

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 SEPTEMBER 5, 2023 - 6:00 p.m.

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

Staff Present: Caitlan Biggs, Director of Administrative Services/Town Secretary; 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; Shea Rodgers, Chief Information Officer

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

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

A. Discuss **Potential Updates to the Town of Little Elm's Governance Policy.**

Town Manager Matt Mueller gave an overview of the item. Council gave direction on the following items:

- Term limits for members of Boards and Commissions
 - Table this item
- Voting vs. Non-Voting Council Liaison assignments
 - Liaisons will remain in their current voting or non-voting status
- Number of Council Members serving on Boards and Commissions, when allowed
 - The liaison and up to one more
- Rotation of Council Liaison assignments
 - None
- Council Liaison selection process
 - Add that The Mayor will put forth a proposal based on the questionnaire that requires Council Members to rank assignments that include detailed information and discussed with the entire Council
 - Add that the questionnaire results will be shared with the Council prior to the meeting where assignments are approved
- Memberships to organizations for the entire Council or individual Council Members

- Town-wide memberships are brought before the Town Council for approval
- Individual memberships should benefit the Town and be non-partisan - include a process for a Council Member to request a membership
- Travel and training guidelines
 - Council would like history on travel for Council Members for the past five years
 - Council would like staff to look at how other cities budget for travel and training for Council Members
- Include a policy to define when the Town can offer free tickets for Council Members/individuals/organizations
 - Staff to research other cities

B. Discuss the **2023 Children's Advocacy Center Gala.**

Mayor Pro Tem Jamell Johnson asked if Town Council would be interested in purchasing a table at the gala. Police Chief Rodney Harrison gave Town Council a background on the Town's relationship with the Children's Advocacy Center.

Interested Council Members will let Caitlan know if they can attend. The Town will purchase individual tickets for Council Members.

C. Discuss **The Lawn at the Lakefront Rules and Policies.**

Community Services Director Chad Hyde gave an overview of the item. He also stated that there would not be any outside rentals for this facility but would consider partnership events.

Town Council gave direction to proceed with the rules as proposed.

D. Discuss **CWD Residential Contract Market Adjustment.**

Deputy Town Manager Doug Peach gave an overview of the item.

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

A. Invocation.

Council Member Neil Blais 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.

Council Member Tony Singh requested a future work session item to discuss the new laws that passed out of the most recent legislative session.

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

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

Town Manager Matt Mueller gave the dates for upcoming events in the Town: the ribbon cutting for Lakeside Sports Complex on Saturday, September 9th, the ground breaking for Cottonwood Park on September 19, and the ribbon cutting for The Lawn at the Lakefront on September 21.

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

None.

3. **Presentations.**

- A. Recognition of **Liberty Mutual Insurance & The Ernie William Agency** for their Sponsorship of Little Elm's Juneteenth Event.

The Mayor recognized Liberty Mutual Insurance & The Ernie William Agency for their Sponsorship of Little Elm's Juneteenth Event.

- B. Recognition of **Keep Little Elm Beautiful** for Receiving the Governor Community Achievement Award for Year 2023 from Keep Texas Beautiful.

This item will be pushed to the September 19, 2023, meeting.

- C. Present a **Proclamation Declaring September 2023 as Live United Month.**

The Mayor presented the proclamation.

- D. Present a **Proclamation Declaring September 5 through 9, 2023 as Payroll Week.**

The Mayor presented the proclamation.

- E. Present a **Proclamation Declaring September 8, 2023 as Lissencephaly Awareness Day.**

The Mayor presented the proclamation.

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.

Abby Altman, a Lifescout of Troup 45, is announced to the Council that she is coordinating a blood drive at Button Church on Saturday, September 9 from 9am-5pm as her eagle scout project.

Michael Kelly, unknown address, addressed the Council on a public health and quality of life issue related to the number of bird feeders located on a property that attract a large number of birds and rodents near his house.

5. Consent Agenda

All matters listed under the Consent Agenda are considered to be routine by the Town Council and require little or no deliberation. There will not be a separate discussion of these items and the agenda will be enacted by one vote. If the Council expresses a desire to discuss a matter listed, that item will be removed from the consent agenda and considered separately.

