

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 JANUARY 16, 2024 - 6:00 p.m.

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

Absent: Council Member Neil Blais

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; Fred Gibbs, Director of Development Services; Jason Shroyer, Director of Public Works; Kelly Wilson, Chief Financial Officer; Paul Rust, Fire Chief; Robert Brown, Town Attorney; Rodney Harrison, Police Chief

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

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

A. Present and Discuss the 2024 Look Ahead.

Town Manager Matt Mueller gave an overview of the projects and initiatives for 2024.

B. Present and Discuss the Community Waste Disposal Annual Report.

Robert Medigovich gave the update in the attached presentation. He also presented the Town with a STAR award.

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

A. Invocation.

Mayor Pro Tem Jamell Johnson 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- C. Items to be Withdrawn from Consent Agenda.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 and was granted an excused absence.

- 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 discussed new hours for the library to close on Sundays to reallocate service hours. This will be a pilot program beginning in February. Council Member Evans requested data regarding the area that patrons are visiting from on the weekends.

- 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 Recognizing January 15, 2024 as Dr. Martin Luther King, Jr. Day of Service.**

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.

The Mayor presented two challenge coins.

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 Andrew Evans **to approve the Consent Agenda.**

Vote: 6 - 0 - Unanimously

- A. Consider Action to Approve the **Minutes from the December 19, 2023, Regular Town Council Meeting.**
- B. Consider Action to Approve **Ordinance No. 1748 Providing for Refuse Rates; Providing for a Repealing Clause; Providing for a Severability Clause; and, Providing an Effective Date for Community Waste Disposal for an Annual Market Adjustment per the Current Service Contract.**
- C. Consider Action to Accept the **Transfer and Assignment from North Texas Municipal Water District Easements and Facilities to the Town of Little Elm.**
- D. Consider Action to Approve a **Professional Services Agreement with Freese and Nichols, Inc., for Construction Observation and Inspection Services Related to the Wastewater Treatment Plant Dewatering & Clarifier Improvements Project in the amount of \$97,300, and Authorize the Town Manager to Execute the Contract.**
- E. Consider Action to Award **Mr. Jim's Pizza for Pizza Delivery Services in the estimated annual amount of \$50,000.**
- F. Consider Action to Approve **Change Order #1 to the Construction Contract for the Wood Family Dog Park Expansion Project with Ratliff Hardscape, LTD in the amount of \$85,091.**
- G. Consider Action to Approve the **Purchase of Playground Equipment for the Cottonwood Park Project from Whirlix Design, Inc. in an amount not to exceed \$574,681.**

6. **Regular Items.**

- A. Hold a Public Hearing, Present, Discuss, and Consider Action on **Ordinance No. 1744 Regarding a Request to Rezone Approximately 2.476 Acres of Land, Currently Zoned as Light Commercial, Generally Located South of the Intersection of Lake Trail Drive and East Eldorado Parkway, within Little Elm's Town Limit's, in Order to Establish a New Planned Development District Based on Light Commercial Standards, with Modified Development Standards for a Commercial Dog Grooming and Boarding Service with Outdoor Play Areas, and Publicly Accessible Dog Park.**

Open Public Hearing:

Receive Public Comments:

Close Public Hearing:

Take Action on Ordinance No. 1744:

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

Open Public Hearing: 7:32 p.m.

Receive Public Comments: The applicant stated that the facility can hold between 75-80 dogs but runs about 40% occupancy. He also stated that they do not have a large volume of recyclables.

Close Public Hearing: 7:37 p.m.

Motion by Mayor Pro Tem Jamell T. Johnson, seconded by Council Member Michel Hambrick ***to approve Ordinance No. 1744.***

Vote: 6 - 0 - Unanimously

- B. Hold a Public Hearing, Present, Discuss, and Consider Action on **Ordinance No. 1747 Regarding a Request to Rezone a Approximately 4.4780 Acres of Land, Currently Zoned a Light Commercial, Generally Located on the Southeast Corner of South Elm Ridge Road and East University District, within Little Elm's Town Limits, in Order to Establish a New Planned Development District with a Light Commercial Base, within Modified Development Standards, for a Veterinary Clinic with Outdoor Kennel and Retail Buildings.**

Open Public Hearing:

Receive Public Comments:

Close Public Hearing:

Take Action on Ordinance No. 1747:

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

Open Public Hearing: 7:51 p.m.

