

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 DECEMBER 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 Michel Hambrick

Absent: Council Member Andrew Evans

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.

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C. Items to be Withdrawn from Consent Agenda.

Assistant Town Manager Joe Florentino requested items 4P, 4Y, and 4Z be withdrawn from the consent agenda.

Director of Administrative Services Caitlan Biggs clarified the amount on the final acceptance of Woodrow Circle to be \$4,475 greater than the amount listed on the agenda due to staff oversight of an invoice.

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 Evans requested an excused absence for his attendance at the annual Union Park HOA meeting.

- 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.

Managing Director of Business Development & Tourism Drew Bailey introduced Kaitlyn Randolph with Special Events.

Town Manager Matt Mueller recapped the weekends' Christmas festivities.

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

None.

2. **Presentations.**

- A. Recognition of **Evelyn Kelly, Mayor for the Day.**

Mayor Cornelious presented the certificate of recognition and challenge coin to Evelyn Kelly.

- B. Presentation of **Donation to the Little Elm Library from the Little Elm Rotary Club.**

The Little Elm Rotary Club presented the books.

- C. Present a **Proclamation Declaring December 2023 as Christian Heritage Month.**

The Mayor presented the proclamation.

- D. Present a **Proclamation Recognizing the Alpha Kappa Alpha Sorority Incorporated Omega Alpha Omega Chapter.**

The Mayor presented the proclamation.

- E. Present a **Life-Saving Award to Officer Joseph Nunez and Detective Benjamin Wollet.**

Police Chief Rodney Harrison and Assistant Police Chief Mandy Biter presented the life-saving award.

- F. Present **Police Chief Recognition.**

Police Chief Rodney Harrison and Assistant Police Chief Mandy Biter presented a recognition plaque.

- G. Present a **Life-Saving Award to Members of the Little Elm Fire Department.**

Fire Chief Paul Rust presented the life-saving award.

- H. Present **Town Manager Challenge Coin.**

This item was pushed to the December 19, 2023 meeting.

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.

Rob Adams, 1120 Sea Pines Dr, Savannah, TX, 76227, spoke on the proposed fire contracts for the 380 districts.

Greg Wilkerson, 724 Savannah Blvd, Aubrey, TX 76227, spoke on the proposed fire contracts with the water districts of Paloma Creek.

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 Council Member Michel Hambrick, seconded by Mayor Pro Tem Jamell T. Johnson ***to approve the Consent Agenda except for items 4P, 4Y, and 4Z.***

Vote: 6 - 0 - Unanimously

- A. Consider Action to Approve the **Minutes from the November 7, 2023, Regular Town Council Meeting.**
- B. Consider Action to Approve an **Update to the Purchasing and Procurement Card Policies.**

- C. Consider Action to Accept a **Grant from the Texas A&M Forest Service for a Fully Equipped Type 6 Fire Apparatus.**
- D. Consider Action to Approve the **Purchase of a 24-hour Book Vending Kiosk and Services for the Little Elm Library.**
- E. Consider Action to Approve **Resolution No. 1205202301 Approving an Amendment to the Town's Investment Policy; Authorized Broker/Dealers; Recording the Annual Review; and an Effective Date.**
- F. Consider Action to Approve **Ordinance No. 1740 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.**
- G. Consider Action to Approve an **Amendment to an Interlocal Cooperation Agreement between Denton County and the Town of Little Elm for a Portion of the Design, Construction and Right-of-Way for Ryan Spiritas Parkway.**
- H. Consider Action to Approve **Resolution No. 1205202302 Finding that CoServ Gas, LTD.'s Statement of Intent to Increase Rates within the Town should be Denied; Finding that the Town's Reasonable Rate Case Expenses shall be Reimbursed by the Company; Finding that the Meeting which this Resolution is Passed is Open to the Public as Required by Law; Requiring Notice of this Resolution to the Company and the Town's Legal Counsel.**
- I. Consider Action to Approve **Appointments to the Veterans Committee.**
- J. Consider Action to **Ratify the City Affidavits Opting Out of the PFAS Class Actions Relative to 3M and DuPont, and to Take All Other Actions Incident and Related Thereto.**
- K. Consider Action to Approve **Ordinance No. 1739 Amending the Code of Ordinances by Amending Chapter 2, Article II, Updating the Records Management Program; Providing a Repealing Clause; Providing a Severability Clause; and Providing an Effective Date.**
- L. Consider Action to Approve **Design Contract Amendment #2 to Pacheco-Koch Consulting Engineers, Inc. for the Hill Lane Improvement Project.**
- M. Consider Action to Approve an **Annual Interlocal Cooperative Agreement for Fire Protection Services with Denton County for Unincorporated Areas Around Town Limits.**
- N. Consider Action to Approve an **Annual Interlocal Cooperative Agreement for EMS/ambulance services with Denton County for Unincorporated Areas Around Town Limits.**
- O. Consider Action to Accept a **Grant Award from the Office of Community Oriented Policing Services for a De-Escalation Grant in the amount of \$92,588.**
- P. Consider Action to Approve an **Agreement for Fireworks to be sold on the Limited Purpose Annexation (LPA) Property for the purpose of Collecting Sales Tax during the Season of December 20, 2023 - January 1, 2024.**

