson; Council Member Tony Singh; Mayor Pro Tem 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; Doug Peach, Deputy Town Manager; Fred Gibbs, Director of Development Services; Jason Shroyer, Director of Public Works; Kate Graham, Assistant to the Town Manager; Kelly Wilson, Chief Financial Officer; Paul Rust, Fire Chief; Robert Brown, Town Attorney; Rodney Harrison, Police Chief

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

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

A. Present and Discuss an **Update on Little Elm Park Parking.**

Town Manager Matt Mueller gave an update on the plan for parking for Little Elm Park.

B. Present and Discuss the **2022 Strategic Report.**

Director of Administrative Services Caitlan Biggs presented the 2022 Strategic Report.

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

A. Invocation.

Boy Scout Troop 45 gave the invocation.

B. Pledge to Flags.

- C. Items to be Withdrawn from Consent Agenda.

None.

- D. Emergency Items if Posted.

None.

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

None.

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

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

Chief Rodney Harrison introduced the new Assistant Police Chief Mandy Biter.

Town Manager Matt Mueller recognized Caitlan Biggs for being selected as the Assistant of the Year from the Texas City Management Association.

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

Director of Administrative Services Caitlan Biggs stated that the new location for voting for item 5C will be in the Council Conference Room next to Council Chambers at Town Hall.

3. **Presentations.**

- A. Present a **Proclamation Declaring February 12, 2023 as Cholangiocarcinoma Day.**

Mayor Cornelious presented the proclamation.

- B. Present a **Proclamation Declaring February 2023 as Spay and Neuter Awareness Month.**

Mayor Cornelious presented the proclamation.

- C. Present **Town Manager Challenge Coins.**

Town Manager Matt Mueller and Mayor Cornelious presented the challenge coins.

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.

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 Tony Singh **to approve the Consent Agenda.**

Vote: 6 - 0 - Unanimously

- A. Consider Action to Approve the **Minutes from the January 17, 2023, Regular Town Council Meeting.**
- B. Consider Action to Approve the **Joint Election Agreement and Contract for Election Services with the Denton County Elections Administrator.**
- C. Consider Action to Approve **Ordinance No. 1702 Ordering a General Election to be held on May 6, 2023.**
- D. Consider Action to Approve an **Agreement between the Town of Little Elm and Patricia Adams for Services as Presiding Municipal Judge and Magistrate of the Little Elm Municipal Court for a Term of Two (2) Years.**
- E. Consider Action to Approve an **Agreement between the Town of Little Elm and Collette O. Sallas for Services as Presiding Associate Municipal Judge for a Term of Two (2) Years.**
- F. Consider Action to Approve a **Construction Manager at Risk Contract to AUI Partners, LLC for the Public Works Service Center Remodel Project (Contract #2022-15).**
- G. Consider Action to Accept the **Little Elm Police Department's 2022 Racial Profiling Report.**
- H. Consider Action to Approve a **Lease Agreement for Recreational Grounds and Facilities between the Town of Little Elm and Little Elm Independent School District.**

6. Regular Items.

- A. Present, Discuss, and Consider Action to **Accept the Resignation of Jeremy Lukas from Town Council District 5.**

Motion by Council Member Neil Blais, seconded by Mayor Pro Tem Lisa Norman ***to accept the resignation of Jeremy Lukas from Town Council District 5.***

Vote: 6 - 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 7:05 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.
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- 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 7:55 p.m. No action was taken.

9. Adjourn.

Meeting adjourned at 7:55 p.m.

Respectfully,

Caitlan Biggs
Town Secretary

Passed and Approved this 21st day of February 2023.



Date: 02/21/2023
Agenda Item #: 5. B.
Department: Economic Development Corporation
Strategic Goal: Maintain operational integrity and viability
Staff Contact: Jennette Espinosa, EDC Executive Director

AGENDA ITEM:

Consider Action to Approve the **Amended Administrative Services Agreement between the Town of Little Elm and the Little Elm Economic Development Corporation.**

DESCRIPTION:

This Administrative Services Agreement ("Agreement") is entered effective as of the 1st day of October 2022, by and between the Town of Little Elm, Texas, ("Town") and the Little Elm Economic Development Corporation ("LE EDC"), acting by and through their respective authorized officers and in accordance with the Development Corporation Act of 1979, as amended.

This Agreement has been amended to include an additional staff person, now bringing the total employees to 4 total.

The term of this Agreement shall be for ten (10) years, beginning October 1, 2022, and unless sooner terminated or extended by agreement of the parties hereto.

