

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 NOVEMBER 7, 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 6:03 p.m.

A. Present and Discuss the **2023 Legislative Session Review**.

Town Attorney Robert Brown gave an overview of the item in the attached presentation.

B. Present and Discuss **Little Elm Historical Artifacts**.

Council Member Lisa G. Norman stated that she had some constituents reach out to her about what we are going to do with historical artifacts of the Town.

Town Manager Matt Mueller stated that since the Town is relatively new, we do not have a lot of historical artifacts. He stated that Deputy Town Manager Doug Peach recommended working with the Denton County Historical Society to display the few items we do have.

Mayor Pro Tem Jamell Johnson suggested discussing the opportunity for a new time capsule. Mr. Mueller stated that this could be incorporated into the strategic plan as a long term objective.

C. Discussion of **Crossing Concerns on U.S. 380.**

Council Member Andrew Evans introduced this item. He stated there have been concerns from the community regarding safety for individuals crossing U.S. 380 due to the development in the area and lack of lighting. He is requesting support from Town Council for staff to continue to work with Denton ISD and TxDOT to improve safety measures.

Rocio Lopez, a resident of Union Park, stated that she shared a video of children crossing 380 with Council Member Evans who shared it with the school district. She stated that she has followed up with TxDOT regarding her concerns, who informed her that U.S. 380 does not meet the criteria for a school safety zone.

Council Member Evans suggested working with Denton ISD to look at options to find ways to make improvements for safety, such as wrought iron fencing along U.S. 380.

Council Member Neil Blais asked Chief Harrison if it would be possible to have designated patrol officers for a specified time period cite students for jaywalking at non-designated crossing areas. He stated that it would be possible.

Lopez also requested having another conversation with TxDOT regarding the striping of crosswalks on U.S. 380 and Navo Road that is faded.

Town Manager Matt Mueller gave background regarding staff's discussions with Denton ISD and TxDOT regarding this issue.

Additionally, Town Engineer Wesley Brandon gave an update on the construction of U.S. 380 in the attached presentation.

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

A. Invocation.

Pastor Melissa Hatch 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 Neil Blais requested a workshop item around the requirement of an 8' fence between the commercial and residential areas, causing a gap.

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 reviewed highlights of the Executive Report that was sent out last week. He stated that there is a different route for the Christmas parade this year and that the tree lighting will be held at The Lawn. He also gave an update on small area studies as part of the Comprehensive Plan.

Director of Administrative Services Caitlan Biggs discussed concerns regarding voting precinct assignments.

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 the Month of November 2023 as Adoption Month.

The Mayor presented the proclamation.

B. Present Certificates of Completion for Class 8 of Citizens Government Academy.

The Mayor and Town Manager Matt Mueller presented certificates and challenge coins to the graduates.

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.

The Mayor presented a proclamation to Button Memorial First United Methodist Church in celebration of their 170th Anniversary.

Michael McClellan, 300 Hardwicke Lane, asked for the Council to look into potential repairs on the northern section of Hardwicke from Woodrow Circle to where the concrete starts.

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 Tony Singh, seconded by Council Member Michel Hambrick **to approve the consent agenda.**

Vote: 7 - 0 - Unanimously

- A. Consider Action to Approve the **Minutes from the October 17, 2023, Regular Town Council Meeting.**
- B. Consider Action to Approve a **Sole Source Bid with Aqua-Aerobics Systems, Inc. for Repairs to the Wastewater Treatment Plant Filter System in an Amount not to Exceed \$80,000.**
- C. Consider Action to Approve the **Purchase of Body-Worn Cameras for the Little Elm Police Department from Axon Enterprise, Inc., in an amount not to exceed \$504,409.50.**
- D. Consider Action to Approve an **Agreement with LexisNexis Coplogic Solutions, Inc. for an Online Reporting System for the Police Department.**
- E. Consider Action to Approve the **Quarterly Investment Report for the Period ending September 30, 2023.**
- F. Consider Action to Approve **Resolution No. 1107202302 for the Town of Little Elm Police Department to Receive Grant Funding for Tobacco Compliance Checks of Tobacco Sales of Underage Tobacco Purchases at Licensed Retail Outlets within the Town of Little Elm.**
- G. Consider Action to Approve the **Purchase of Tasers for the Little Elm Police Department from Axon Enterprise, Inc., in an amount not to exceed \$84,979.28.**
- H. Consider Action to Approve the **Unaudited Quarterly Budget Report for the Quarter Ending September 30, 2023.**

6. **Regular Items.**

- A. Hold a Public Hearing, Present, Discuss, and Consider Action on **Ordinance No. 1737 Regarding a Request to Rezone Approximately 5.172 Acres of Land, Currently Zoned as Light Commercial, Generally Located on the Northwest Corner of Oak Grove Parkway and Scarlet Falls Drive, within Little Elm's Town Limits, in Order to Establish a New Planned Development District Based on Light Commercial District, with Modified Development Standards, for the Development of New Commercial Retail and Office Space, and a Drive-Thru Component.**

Open Public Hearing:

Receive Public Comments:

Close Public Hearing:

Take Action on Ordinance No. 1737:

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

Open Public Hearing: 8:10 p.m.

Receive Public Comments:

- Brian K., a resident of the neighborhood near this development, stated that a group of neighbors were opposed to the site plan due to the drive-thru near the neighborhood. He requested clarification that the drive-thru near the neighborhood was not included in the updated site plan. Ms. Chernomorets stated that the drive-thru near the neighborhood was removed but there was another one on the opposite side of the development. He would like to go back to his community to let them know that there is still a drive-thru in the site plan.
- Applicant Patrick Phillips presented the most recent site plan. He stated they would comply with the conditions proposed by staff. He requested Town Council reconsider the requirement of the 8' screening wall due to the existing fence that sits on top of a retaining wall.

Close Public Hearing: 8:24 p.m.

Motion by Council Member Neil Blais, seconded by Council Member Lisa G. Norman ***to approve Ordinance No. 1737 with staff conditions, Department Head approval of implemented conditions, addition of screening wall in designated opening on the east side, and removal of the 8' screening fence.***

Vote: 7 - 0 - Unanimously

- B. Present, Discuss, and Consider Action on a **Development Agreement between the Town of Little Elm and Ridge Realty Partners LLC.**

Motion by Council Member Andrew Evans, seconded by Mayor Pro Tem Jamell T. Johnson ***to approve the development agreement with amendments approved in previous agenda item.***

Vote: 7 - 0 - Unanimously

- C. Present, Discuss, and Consider Action on **Casting Votes for the Denton County Appraisal District 2024 Board of Directors.**

Motion by Council Member Tony Singh, seconded by Mayor Pro Tem Jamell T. Johnson ***to nominate David Terre for the Denton CAD Board of Directors.***

Vote: 7 - 0 - Unanimously

- D. Present, Discuss, and Consider Action to **Cancel the January 2, 2024, Regular Town Council Meeting.**

Motion by Council Member Michel Hambrick, seconded by Council Member Andrew Evans ***to cancel the January 2, 2024, meeting.***

Vote: 7 - 0 - Unanimously

- E. Present, Discuss, and Consider Action to Approve an **Update to the Little Elm Governance Policy.**

Motion by Council Member Tony Singh, seconded by Council Member Neil Blais **to approve the changes to the Governance Policy.**

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.

Council convened into Executive Session at 8:42 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.

Council reconvened into Open Session at 9:07 p.m. No action was taken.

9. Adjourn.

Meeting was adjourned at 9:08 p.m.

Respectfully,

Caitlan Biggs
Town Secretary

Passed and Approved this 5th day of December 2023.