

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 OCTOBER 17, 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. Roll Call/Call to Order Regular Town Council Meeting at 6:00 p.m.

Meeting was called to order at 6:01 p.m.

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C. Items to be Withdrawn from Consent Agenda.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.

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 introduced Tiffany Thomson, the Town's new Culture & Team Development Manager.

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

Council Member Lisa Norman requested clarification on item 4M on the Council Liaison board member appointment. Town Manager Matt Mueller stated that the EDC Council Liaison is a voting position which holds a term like the other positions on the board. Currently, Tony Singh has been appointed as the EDC Council Liaison for this year. Although the term of this position is until 2025, the Council may choose to change the liaison in the future, which is typically considered each year by the Council.

2. Presentations.

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

Robert Medogovich with KLEB presented the Mayor with the award for 3rd place.

B. Present a Certificate of Recognition to the Cottonwood Creek Marina for being named the 2023 Large Marina of the Year by The Marina Association of Texas.

The Mayor presented the certificate of recognition.

C. Present a Proclamation Declaring October 2023 as Chiropractic Health Month.

The Mayor presented the proclamation.

D. Present Town Manager Challenge Coins.

Town Manager Matt Mueller presented challenge coins to Sarah Nolting for her work on the Lakefront video for The Lawn grand opening and Michelle Prazak for completing her payroll certification.

- E. Present the **Annual Achievement of Excellence in Procurement Award for 2023** from the **National Procurement Institute, Inc. (NPI)**.

The Mayor recognized the Purchasing department for winning this award.

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 551.007, Texas Government Code.

Council Member Tony Singh introduced the Diwali at Beach team and presented \$1,000 to the Little Elm Police Association in honor of Officer Sean Flynn.

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.

Motion by Mayor Pro Tem Jamell T. Johnson, seconded by Council Member Neil Blais **to approve the Consent Agenda.**

Vote: 7 - 0 - Unanimously

- A. Consider Action to Approve the **Minutes from the September 19, 2023, Regular Town Council Meeting.**
- B. Consider Action to Award a **Construction Contract for the FM 423 Green Ribbon Landscaping Improvement Project Phase 2 Re-Bid (Bid #2028-18)** to C. Green Scaping, LP in an amount not to exceed **\$1,258,511.55.**
- C. Consider Action to Approve a **Development Agreement associated with the Lakefront Residential Overlay District, between the Town of Little Elm and Jaser Moini, property owners of 220 East Park Drive.**
- D. Consider Action to Approve a **Development Agreement Associated with the Lakefront Residential Overlay District, between the Town of Little Elm and Faraz Karami, Property Owner of 222 East Park Drive.**
- E. Consider Action to Approve an **Agreement with Freese and Nichols to Perform Engineering and Consulting Services Related to Compliance with the Texas Commission on Environmental Quality's Newly Adopted Lead and Copper Rule Revisions for Public Drinking Water Systems in an Amount not to Exceed \$247,596.**
- F. Consider Action to Approve an **Amendment for Professional Services between the Town of Little Elm and Paul J. Liston, Independent Contractor, in the position of the Little Elm Municipal Court Prosecutor.**

- G. Consider Action to Approve an **Interlocal Agreement with Mustang Special Utility District to Provide an Emergency Water Interconnect with the Town of Little Elm Located in the Western Portion of the Town Along FM720.**
- H. Consider Action to Approve **Authorization to the Town Manager to Execute the Home Improvement Tax Incentive Program Agreement.**
- I. Consider Action to Approve **Authorization to the Town Manager to Execute the Home Improvement Tax Incentive Program Agreement for 1301 Xeraco Drive.**
- J. Consider Action to Approve **Ordinance No. 1732 Amending the FY 2022-2023 Annual Budget in Accordance with Existing Statutory Requirements; Appropriating the Various Amounts Herein; Repealing all prior Ordinances and Actions in Conflict Herewith; and Providing for an Effective Date.**
- K. Consider Action to Authorize the **Town Manager to Execute Any and All Contract Documents Associated with the Construction, Lease, and Maintenance of a Dark Fiber Optic Connection between Town Hall and Little Elm Park, as Provided by Zayo Group, LLC. in the Amount of \$116,858.**
- L. Consider Action to Authorize the **Town Manager to Execute Any and All Contract Documents Associated with the Construction of a Town-Owned Dark Fiber Optic Connection between Facilities at Little Elm Park, as Provided by Superior Fiber and Data Services, Inc. Not to Exceed \$77,867.35.**
- M. Consider Action to Approve **Appointments to the Economic Development Board of Directors.**
- N. Consider Action to Approve **Appointments to the Community Development Board of Directors.**
- O. Consider Action to Approve **Appointments to the Animal Shelter Advisory Board.**
- P. Consider Action to Approve the **Interlocal Cooperation Agreement for Library Services between Denton County, Texas and the Town of Little Elm, Texas.**
- Q. Consider Action to Approve the **Reimbursement Agreement between Tax Increment Reinvestment Zone Number Three, Town of Little Elm and TFC Eldorado 2, LLC.**
- R. Consider Action to Approve **Resolution No. 1017202301 to Authorize the Mayor to execute the Agreement for Construction and Funding of Authorized Improvements and Reimbursement of Advances in connection with the Spiritas Ranch Public Improvement District and Resolving Other Matters.**
- S. Consider Action to Approve a **Local On-System Improvement Project Agreement with the Texas Department of Transportation regarding Pavement Striping Improvements at the Intersection of Eldorado Parkway and Oak Grove Parkway.**