BUDGET IMPACT:

In consideration of the provision by Town to LE EDC of the services described in the Agreement, LE EDC agrees to pay to Town the sum of \$30,000 annually. It is agreed by the parties hereto that the compensation described in Article III is equal to the reasonable value of the services anticipated to be provided by Town to the LE EDC.

The annual fee remained the same, as the EDC and Chamber of Commerce paid for the cubicles in the Development Services department at Town Hall to be updated at a cost of approximately \$88,000.00 in lieu of an increase.

RECOMMENDED ACTION:

Staff recommends approval.

Attachments

Amended Admin Agreement - TOLE and LE EDC

ADMINISTRATIVE SERVICES AGREEMENT BETWEEN TOWN OF LITTLE ELM, TEXAS AND
LITTLE ELM ECONOMIC DEVELOPMENT CORPORATION

STATE OF TEXAS €
 €
COUNTY OF DENTON €

This Administrative Services Agreement ("Agreement") is entered effective as of the 1st day of October, 2022, by and between the Town of Little Elm, Texas, ("Town") and the Little Elm Economic Development Corporation ("LE EDC"), acting by and through their respective authorized officers and in accordance with the Development Corporation Act of 1979, as amended.

ARTICLE I
SERVICES PROVIDED BY THE TOWN

LE EDC does hereby agree to expend monies identified below for the purpose of paying the Town for the costs incurred by the Town in providing to the LE EDC certain essential and necessary services, Town agrees to provide the following services to the LE EDC subject to the limitations and conditions set forth below:

1. Development, Engineering & Planning Services: Town agrees to provide development services, engineering and planning services, including, but not limited to, design review, bid and construction review, GIS exhibits, and oversight for all LE EDC construction projects; as requested by Little Elm EDC Executive Director.
2. Legal Services: The LE EDC reserves the right to hire an attorney of its own choice and its own expense.
3. Financial Services: The Town agrees to provide through its Financial Department assistance and coordination with the EDC's accounting firm for budgeting purposes or as requested or needed, all audit services, as well as calculations of revenue for each of the designated TIRZ agreements, as needed. The EDC treasurer will have full oversight, control and approval of the EDC revenue and expenditures, as specified within Article III, Section 4, Article IV, Section 3-5 of the Bylaws.
4. Town of Little Elm Management Team: Town agrees to provide the services of the Town Manager, on as an as needed basis for meetings and consultation; as well as, Department Heads, and/or the Town Manager's designee(s) will provide liaison services between the Town staff, the LE EDC staff and its Board of Directors, and potential business prospects. Liaison services include review of all contracts and agreements, administrative oversight of development projects, assistance in setting agenda items, presentations to civic groups, council and business developers, and responding to inquiries of potential business prospects.

In addition, the Town Manager's office shall provide secretarial and other clerical services, including, but not limited to, posting of meeting agendas and reservation of meeting rooms if needed.

ARTICLE II
SERVICES PROVIDED BY THE EDC THROUGH ITS EXECUTIVE DIRECTOR AND STAFF
ON BEHALF OF THE LE EDC BOARD OF DIRECTORS AND OTHER CONDITIONS AND
SERVICES

LE EDC does hereby agree to expend monies identified below for the purpose of performing administrative and executive functions for and on behalf of the LE EDC Board consistent with the Articles of Incorporation and Bylaws of said corporation as follows:

1. EDC Executive Director, EDC Staff, and Chamber Staff: The Executive Director of the EDC and Chamber and staff will be classified as an employee of the Town and shall receive all benefits available to all full-time employees of the Town. The Executive Director and staff will be subject to the same employee policies as all other employees of the Town, with the exception that the Executive Director will report directly to the EDC and Chamber Board of Directors; with the understanding that the BOD may institute additional operational policy and procedures if they so choose; and staff will report directly to the EDC and Chamber Executive Director. The Town will provide the Executive Director with complete access to all office equipment, printers, phone systems, email and computer services that are provided to the Town Manager. The Town will provide staff with complete access to all office equipment, printers, phone systems, email and computer services necessary to conduct business in their work space. The Town will provide an office for the Executive Director and the same access level to all meeting rooms that are provided to the Town Manager, as well as work space for the staff.
2. EDC and Chamber Executive Director and Staff: The Executive Director and Staff is responsible for compliance with the Open Meetings and Open Records laws of the State of Texas. The Executive Director will make sure that all LE EDC Board meetings will be conducted in compliance with all State laws. The Executive Director and staff of the Chamber of Commerce is governed by and conducted according to the Revised Robert Rules of Order. The Executive Director will ensure that all LE COC Board Meetings are compliant with said rules.
3. Web Site Services: The LE EDC will be provided as much space as required on the Town's web site for placement of economic development information.
4. Town Logo: The LE EDC is authorized to use the Town Logo for its economic development purposes; modified to identify the EDC.

