

**Minutes  
Town of Little Elm**

**Public Hearings & Regular Council Meeting  
Tuesday – February 5, 2008**

**Present:** Frank Kastner Mayor, Council members David Hillock, Stephanie Shoemaker, Beverly Hughes and Brandon Gerard. **Absent:** Brenda Mills Mayor Protem and Council member Dee Dee Lear. **Staff:** Ivan Langford, Robert Brown, Kathy Phillips, Doug Peach, John Taylor, Tony Chrisman, Jason Laumer, Tina Hager, Joe Florentino and Waylan Rhodes.

1. Roll Call/Call to Order Public Hearing and Regular Meeting **at 7:00 p.m.**
2. **Pledge to the Flags:**
  - a. United States
  - b. Texas Flag
3. **1<sup>st</sup> Public Hearing at 7:02 p.m.** on proposed Strategic Partnership Agreement between the Town of Little Elm, Texas and Denton County Fresh Water Supply District No. 8-B. The Town entered into an agreement with Paloma Creek, several months ago, this is another step needed in order to gain the limited purposed annexation of an approx. 12 ½ acre strip along US 380. No public comments.
4. **Closed 1<sup>st</sup> Public Hearing at 7:04 p.m.**
5. **2<sup>nd</sup> Public Hearing at 7:04 p.m.:** on proposed Strategic Partnership Agreement between the Town of Little Elm, Texas and Denton County Fresh Water Supply District No. 8-B. No public comments.
6. **Closed 2<sup>nd</sup> Public Hearing at 7:05 p.m.**
7. Upon motion by Council member Gerard and second by Council member Shoemaker the members **voted unanimously to approve** Strategic Partnership Agreement between the Town of Little Elm, Texas and Denton County Fresh Water Supply District No.8-B, and to authorize the Town Manager to execute the agreement on behalf of the Town.
8. **Public Hearing at 7:05 p.m.** to consider amendment to Chapter (Zoning Ordinance) of the Code of Ordinances to amend the use chart and definitions to allow for a Farmers' Market as well as create a new section for Farmers' Market regulations, guidelines, permit requirements and enforcement provisions.

The Planning Director stated that the council had a work session on the proposed Farmers' Market Ordinance on January 22<sup>nd</sup>. The Council ask that changes be made to the proposed ordinance. (1) allow the market to be open year round (2) delete the requirement that at least 50% of the spaces be covered (3) require a permanent toilet facility be located within 300 feet of market or the market must supply its own facility and (4) allow craft/personal items to be sold at the market, but may not constitute more than 20% of the occupied vendor spaces.

8. Upon motion by Council member Shoemaker and second by Council member Gerard the members **voted unanimously to adopt Ordinance No. 880** an Ordinance of the Town of Little Elm, Texas, amending the Code of Ordinances by amending Section 106-6 Use of Land and Buildings to update the use chart; amending Section 106-7 Special Definitions and Explanations noted in Use Regulation to add a definition; adopting Ordinance No. 880 of Chapter 106 of the Zoning Ordinance to provide for the operation and regulation of Farmers' Markets within the Town of Little Elm; providing a purpose; providing definitions, providing enforcement provisions; providing guidelines; prescribing permit requirements; providing a saving clause; providing a severability clause; providing a penalty not to exceed the sum of two thousand dollars (\$2000) for each offense and by which a separate offense shall be deemed committed each day during or on which a violation occurs or continues; providing for publication; and providing for an effective date. (Contingent upon changing 10 –c iii to state “potable water, preferably at 100 degree Fahrenheit “ to read “potable water, approximately at 100 degree Fahrenheit”
9. **Presentation:** Mr. Miller a representative from the Sam's Club presented at \$750.00 check to Library Director Tina Hager.
10. **Presentation:** Charlena Peach of 113 Hillside Beach presented plaques to Chief Florentino and Chief Rhodes in appreciation for their support in helping with the Pancake Breakfast for the Barta Family.
11. **Proclamation:** Mayor Kastner read a proclamation to proclaim February 22, 2008 as Community Center Action Day and to call upon the community to celebrate this phenomenal milestone and acknowledge CCA's efforts.
12. Presentation and Announcements: **None**
13. Upon motion by Council member Gerard and second by Council member Shoemaker the members **voted unanimously to approve the consent agenda consisting of:**

- a. Minutes of the January 15, 2008 Pre-Session
- b. Minutes of the January 15, 2008 Regular Meeting
- c. Minutes of the January 22, 2008 Work Session
- d. Resolution No. 02050801 regarding a Joint Election of the Town of Little Elm and the LE Independent School District to be held on Saturday May 10, 2008 in a shared polling place
- e. Joint Election Agreement between the Town of Little Elm and the LE Independent School District for the May 10, 2008 election
- f. Resolution No. 02050802 approving an Interlocal Agreement between the Town and Denton County for rental of voting machines & equipment, and the purchase of voting supplies, authorizing the Town Manager to execute the agreement of behalf of the Town of Little Elm
- g. Acceptance of Storm Water Detention Easement from Paloma Creek/380 Ltd.
- h. Accept resignation of Kasey Carver from the P&Z Commission
- i. Resolution No. 02050803 setting date, time and place for two public hearing on the proposed annexation of certain property by the Town of Little Elm, Texas authorizing and directing the Planning Director to public notice of such public hearings and direct Planning Director and staff to develop a Service Plan (McCord/Walker Property)
- j. Approve reclassification of the Administrative Assistant II to a Planning Technician and modification of the Salary Table to add Planning Tech to Grade

