

MINUTES
Town of Little Elm
214-975-0404
<http://www.littleelm.org>

WORKSHOP, PUBLIC HEARING AND REGULAR TOWN COUNCIL MEETING
Tuesday September 20, 2016

Present: David Hillock Mayor, Michael McClellan Mayor Pro-tem, Council members James Dominy, Neil Blais, Chip Norman, Nick Musteen, and Stephanie Shoemaker. **Staff:** Robert Brown, Matt Mueller, Doug Peach, Joe Florentino, Kathy Phillips, Karla Stovall, Jason Laumer, Kimberly Brawner, Lisa Reich, Jennette Killingsworth, Chad Hyde, Kevin Mattingly, Brian Roach, Jeremy Wilson, and Rodney Harrison.

1. Call to Order Council Work Shop *at 6:00 p.m.*
 - a. Items to be withdrawn from Consent Agenda. *None*
 - b. Emergency Items if posted. *None*
 - c. Request by the Town Council for items to be placed on a future agenda for discussion, and recognition of excused absences. *None*
 - d. Discussion regarding fireworks ordinance. This item was **Tabled** until the October 18th meeting.
 - e. Discussion regarding renaming of Clark Street to Lakefront Drive: **Mayor Hillock** stated that he would like to see Clark Street from Eldorado Parkway north on Lakeshore to Faye Circle and old Main Street from Eldorado Parkway to Clark renamed to Lakefront Drive. There are approx. 7 homes including duplexes that would be effected. We need to think about it now before development commences. There would be not tremendous impact at this time. Consensus of the council was to move forward.
 - f. Presentation of monthly updates from department heads: *None*
 - g. Council to highlight items on the agenda needing further discussion or comments prior to the regular session. **Town Manager Matt Mueller** informed council that item J on the consent agenda for purchase of Tarzan Boat, will be a great amenity to the park; and if town purchases we have control as the vendor is no longer in business. This will be a draw to the area and staff is hoping we will re-coup the operating cost to at least break even. Staff is working on the placement of the barge type boat during off season.
2. **Roll Call/Call to Order** Regular Town Council Immediately Following Council Workshop.
3. Pledge to the Flags:
 - a. United States Flag
 - b. Texas Flag

4. Public Comments: *None*

5. Upon motion by Council member Norman and second by Council member Dominy the members **voted 7-0** to approve the Consent Agenda as presented:

- a. **Minutes** of the September 6, 2016 Workshop, Public Hearings and Regular Meeting.
- b. **Minutes** of the September 13, 2016 Special Meeting.
- c. **Final Plat** Valencia on the Lake Phase 3A, from Petitt Barraza, generally located long Barx Drive and Miramar Drive, within Little Elm's Town Limits.
- d. **Final Plat** Valencia on the Lake Phase 3B from Petitt Barraza, generally located along Almassera Drive and Olivereta Drive, within Little Elm's Town Limits.
- e. **Final Plat** Valencia on the Lake Phase 3C from Petitt Barraza, generally located along Miramar Drive and Casinos Drive, with Little Elm's Town Limits.
- f. **Final Plat** Union Park Phase 2C, from Jones and Carter, generally located along Union Park Boulevard East and Shady Trail, within Little Elm's Town Limits.
- g. **Final Plat** Hillstone Point Phase 1, from Petitt Barraza, generally located east of Oak Grove Road and west of Bluestone Road, within Little Elm's Town Limits.
- h. **Preliminary Plat** Prairie Oaks, Prairie Oaks, Ltd., generally located east of Oak Grove Road and north of Lloyd's Road, within Little Elm's ETJ.
- i. **Final Plat** Peach Addition, from KAZ Surveying Inc., generally located west of Kayewood Drive and approximately 50 feet south of Mulberry Drive, within Little Elm's Town Limits.
- j. **Approve** the purchase of a used boat with interactive play features from Tarzan Watersports and Toys, LLC.
- k. **Award Bid** 2016-67 for asphalt to Austin Asphalt as the Primary Vendor and Reynolds Asphalt as the Secondary Vendor at the unit prices listed.
- l. **Approval** of Interlocal Agreement between the Town of Little Elm, Texas and Denton County Fresh Water Supply District 8-C for Miller Elementary Traffic Control Devices.
- m. **Direct Staff** to prepare a response letter to the Texas Comptroller of Public Accounts expressing the Town's intent to call for an election to reauthorize the ¼% Sales and Use Tax for Street Maintenance.
- n. **Approve and accept** donation deed for proposed Fire Station # 3 land per Union Park Development Agreement and authorize the Mayor to execute any documents for the same.
- o. **Approve** Surplus Right of Way Agreement between the developer, Greenway Little Elm, L.P., and the Town of Little Elm and authorize the Town Mayor to execute for the same.
- p. **Approve** Surplus Right of Way Agreement between the developer, Garza Lane, Ltd., and the Town of Little Elm and authorize the Town Mayor to execute for the same.
- q. **Approve** an Engineering Task Order for the Surplus Right of Way services between the Town of Little Elm and Freese and Nichols for the amount of \$35,000 and authorize the Town Manager to execute a contract for the same.