ARTICLE III **COMPENSATION**

In consideration of the provision by Town to LE EDC of the services described in Articles above, LE EDC agrees to pay to Town the sum of \$30,000. It is agreed by the parties hereto that the compensation described in this Article III is equal to the reasonable value of the services anticipated to be provided by Town to the LE EDC.

1. **Payments:** Payments to the Town for the services described herein shall begin October 1, 2022 and shall run with the term of this Agreement. Payments and reimbursements shall be made by the LE EDC to the Town on an annual basis.
2. **Use of Funds:** It is expressly understood and agreed by LE EDC and the Town that all funds received from the LE EDC by the Town will be used solely for the purposes set out by the LE EDC Board in this agreement, its budget, and as directed by its Board as recorded in its official minutes.
3. **Employees:** All persons who are to provide services to the LE EDC as described herein are employees of the Town.

ARTICLE IV **TERM**

The term of this Agreement shall be for ten (10) years, beginning October 1, 2022, and unless sooner terminated or extended by agreement of the parties hereto.

ARTICLE V **TERMINATION**

It is understood and agreed that either party may terminate this Agreement at any time and for any reason whatsoever by giving the other party notice in writing of said termination at least ninety (90) days prior to termination. If this Agreement is terminated by either party pursuant to the terms of this provision, LE EDC shall pay the Town for all services rendered up to the date of termination.

ARTICLE V **ASSIGNMENT**

This Agreement may not be assigned or otherwise conveyed by either party without the prior written consent of the other party. The provisions of this Agreement are solely for the benefit of the parties hereto and are not intended to create or grant any rights, contractual or otherwise, to any third person or entity.

ARTICLE VI
VENUE AND GOVERNING LAW

In the event of any action under this Agreement, venue for all causes of action shall be instituted and maintained in Denton County, Texas. The parties agree that the laws of the State of Texas shall govern and apply to the interpretation, validity and enforcement of this Agreement, and, with respect to any conflict of law provisions, the parties agree that such conflict of law provisions shall not affect the application of the law of Texas (without reference to its conflict of law provisions) to the governing, interpretation, validity and enforcement of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in the year 2021 and as of the dated indicated.

TOWN OF LITTLE ELM, TEXAS

**LITTLE ELM ECONOMIC DEVELOPMENT
CORPORATION**

Curtis Cornelious, Mayor

Ken Eaken, EDC President

Date

February 13, 2023
Date

ATTEST:

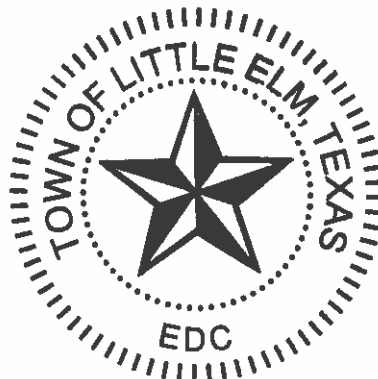
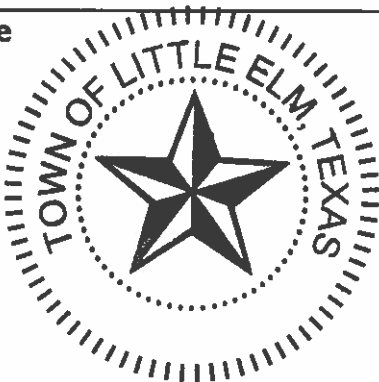
ATTEST:

Caitlan Biggs, Town Secretary

Jennette Espinosa
Jennette Espinosa, LEEDC Executive Director

Date

February 13, 2023
Date





Date: 02/21/2023
Agenda Item #: 5. C.
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 **Planning & Zoning Commissioner Appointments.**

DESCRIPTION:

The Planning and Zoning Commission Appointment Committee recommends the following re-appointments:

Planning & Zoning Commission members re-appointed as follows:

Stephen Horn - P&Z Place 3 (new term expires 2/28/2026)

Robert Martin - P&Z Place 7 (new term expires 2/28/2026)

BUDGET IMPACT:

There is no budget impact for this item.

RECOMMENDED ACTION:

The P&Z Appointment Committee recommends approval.