16. **Reports and requests for Town Council consideration and appropriate action:**

- a. The Town Manager stated that this Petition of Oncor Electric Delivery Company to modify street lighting service tariffs, pursuant to the Federal Agency Policy Act of 2005 is for notification and no action is needed by the Town Council. With the new state law changes regarding more efficient street light companies will be changing the mercury vapor lights to sodium lighting, in order to make these changes it will require more money.
- b. Upon motion by Council member Hillock and second by Council member Gerard the members **voted unanimously to adopt Ordinance No. 882** an Ordinance of the Town Council of the Town of Little Elm (“Town”) approving a settlement agreement between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex or The Company”) regarding the Company’s Statement of Intent to change gas rates in all cities exercising original jurisdiction; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the Settlement Agreement and find the rates to be set by the attached tariffs to be just and reasonable; adopting a saving clause; determining that this Ordinance was passed in accordance with the requirements of the Texas Open Meeting Act; declaring an effective date; and requiring delivery of this Ordinance to the Company and legal counsel.

- c. Upon motion by Council member Hillock and second by Council member Gerard the members **voted unanimously to adopt Ordinance No. 883** an Ordinance of the Town Council of the Town of Little Elm, Texas ordering a General Election to be held on the 10<sup>th</sup> day of May, 2008 to elect a Town Council Member for Places 1 and 6, to three (3) year terms of office, to the eligible voters of the Town of Little Elm, Texas, designating the entire Town as one election precinct; designating the place and manner of holding said election; designating a polling place within said Town; designating the early voting clerk; establishing other procedures for the conduct of the election; providing for the posting and publication of notice; providing a severability clause; and providing for an immediate effective date.
- d. Upon motion by Council member Hillock and second by Council member Shoemaker the members **voted unanimously to approve** Development Agreement between the Town of Little Elm, Texas and P.S. Royal Storage L.P.
- e. Upon motion by Council member Gerard and second by Council member Hillock the members **voted unanimously to approve** Predevelopment Agreement with Centurion-American (Valencia on the Lakes) Development and the Town of Little Elm.
- f. Upon motion by Council member Gerard and second by Council member Shoemaker the members **voted unanimously to approve** Bylaws of the Little Elm Community Development Corporation. (Contingent upon “striking the word or Denton County from Page 1 Section I (f)”.
- g. Upon motion by Council member Hillock and second by Council member Shoemaker the members **voted unanimously to** remove and deny item #8 (2” Irrigation Registers) from all bids received on January 24<sup>th</sup> for the purchase of Radio Read Meters and approve the bid for all remaining items for the purchase of Radio Read Meters from Ferguson Waterworks Supply.
- h. Upon motion by Council member Hillock and second by Council member Gerard the members **voted unanimously to reschedule the March 4<sup>th</sup> Council meeting date to March 5<sup>th</sup>, 2008.**
- i. **Receive brief update on remaining 2004 Bond Fund Initiative:**  
Parks Director Tony Chrisman stated that the Community Center project is still on hold due to location. The Hike & Bike, Multi-purposes fields – set to open bids next week should be back before council for approval on March 5<sup>th</sup>.

Public Works Director Doug Peach informed the Council that Witt Road was currently under construction hope to have complete by June. King Road - plan review of drainage under way had (1) more ROW acquisition to acquire. Lakeshore 95% design complete also with the added water line specifications. Real close to being bid, approx. 30 days out. Hope to start construction in April. Main Street - have revised and redesigned should receive plan in two weeks.

- j. **Traffic Update:** Mayor Kastner informed everyone that Garza Lane was still scheduled to open September 2008. The bridge of Lake Lewisville has been delayed 180 day due to the high water in the summer. Most likely will be May or June of 2009 before completion. The Right of Way easements along Eldorado (720) are 1/3 in progress (this information is approx. 3 week old) so most likely more at this time. Next TxDot, NTTA, HNTB and County meeting next week.
17. The Town Council convened into Closed (executive) Session meeting **at 7:55 p.m.** pursuant to Chapter 551, Texas Government Code, Vernon's Texas Code Annotated, in accordance with the authority contained in:

Section 551.071 Consultation with Town Attorney to receive legal advice concerning legal matters and contemplated litigations.

Khosrow Sadeghian and Johnny Houston (809 Hillside Beach Drive)

Section 551.072 Discussion and deliberation on the purchase, exchange, lease or value of real property

18. Discussion and consideration to take any action necessary as the result of the Closed Executive Session **at 8:14 p.m.**

Section 551.071 Khosrow Sadeghian and Johnny Houston (809 Hillside Beach) **NO ACTION TAKEN**

Section 551.072 Land Acquisition **NO ACTION TAKEN**

19. FYI: (All matters are provided to the Town Council for informational purposes only)

Municipal Recycling Report for December 2007  
TML Update for January 23, 2008  
Thank You letter (Fire Department)

20. Upon motion by Council member Shoemaker and second by Council member Hillock the members **voted unanimously to adjourn at 8:15 p.m.**

Respectfully,

\_\_\_\_\_  
Town Secretary

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_ 2008.