- Q. Consider Action to Award a **Professional Services Contract to Geotex Engineering to Perform Materials Testing Services for the Cottonwood Park Phase 1 Project.**
- R. Consider Action to Approve a **Development Agreement Associated with the Lakefront Residential Overlay District, between the Town of Little Elm and Gurpreet Singh & Sukhnandan Kaur, Property Owners of 222 East Park Drive.**
- S. Consider Action to Approve **Ordinance No. 1738 Amending the FY 2023-2024 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.**
- T. Consider Action to Approve an **Interlocal Agreement between Denton County and the Town of Little Elm for the Purpose of Providing Engineering, Right-of-Way Acquisition, Utility Relocation, Inspections, and Construction of Hill Lane.**
- U. Consider Action to **Ratify the Settlement Agreement for Condemnation Cases between the Town of Little Elm and BKDK, LP, Dogwood Timber, Inc. 401K Plan 251, and David Kirk for the Acquisition of Real Property and Water and Sewer Line Easement Necessary for the Construction of the French Settlement Road Improvement Project in the amount of \$60,000.**
- V. Consider Action to Approve a **Property Purchase Contract for Lot 5 Block A, Southside Acres, Little Elm, Texas, in the amount of \$207,000.**
- W. Consider Action to Approve the **Final Acceptance of the Woodrow Circle Improvement Project (Contract #2023-05).**
- X. Consider Action to Approve a **Settlement Agreement for the Condemnation Lawsuit between the Town of Little Elm and Laura Elizabeth Keck, Joseph Adamson Nash, and Mary Caroline Mims for 2.656 Acres of Right-of-Way Necessary for the Construction of Ryan Spiritas Parkway in the amount of \$1,619,730.**
- Y. Consider Action to Approve an **Interlocal Agreement for Fire Protection Services between the Town of Little Elm and Denton County Fresh Water Supply Districts 8-A, 8-B, 11-A, 11-B, and 11-C.**
- Z. Consider Action to Approve an **Interlocal Agreement for Fire Protection Services between the Town of Little Elm and Elm Ridge Water Control and Improvement District of Denton County.**
- 5. **Regular Items.**
 - A. Hold a Public Hearing, Present, Discuss, and Consider Action on **Ordinance No. 1742 Regarding a Request to Rezone Approximately 35 Acres of Land, Currently Zoned as Planned Development Based on Light Commercial and Multifamily District Standards Through Ordinance No. 1589, as Amended by Ordinance No. 1713, Generally Located on the Northwest Corner of US Highway 380 and FM 2931, within Little Elm's Town Limits, in Order to Amend the Existing Concept Plan to Provide for Modifications to the Internal Site Layout.**

Open Public Hearing:

Receive Public Comments:
Close Public Hearing:
Take Action on Ordinance No. 1742:

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

Open Public Hearing: 6:48 p.m.
Receive Public Comments: None
Close Public Hearing: 6:49 p.m.

Motion by Council Member Neil Blais, seconded by Council Member Tony Singh **to approve Ordinance No. 1742 with the added language attached post Planning & Zoning Commission.**

Vote: 6 - 0 - Unanimously

- B. Hold a Public Hearing, Present, Discuss, and Consider Action on **Ordinance No. 1741 Regarding a Request to Rezone Approximately Five Acres of Land, Currently Zoned as Planned Development, Based on Light Commercial Standards, Through Ordinance No. 1477, Generally Located 300 Feet East of the Intersection of Old Highway 24 and Oak Grove Parkway, within Little Elm's Town Limits, in Order to Amend the Permitted Uses Within the Planned Development District.**

Open Public Hearing:
Receive Public Comments:
Close Public Hearing:
Take Action on Ordinance No. 1741:

Managing Director of Planning Olga Chernomorets gave an overview of the item in the attached presentation. The applicant also provided a presentation that he gave to Planning & Zoning.

Open Public Hearing: 7:10 p.m.
Receive Public Comments: None
Close Public Hearing: 7:11 p.m.

Motion by Mayor Pro Tem Jamell T. Johnson, seconded by Council Member Michel Hambrick **to approve Ordinance No. 1741 with staff recommendations.**

Vote: 6 - 0 - Unanimously

- C. Present, Discuss, and Consider Action on a **Development Agreement between the Town of Little Elm and Lakeside Shops and Business Park LLC.**

Motion by Council Member Neil Blais, seconded by Council Member Lisa G. Norman **to approve the development agreement.**

Vote: 6 - 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).
- Section 551.076 to discuss security matters.
- Section 551.087 to discuss Economic Development.

Council convened into Executive Session at 7:14 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).
- Section 551.076 to discuss security matters.
- Section 551.087 to discuss Economic Development.

Council reconvened into Open Session at 8:38 p.m.

Motion by Mayor Pro Tem Jamell T. Johnson, seconded by Council Member Michel Hambrick ***to table items 4Y and 4Z to the December 19, 2023, meeting and direct the Town Attorney to contact Aubrey's City Attorney.***

Vote: 6 - 0 - Unanimously

8. Adjourn.

Meeting adjourned at 8:39 p.m.

Respectfully,

Caitlan Biggs
Town Secretary

Passed and Approved this 19th day of December 2023.