

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 19, 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 the Charter Review Committee Appointment Process.

Director of Administrative Services Caitlan Biggs gave an overview of the process. Town Council requested that she send out the committee list for the past two committees. Each Council Member will provide their nomination to Ms. Biggs by Thursday, October 12th in order for it to be included in the agenda packet.

B. Discuss Veterans Committee Appointments.

Director of Administrative Services Caitlan Biggs gave an overview of the process. Town Council agreed that the application process needs to open to fill the vacant spots.

Town Council also gave direction to amend the by-laws to allow for the appointment of two alternates. This item will be brought back to Town Council at a future meeting for approval.

C. Discuss Float Options for the 2023 Christmas Parade.

Director of Administrative Services Caitlan Biggs presented Town Council 10 float options. Town Council selected the "Main Street" and "Santa" themes.

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

A. Invocation.

Pastor Eric Patrick 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C. Items to be Withdrawn from Consent Agenda.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.

Town Manager Matt Mueller stated that Harry Potter and the Forbidden Forest Experience is moving into Little Elm Park, causing some closures that have been communicated by staff.

He also mentioned that the staff had a groundbreaking for Cottonwood Park this afternoon and will celebrate the grand opening of The Lawn at the Lakefront on Thursday.

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

None.

3. Presentations.

- A. Present a **Proclamation Declaring September 2023 as Suicide Prevention Awareness Month.**

The Mayor presented the proclamation.

- B. Present **Milestone Anniversary Coins.**

The Town Manager presented the 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 Mayor Pro Tem Jamell T. Johnson, seconded by Council Member Michel Hambrick **to approve the consent agenda.**

Vote: 7 - 0 - Unanimously

- A. Consider Action to Approve the **Minutes from the September 5, 2023, Regular Town Council Meeting.**
- B. Consider Action to Authorize the **Town Manager to Execute Any and All Contract Documents Associated with the Renewal of Employee Benefits including Blue Cross Blue Shield of Texas, Superior Vision, and Mutual of Omaha.**
- C. Consider Action to Approve an **Interlocal Agreement between Valencia Public Improvement District No. 2 and Denton County for Tax Collections for a Term of One (1) Year beginning October 1, 2023, through September 30, 2024, with an Automatic Renewal of an Additional One (1) Year Term at the Discretion of the County and the Town.**
- D. Consider Action to Award **Bid 2023-17 for Wastewater Treatment Plant Dewatering & Clarifier Improvements Project to Red River Construction in the amount of \$3,577,000, and Authorize the Town Manager to Execute the Contract.**
- E. Consider Action to Authorize the **Purchase of Furniture for the Public Works Facility Remodel in the amount of \$167,418.03.**
- F. Consider Action to Approve **Ordinance No. 1731 Amending the Town of Little Elm's Employee Manual.**

- G. Consider Action to Approve **Ordinance No. 1728 Providing for Refuse Rates; Providing for a Repealing Clause; Providing for a Severability Clause; and Providing an Effective Date per request of Community Waste Disposal for Disposal Rate Adjustments per Current Service Contract.**
 - H. Consider Action to **Award a Construction Contract for the Wood Family Dog Park Expansion Project (Bid #2023-20) to Ratliff Hardscape, LTD in an amount not to exceed \$350,000.**
 - I. Consider Action to Award a **Professional Services Contract to Dunaway Associates, LLC for the Parks, Recreation, and Open Space Master Plan Update.**
 - J. Consider Action to Approve **Resolution No. 0918202301 Approving the Little Elm EDC's Investment Policy for 2023-2024.**
 - K. Consider Action to Approve the **Fifth Amendment of the Concession Agreement for Waterboard Park between the Town of Little Elm, Little Elm Economic Development and America's Cable Park Group, LLC.**
6. **Regular Items.**
- A. Present, Discuss, and Consider Action on **Ordinance No. 1727 Repealing Article IV, Juvenile Curfew, of Chapter 70, Offenses and Miscellaneous Provisions, of the Code of Ordinances of the Town of Little Elm; Providing for a Repealer Clause; Providing a Savings Clause; Providing a Severability Clause; and Providing an Effective Date.**

Motion by Council Member Andrew Evans, seconded by Mayor Pro Tem Jamell T. Johnson **to approve Ordinance No. 1727.**

Vote: 7 - 0 - Unanimously

- B. Hold a Public Hearing, Present, Discuss, and Consider Action on **Ordinance No. 1729 a Proposed Text Amendment to Chapter 106, Zoning Ordinance by Amending Section 106.04.02 - Lakefront District, in Order to Establish Definition, Review Criteria, and Procedures for "Art Installations," and Enable Minor Corrections Throughout the Text.**

Open Public Hearing:

Receive Public Comments:

Close Public Hearing:

Take Action on Ordinance No. 1729:

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

Open Public Hearing: 6:35 p.m.

Receive Public Comments: None

Close Public Hearing: 6:36 p.m.

Take Action on Ordinance No. 1729:

Motion by Council Member Lisa G. Norman, seconded by Council Member Neil Blais **to approve Ordinance No. 1729 with the change that the Council Liaison on the review committee be the District 3 Council Member.**

Vote: 7 - 0 - Unanimously

- C. Hold a Public Hearing, Present, Discuss, and Consider Action on **Ordinance No. 1730 Regarding a Request to Rezone Approximately 1.4 Acres of Land, Currently Zoned as Light Commercial (LC), Generally Located 185 Feet West of The Intersection of FM 423 and King Road, Within Little Elm's Town Limits, in Order To Establish a New Planned Development District Based on Light Commercial District Standards with Modified Uses, to Allow for One "Body Art Studio" not to Exceed 1,035 Square Feet.**

Open Public Hearing:

Receive Public Comments:

Close Public Hearing:

Take Action on Ordinance No. 1730:

Managing Director of Planning Olga Chernomorets gave an overview of the item in the attached presentation. The applicant spoke to Town Council and stated the hours of operation.

Open Public Hearing: 6:46 p.m.

Receive Public Comments: None

Close Public Hearing: 6:47 p.m.

Take Action on Ordinance No. 1730:

Motion by Council Member Tony Singh, seconded by Council Member Michel Hambrick **to approve Ordinance No. 1730.**

Vote: 7 - 0 - Unanimously

- D. Present, Discuss, and Consider Action on a **Development Agreement between the Town of Little Elm and Haimark Center LLC.**

Motion by Council Member Andrew Evans, seconded by Mayor Pro Tem Jamell T. Johnson **to approve the development agreement.**

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).
 - Town Manager
 - Town Secretary
- Section 551.076 to discuss security matters.

- Section 551.087 to discuss Economic Development.

Town Council entered into Executive Session at 6:48 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).
 - Town Manager
 - Town Secretary
- Section 551.076 to discuss security matters.
- Section 551.087 to discuss Economic Development.

motion to purchase the land under the terms and conditions as discussed in executive session.

Motion by Council Member Neil Blais, seconded by Council Member Tony Singh ***to purchase the land under the terms and conditions as discussed in Executive Session.***

Vote: 7 - 0 - Unanimously

Motion by Council Member Lisa G. Norman, seconded by Council Member Andrew Evans ***to affirm the raise built into the Town Manager's current contract.***

Vote: 7 - 0 - Unanimously

Motion by Council Member Neil Blais, seconded by Mayor Pro Tem Jamell T. Johnson ***to consider a 5% increase to the Town Secretary's base salary.***

Vote: 7 - 0 - Unanimously

9. Adjourn.

Meeting was adjourned at 9:13 p.m.

Respectfully,

Caitlan Biggs
Town Secretary

Passed and Approved this 19th day of October 2023.