Motion by Council Member Neil Blais, seconded by Council Member Tony Singh **to approve the consent agenda.**

Vote: 7 - 0 - Unanimously

- A. Consider Action to Approve the **Minutes from the August 15, 2023, Regular Town Council Meeting.**
- B. Consider Action to Approve **Resolution No. 0905202301 for All Matters Incident and Related to Providing for the Redemption of Certain Outstanding Obligations of the Town, including the Adoption of a Resolution Pertaining Thereto.**
- C. Consider Action to Approve **Authorized Representatives for the Purpose of Funds Held at TexPool, a Texas Local Government Investment Pool.**
- D. Consider Action to Approve **Ordinance No. 1725 Amending Article III, Municipal Liability, of Chapter 2, Administration, of the Code of Ordinances of the Town of Little Elm, by Amending Section 2-61, Service of Notice of Claim; Providing for a Repealer Clause; Providing a Savings Clause; and Providing an Effective Date.**
- E. Consider Action to Approve **Ordinance No. 1726 Amending Chapter 94 of the Code of Ordinances by Amending Section 94-44 in Article III, Hotel Occupancy Tax, to Provide Requirements for Monthly Reporting and Tax Remittance, and Establish an Effective Date.**
- F. Consider Action to Approve the **Third Amendment to Chapter 380 Economic Development Agreement between the Town of Little Elm and H-E-B, LP.**

- G. Consider Action for **Retroactive Authorization of Emergency Valve Repairs at Mansell Pump Station, with Rangeline Utilities in the Estimated Amount of \$150,000.**
- H. Consider Action to Approve a **Development Agreement associated with the Lakefront Residential Overlay District, between the Town of Little Elm and Jose Sanchez Correa and Maria del Carmen Sanchez, Property Owners of 217 East Park Drive.**
- I. Consider Action to Approve a **Service Agreement with SPAN, Inc. for Demand Response Transit Services for the 2023-2024 Fiscal Year.**
- J. Consider Action to Approve the **Purchase and Installation of Digital LED Video Wall Equipment from Insane Impact.**
- K. Consider Action to Award **RFQ 2023-06 for Professional Engineering Services and Execute Master Professional Services Agreements.**

6. Regular Items.

- A. Hold a Public Hearing, Present, and Discuss the **Town's Proposed 2023 Property Tax Rate for the Town of Little Elm for Fiscal Year 2023-2024.**

Open Public Hearing:

Receive Public Comments:

Close Public Hearing:

REQUIRED LANGUAGE MUST BE READ AT THE CLOSE OF THE PUBLIC HEARING

"The Town of Little Elm Council will consider the ordinance to adopt the 2023 Tax Rate for the Town of Little Elm Fiscal Year 2023-2024 at the September 5, 2023, Council Meeting at 6:00pm at Little Elm Town Hall, 100 W. Eldorado Parkway, Little Elm, Texas 75068."

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

Open Public Hearing: 8:25 p.m.

Receive Public Comments: None

Close Public Hearing: 8:26 p.m.

Council Member Michel Hambrick stated "The Town of Little Elm Council will consider the ordinance to adopt the 2023 Tax Rate for the Town of Little Elm Fiscal Year 2023-2024 at the September 5, 2023, Council Meeting at 6:00pm at Little Elm Town Hall, 100 W. Eldorado Parkway, Little Elm, Texas 75068."

- B. Present, Discuss, and Consider Action on **Ratifying the Property Tax Revenue Increase Reflected in the Annual Budget for the Fiscal Year (FY) 2023-2024; Beginning October 1, 2023, and Ending September 30, 2024.**

Motion by Mayor Pro Tem Jamell T. Johnson, seconded by Council Member Andrew Evans **to ratify the property tax revenue increase.**

Vote: 7 - 0 - Unanimously

- C. Present, Discuss, and Consider Action on **Ordinance No. 1724 Fixing the Tax Rate and Levy for the Town of Little Elm, Texas, for the Purpose of Paying the Current Expenses of the Town for the Fiscal Year (FY) ending September 30, 2024, and for the Further Purpose of Creating a Sinking Fund to Retire the Principle and Interest of the Bond Indebtedness of the City; Providing for a Lien on All Real and Personal Property to Secure Payment of Taxes Due Thereon; Containing a Severability Clause; Repealing All Ordinances and Parts Thereof in Conflict Herewith; and Providing for an Effective Date.**

REQUIRED MOTION LANGUAGE (TWO SEPARATE MOTIONS)

Tax Code 26.05 the motions to adopt an ordinance setting a tax rate must separately approve the maintenance and operations component and the debt service component tax rate.

"I move that the ad valorem tax rate be increased by the adoption of a tax rate of \$0.440095 on each \$100 of assessed valuation of taxable property for general Town purposes and to pay the current maintenance and operations expenses of the Town of Little Elm, for the fiscal year beginning October 1, 2023, and ending September 30, 2024, and to adopt this Ordinance, fixing and levying the same for a total tax of \$0.589900 on each \$100 of assessed valuation. This increase is effectively a 3.50 percent increase in the tax rate."