5. **Regular Items.**

- A. Present, Discuss and Consider Action on **Appointing Charter Review Committee Members.**

Motion by Council Member Michel Hambrick, seconded by Council Member Tony Singh **to approve the appointments.**

Vote: 7 - 0 - Unanimously

- B. Hold a Public Hearing, Present, Discuss, and Consider Action on **Ordinance No. 1733 Regarding a Request to Rezone Approximately 4.0 Acres of Land, Currently Zoned as Light Commercial (LC), Generally Located on the South Side of West University Drive, Approximately 1,500 Feet West of Paloma Creek Boulevard, within Little Elm's Town Limits, in Order to Allow for Construction of a New 6,400 Square-Foot Bar and Restaurant, with an Outdoor Patio.**

Open Public Hearing:

Receive Public Comments:

Close Public Hearing:

Take Action on Ordinance No. 1733:

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

Open Public Hearing: 6:33 p.m.

Receive Public Comments: None

Close Public Hearing: 6:34 p.m.

Motion by Council Member Neil Blais, seconded by Council Member Andrew Evans **to approve Ordinance No. 1733.**

Vote: 7 - 0 - Unanimously

- C. Hold a Public Hearing, Present, Discuss, and Consider Action on **Ordinance No. 1734 Regarding an Amendment Request to an Existing Specific Use Permit (SUP) for a Liquor Store Use (Ordinance No. 1667), Located at 1951 FM 423, Currently Zoned Planned Development - Light Commercial (LC), Through Ordinance No. 1457, as Amended by Ordinance No. 1474, in Order to Allow for the Sale of Smoking Products.**

Open Public Hearing:

Receive Public Comments:

Close Public Hearing:

Take Action on Ordinance No. 1734:

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

Open Public Hearing: 6:39 p.m.

Receive Public Comments: Jeff Burton, 2720 Cowboy Trail, Little Elm, TX 75068 VERIFY ADDRESS, asked how long it was there prior to the Town becoming aware of it. Staff stated that it was constructed between February 2023 - July 2023. He then asked what the repercussions are for owners who construct structures without approval. Staff stated that they take an educational approach and provide a timeline for the owner to correct the issue.

Close Public Hearing: 6:41 p.m.

Motion by Council Member Tony Singh, seconded by Council Member Michel Hambrick **to approve Ordinance No. 1734.**

Vote: 7 - 0 - Unanimously

- D. Hold a Public Hearing, Present, Discuss, and Consider Action on **Ordinance No. 1735 Regarding an Amendment Request to an Existing Planned Development District (Ordinance No. 1641), Encompassing Approximately 544.1 Acres of Land, Generally Bound by FM 720 to the West, Lewisville Lake to the East, and US 380 to the North, Within Little Elm's Town Limits, in Order to Provide Development Plans for a School, with Modified Development Standards.**

Open Public Hearing:

Receive Public Comments:

Close Public Hearing:

Take Action on Ordinance No. 1735:

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

Open Public Hearing: 6:44 p.m.

Receive Public Comments: None

Close Public Hearing: 6:45 p.m.

Motion by Council Member Lisa G. Norman, seconded by Mayor Pro Tem Jamell T. Johnson **to approve Ordinance No. 1735.**

Vote: 7 - 0 - Unanimously

- E. Hold a Public Hearing, Present, Discuss, and Consider Action on **Ordinance No. 1736 Regarding a Request to Amend Existing Planned Development Ordinance No. 1696, by Incorporating an Additional 2.911 Acres Of Land, Currently Zoned as Light Commercial, Generally Located on the Northwest Corner of East Eldorado Parkway and Pecan Drive, within Little Elm's Town Limits, in Order to Establish a Site Plan and Modified Development Standards, for a New 28,579 Square Foot Commercial Retail Building.**

Open Public Hearing:

Receive Public Comments:

Close Public Hearing:

Take Action on Ordinance No. 1736:

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

Open Public Hearing: 6:52 p.m.

Receive Public Comments: Clay Kristy, the applicant, stated that they're appreciative of the staff for their assistance working through this request to meet the Town's standards.

Close Public Hearing: 6:54 p.m.

Motion by Council Member Neil Blais, seconded by Council Member Andrew Evans **to approve Ordinance No. 1736.**

Vote: 7 - 0 - Unanimously

F. Present, Discuss, and Consider Action on a **Development Agreement between the Town of Little Elm and 3P Little Elm LLC.**

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

Vote: 7 - 0 - Unanimously

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).
 - Town Attorney
 - Town Secretary
 - Presiding Judge
 - Alternate Judge
 - Associate Judge
- Section 551.076 to discuss security matters.
- Section 551.087 to discuss Economic Development.

Town Council convened into Executive Session at 6:55 p.m.

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).
 - Town Attorney
 - Town Secretary
 - Presiding Judge
 - Alternate Judge
 - Associate Judge
- Section 551.076 to discuss security matters.
- Section 551.087 to discuss Economic Development.

Town Council reconvened into executive session at 7:49 p.m.

Motion by Council Member Neil Blais, seconded by Council Member Andrew Evans ***to approve Caitlan Biggs' contract with the terms and conditions as discussed in executive session.***

Vote: 7 - 0 - Unanimously

Motion by Council Member Neil Blais, seconded by Council Member Tony Singh ***to approve contract amendments for the Judges with the terms and conditions as discussed in executive session.***

Vote: 7 - 0 - Unanimously

8. Adjourn.

Meeting adjourned at 7:50 p.m.

Respectfully,

Caitlan Biggs
Town Secretary

Passed and Approved this _____ day of _____ 2023.