Receive Public Comments: The applicant stated they have spoken with the adjacent property owners and are open to working with them to create a secondary access.

Close Public Hearing: 7:52 p.m.

Motion by Council Member Michel Hambrick, seconded by Council Member Tony Singh ***to approve Ordinance No. 1747 conditional on the approval of the developer agreement.***

Vote: 6 - 0 - Unanimously

- C. Hold a Public Hearing, Present, Discuss, and Consider Action on **Ordinance No. 1745 Regarding a Proposed Text Amendments to Chapter 106, Zoning Ordinance, by Amending Certain Sections and Associated Appendices in Order to Establish Compliance with New State Statues as a Result of the Recent Legislative Session and Enable Minor Corrections and Clarifications Throughout the Text.**

Open Public Hearing:

Receive Public Comments:

Close Public Hearing:

Take Action on Ordinance No. 1745:

Senior Planner Brian Salvesen gave an overview of the item in the attached presentation.

Open Public Hearing: 8:10 p.m.

Receive Public Comments: None

Close Public Hearing: 8:11 p.m.

Motion by Council Member Tony Singh, seconded by Council Member Michel Hambrick ***to approve Ordinance No. 1745.***

Vote: 6 - 0 - Unanimously

- D. Hold a Public Hearing, Present, Discuss, and Consider Action on **Ordinance No. 1746 Regarding a Proposed Text Amendments to Chapter 107, Zoning Ordinance, by Amending Certain Sections and Associated Appendices in Order to Establish Compliance with New State Statutes as a Result of the Recent Legislative Session and Enable Minor Corrections and Clarifications Throughout the Text.**

Open Public Hearing:

Receive Public Comments:

Close Public Hearing:

Take Action on Ordinance No. 1746:

Senior Planner Brian Salvesen and Civil Engineer Mitch Haug gave an overview of the item in the attached presentation.

Open Public Hearing: 8:21 p.m.

Receive Public Comments: None

Close Public Hearing: 8:22 p.m.

Motion by Council Member Michel Hambrick, seconded by Council Member Andrew Evans ***to approve Ordinance No. 1746.***

Vote: 6 - 0 - Unanimously

- E. Present, Discuss, and Consider Action on a **Development Agreement between the Town of Little Elm and Happy Tails of Texas LLC.**

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

Vote: 6 - 0 - Unanimously

- F. Present, Discuss, and Consider Action on a **Development Agreement between the Town of Little Elm and Twin Lakes Vet LLC.**

Motion by Council Member Tony Singh, seconded by Mayor Pro Tem Jamell T. Johnson ***to table this item to the February 6, 2024, meeting.***

Vote: 6 - 0 - Unanimously

- G. Present, Discuss, and Consider Action to **Appoint a Planning and Zoning Commission Council Liaison Replacement.**

Motion by Council Member Andrew Evans, seconded by Council Member Tony Singh **to appoint Council Member Andrew Evans as the P&Z Liaison.**

Vote: 6 - 0 - Unanimously

- H. Present, Discuss, and Consider Action on **Recommendations from the Charter Review Committee.**

Motion by Council Member Lisa G. Norman, seconded by Council Member Tony Singh **to not move forward with the recommendation.**

Vote: 6 - 0 - Unanimously

- I. Present the **2023 Strategic Report.**

Town staff presented the strategic report.

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 8:28 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 8:45 p.m. No action was taken.

9. Adjourn.

The meeting was adjourned at 8:45 p.m.

Respectfully,

Caitlan Biggs
Town Secretary

Passed and Approved this _____ day of _____ 2024.