6. **Continued Public Hearing** regarding request for a Specific Use Permit for self-storage on approximately 1.99 acres of land generally located north of Old Witt Road and approximately 300 feet west of FM 423, currently zoned Light Industrial (LI).
 - a. Continued Public Hearing **at 6:31 p.m.**
 - b. Received Public Comments: Greg Perkins Rain Dance Drive spoke in opposition of the facility regarding the height and color of the building as would not an appealing site. Steve Nickolyn Tisbury also spoke against the building prefer something smaller or have it on up US 380. Jarrod Yates applicant gave a brief review of their proposal and was open the questions and council comments.
 - c. Closed Public Hearing **at 6:40 p.m.**
 - d. Upon motion by Council member Musteen and second by Council member Blais the members **voted 7-0** to adopt Ordinance No. 1349 an Ordinance of the Town of Little Elm, Texas amending the Comprehensive Zoning Ordinance of the Town on Little Elm, Texas, herefore amended, by issuing a Specific Use Permit for Self-Storage Use on approximately 1.99 acres of land currently zoned Light Industrial District (LI), generally located north of Old Witt Road and approximately 300 feet west of FM 423, providing that the Specific Use Permit is established subject to certain conditions as set forth herein; providing a savings clause; correcting the official zoning map; providing a penalty; providing a severability clause; providing a repealer clause; and providing for an effective date. ***Contingent upon the following requirements: 3 story building with architectural articulation, earth tone brick, earth tone doors in tower display area and lighting to be dimmed in display towers at closing time.***
7. **Public Hearing** on the request to rezone approximately 1.23 acres of land to Single Family 3 (SF-3), generally located to the west of Kayewood Drive and approximately 50 feet south of Mulberry Drive, currently zoned Agricultural (AG), within the town limits of Little Elm, Texas.
 - a. Staff Comments: ***Lisa Reich Town Planner*** stated that the proposed Single Family (SF3) zoning is appropriate, as is adjacent to residential properties with the same zoning. The applicant plans to build a single family house for his family, and a platted lot is required to build upon property. An application for final plat has also been submitted and that affects the zoning because it is unlawful to plat property that is zoned Agricultural (AG) if it is less than 5 acres in size. This 1.23 acre property requires zoning change to be platted so the applicant may build a house. On September 20, 2016 the Planning and Zoning Commission unanimously recommended approval of the proposed zoning.
 - b. Opened Public Hearing **at 7:25 p.m.**
 - c. Received Public Comments: ***None***
 - d. Closed Public Hearing: **at 7:25 p.m.**

- e. Upon motion by Council member Dominy and second by Council member Shoemaker the members **voted 7-0** to adopt Ordinance No. 1352 an Ordinance of the Town of Little Elm, Texas, amending the Comprehensive Zoning Ordinance of the Town of Little Elm, Texas, by rezoning approximately 1.23 acres of land from Agriculture District (AG) to Single Family 3 (SF-3); generally located west of Kayewood Drive and approximately 50 feet south of Mulberry Drive, within the town limits of Little Elm; providing a saving clause; correcting the official zoning map; providing a penalty; providing a severability clause; providing a repealer clause; and providing an effective date.