"I move that the ad valorem tax rate of \$0.149805 on each \$100 of assessed valuation of taxable property for the purpose of creating an interest and sinking fund to pay the interest and principal of the valid and outstanding indebtedness, and related fees of the Town of Little Elm, for the fiscal year beginning October 1, 2023, and ending September 30, 2024, and to adopt this Ordinance, fixing and levying the same for a total tax of \$0.589900 on each \$100 of assessed valuation."

Motion by Council Member Neil Blais, seconded by Council Member Michel Hambrick **to approve the ad valorem tax rate be increased by the adoption of a tax rate of \$0.440095 on each \$100 of assessed valuation of taxable property for general Town purposes and to pay the current maintenance and operations expenses of the Town of Little Elm, for the fiscal year beginning October 1, 2023, and ending September 30, 2024, and to adopt this Ordinance, fixing and levying the same for a total tax of \$0.589900 on each \$100 of assessed valuation. This increase is effectively a 3.50 percent increase in the tax rate.**

Vote: 7 - 0 - Unanimously

Motion by Council Member Andrew Evans, seconded by Council Member Neil Blais **to approve the ad valorem tax rate of \$0.149805 on each \$100 of assessed valuation of taxable property for the purpose of creating an interest and sinking fund to pay the interest and principal of the valid and outstanding indebtedness, and related fees of the Town of Little Elm, for the fiscal year beginning October 1, 2023, and ending September 30, 2024, and to adopt this Ordinance, fixing and levying the same for a total tax of \$0.589900 on each \$100 of assessed valuation.**

Vote: 7 - 0 - Unanimously

- D. Present, Discuss, and Consider Action on **Ordinance No. 1723 Adopting a Budget and Appropriating Resources for Fiscal Year (FY) 2023-2024; Beginning October 1, 2023, and Ending September 30, 2024; In Accordance with Existing Statutory Requirements; Repealing All Conflicting Ordinances; Containing a Severability Clause; and Providing for an Effective Date.**

Motion by Council Member Tony Singh, seconded by Council Member Lisa G. Norman **to approve Ordinance No. 1723.**

Vote: 7 - 0 - Unanimously

- E. Present, Discuss, and Consider Action on a **Developers Agreement between the Town of Little Elm and Kev King and Brighton King located at 15222 King Road, Little Elm, Texas, 75068.**

Development Services Director Fred Gibbs gave an overview of the item in the attached presentation.

Motion by Council Member Neil Blais, seconded by Mayor Pro Tem Jamell T. Johnson

Vote: 7 - 0 - Unanimously

7. Convene in Executive Session pursuant to Texas Government Code:

- Section 551.071 for private consultation with the Town Attorney to discuss the COVID-19 pandemic and municipal authority to respond to the COVID-19 outbreak and to seek legal advice with respect to pending and contemplated litigation and including all matters on this agenda to which the Town Attorney has a duty under the Texas Rules of Discipline and Professional conduct regarding confidential communication with the Town Council.
- Section 551.072 to discuss certain matters regarding real property.
- Section 551.074 of the Texas Government Code to discuss and deliberate personal matters to evaluate performance duties, of a public officer or employee(s).
- Section 551.076 to discuss security matters.
- Section 551.087 to discuss Economic Development.

Town Council convened into Executive Session at 8:53 p.m.

8. Reconvene into Open Session

Discussion and consideration to take any action necessary as the result of the Executive Session:

- COVID-19 Pandemic and the Town's response thereto, including the consideration of an emergency declaration ordinance.
- Section 551.071 for private consultation with the Town Attorney to discuss the COVID-19 pandemic and municipal authority to respond to the COVID-19 outbreak and to seek legal advice with respect to pending and contemplated litigation and including all matters on this agenda to which the Town Attorney has a duty under the Texas Rules of Discipline and Professional conduct regarding confidential communication with the Town Council.
- Section 551.072 to discuss certain matters regarding real property.
- Section 551.074 of the Texas Government Code to discuss and deliberate personal matters to evaluate performance duties, of a public officer or employee(s).
- Section 551.076 to discuss security matters.
- Section 551.087 to discuss Economic Development.

Town Council reconvened into Open Session at 9:07 p.m.

9. Adjourn.

Meeting was adjourned at 9:07 p.m.

Respectfully,

Caitlan Biggs

Town Secretary

Passed and Approved this 19th day of September 2023.