8. Reports and requests for Town Council consideration and appropriate action:

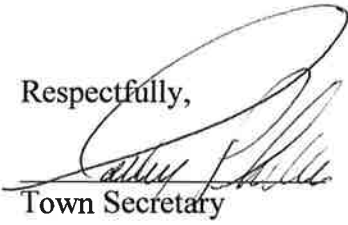
- a. Upon motion by Council member Shoemaker and second by Council member Norman the members **voted 7-0** to re-appointment David Hillock and Neil Blais as the two (2) members of Council to serve on the interview committee for all Boards and Commissions.
 - b. Upon motion by Council member McClellan and second by Council member Blais the members **voted 7-0** to adopt Ordinance No. 1353 an Ordinance of the Town Council of Little Elm, Texas ("TOWN"), authorizing certain budget amendments pertaining to the Fiscal Year 2015-2016 Budget; and providing an effective date.
9. Upon motion by Council member Shoemaker and second by Council member Norman the members **voted 7-0** to approve Resolution No. 09201601 a Resolution setting a Public Hearing under Sec. 372.009 of the Texas Local Government Code for the Creation of a Public Improvement District within the Extraterritorial Jurisdiction of the Town of Little Elm, Texas; and authorizing the Issuance of Notice by the Town Secretary of Little Elm, Texas regarding the Public Hearing.
10. FYI: (All matters are provided to the Town Council for informational purposes only)
- a. Town Secretary Monthly Report for August 2016.
 - b. Development Services Monthly Report for August 2016.
 - c. Public Works Monthly Report for August 2016.
 - d. Police Department Monthly Reports for August 2016.
 - e. Fire Department Monthly Reports for August 2016.
 - f. Parks, Recreation and Library Monthly Reports for August 2016.
11. **Council convened in Executive Session** pursuant to Texas Government Code **at 7:32 p.m.**
- Section 551.071 for private consultation with the Town Attorney 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.
 - a. Matters relating to City of Lakewood Village and Boundary Adjustments.

- 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 and duties, of a public officer or employee(s).
 1. Annual Review of the Town Manager.
 2. Annual Review of the Town Secretary.
 3. Annual Review of the Town Attorney.
 4. Annual Review of the Municipal Court Judge.
 - Section 551.076 to discuss security matters.
 - Section 551.087 to discuss Economic Development.
12. **Reconvened into Open Session at 9:49 p.m.** Discussion and consideration to take any action necessary as the result of the Executive Session.
- Section 551.071 for private consultation with the Town Attorney 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.
 - a. Matters relating to City of Lakewood Village and Boundary Adjustments. ***No Action Taken***
 - Section 551.072 to discuss certain matters regarding real property. ***No Action Taken***
 - Section 551.074 of the Texas Government Code to discuss and deliberate personal matters to evaluate performance and duties, of a public officer or employee(s).
 1. Upon motion by Council member Blais and second by Council member McClellan the members ***voted 7-0*** to approve Town Manager Employment Agreement as discussed in executive closed session.
 2. Upon motion by Council member Shoemaker and second by Council member Blais the members ***voted 7-0*** approve annual review and increase for the Town Secretary as discussed in executive closed session.
 3. Annual Review of the Town Attorney. ***No Action Taken***
 4. Annual Review of the Municipal Court Judge. ***No Action Taken***
 - Section 551.076 to discuss security matters. ***No Action Taken***

- Section 551.087 to discuss Economic Development. ***No Action Taken***

13. Adjourned Work Shop and Regular Meeting ***at 9:53 p.m.***

Respectfully,



Town Secretary

Passed and Approved this 18 day of October 2016.