

MEETING
Town of Little Elm
100 W Eldorado Parkway
Little Elm, Texas 75068-5060

214-975-0404
<http://www.littleelmtx.us>

Public Hearing & Regular Council

Tuesday, October 20, 2009 - 7:00 PM
Town Hall Center---Council Chambers---100 W Eldorado Parkway

1. **Roll Call/Call to Order Public Hearings and Regular Town Council Meeting.**
2. **Opening Prayer: Efrem Windom, The Love Temple Church.**
3. **Pledge to the Flags:**
 - A. United States Flag
 - B. Texas Flag:
Honor the Texas Flag I pledge allegiance to thee Texas, one state under God, one and indivisible.
4. **Congratulations and Appreciation: the Town of Little Elm has received an American Planning Association State Planning Award for the “2009-Commercial Design Standards Report”. Community Development Staff John Taylor and Dusty McAfee traveled to Galveston last week to accept this award on behalf of the Town. (Mayor)**
5. **Public Hearing: to receive public comments regarding a Town-initiated rezoning of approximately 60 acres of land from Retail district (R), Agricultural (AG), and Light Commercial district (LC) to Office District (O), generally located on the eastside of Lobo Lane, approximately 600 feet south of Eldorado Parkway. All interested citizens are welcome to attend the hearing and participate in same. (Please fill out speaker form on the table outside the chambers) and present to the Town Secretary prior to public hearing).**
6. **Close Public Hearing.**

7. **Discussion and Action to adopt Ordinance No. 981 an Ordinance of the Town of Little Elm, Texas, amending the Comprehensive Zoning Ordinance of the Town of Little Elm, Texas, herefore amended, by changing the zoning on approximately 60 acres of land, generally located on the eastside of Lobo Lane, approximately 600 feet south of Eldorado Parkway, Little Elm, Denton County, Texas, from Retail district (R), Agricultural (AG), and Light Commercial district (LC) to Office District (O), 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. (Community Development Director)**
8. **Public Hearing: to receive public comment regarding a Town-initiated rezoning of approximately 3 acres of land from Retail district (R) to Commercial district (LC), generally located on the southwest corner of Eldorado Parkway and Lewis Drive; a Town-initiated rezoning of two tracts of land, each approximately 1 acre in size from Retail district (R) to Commercial district (LC), generally located on the southwest corner of the intersection of FM 720 and Garza Lane. All interested citizens are welcome to attend the hearing and participate in same. (Please fill out speaker form on the table outside the chambers) and present to the Town Secretary prior to public hearing).**
9. **Close Public Hearing.**
10. **Discussion and Action to adopt Ordinance No.982 an Ordinance of the Town of Little Elm, Texas, amending the Comprehensive Zoning Ordinance of the Town of Little Elm, Texas, herefore amended, by changing the zoning on approximately 3 acres of land, generally located at the southwest corner of Eldorado Parkway and Lewis Drive, from Retail district (R) to Light Commercial district (LC), and by changing the zoning on 2 tracts of land, each approximately 1 acre in size, generally located at the southwest corner of the intersection of FM 720 and Garza Lane, Little Elm, Denton County, Texas, from Retail (R) to Light Commercial District (LC), providing for a saving clause; correcting the official zoning map; providing a penalty; providing a severability clause; providing a repealer clause; and providing for an effective date. (Community Development Director)**
11. **Public Hearing: to receive public comment regarding a Town-initiated rezoning of approximately 2 acres of land form Retail district (R) to Single Family 2 (SF2), generally located south of the intersection of FM 720 and Eldorado Parkway and north of Marina Vista Estates. All interested citizens are welcome to attend the hearing and participate in same. (Please fill out speaker form on the table outside the chambers) and present to the Town Secretary prior to public hearing)**

12. **Close Public Hearing.**
13. **Discussion and Action to adopt Ordinance No. 983 an Ordinance of the Town of Little Elm, Texas, amending the Comprehensive Zoning Ordinance of the Town of Little Elm, Texas, herefore amended, by changing the zoning on approximately 2 acres of land, generally located south of the intersection of FM 720 and Eldorado Parkway and north of Marina Vista Estates, Little Elm, Denton County, Texas, from Retail district (R) to Single Family 2 (SF2), providing for a saving clause; correcting the official zoning map; providing a penalty; providing a severability clause; providing a repealer clause; and providing for an effective date. (Community Development Director)**
14. **Public Hearing: to receive public comment regarding a request for a Specific Use Permit for a Liquor Store and related uses, located on the SOUTHEAST CORNER of FM 423 and Eldorado Parkway, 2833 Eldorado Parkway, Little Elm, Tx, currently zoned PD-LC (Light Commercial). All interested citizens are welcome to attend the hearing and participate in same. (Please fill out speaker form on the table outside the chambers) and present to the Town Secretary prior to public hearing).**
15. **Close Public Hearing.**
16. **Discussion and Action to adopt Ordinance No. 984 an Ordinance of the Town of Little Elm, Texas, amending the Comprehensive Zoning Ordinance of the Town of Little Elm, Texas herefore amended, by issuing a Specific Use Permit for a Liquor Store and related uses on property presently zoned Planned Development District-Light Commercial (PD-LC-#484), generally located at the southeast corner of FM 423 and Eldorado Parkway, Suite #105, providing that this Specific Use Permit is established subject to certain conditions as set forth herein; providing for a saving clause; correcting the official zoning map; providing a penalty; providing a severability clause; providing a repealer clause; and providing for an effective date. (Community Development Director)**
17. **Public Hearing: to consider request for a Specific Use Permit for a Liquor Store and related uses, located on the SOUTHWEST CORNER of FM 423 and Eldorado Parkway, Little Elm, Tx, currently zoned PD-LC (Light Commercial). All interested citizens are welcome to attend the hearing and participate in same. (Please fill out speaker form on the table outside the chambers) and present to the Town Secretary prior to public hearing). (Community Development Director)**

18. **Close Public Hearing.**
19. **Public Hearing: to receive public comment on proposed amendments to the Zoning Ordinance, Chapter 106-Article II, to revise the Landscaping and Tree Preservation regulations. All interested citizens are welcome to attend the hearing and participate in same. (Please fill out speaker form on the table outside the chambers) and present to the Town Secretary prior to public hearing).**
20. **Close Public Hearing.**
21. **Discussion and Action to adopt Ordinance No. 986 an Ordinance of the Town of Little Elm, Texas, amending the Code of Ordinance of the Town, by amending Chapter 106- Article II “Landscaping Regulations” to revise the Landscape and Tree Preservation Standards; providing a saving clause; providing a penalty; providing a severability clause; providing a repealer clause; and providing an effective date. (Community Development Director)**
22. **Public Hearing: to receive public comments regarding proposed amendment to the Architectural Standards. All interested citizens are welcome to attend the hearing and participate in same. (Please fill out speaker form on the table outside the chambers) and present to the Town Secretary prior to public hearing)**
23. **Close Public Hearing.**
24. **Discussion and Action to adopt Ordinance No. 987an Ordinance of the Town of Little Elm, Texas, amending the Code of Ordinances of the Town, by amending Section 106-36 “Supplementary District Regulations” to revise the Architectural Standards; providing a saving clause; providing a penalty; providing a severability clause; providing repealer clause; and providing an effective date. (Community Development Director)**
25. **Presentation and Announcement:**
Persons may address the Town Council on any issue. This is the appropriate time for citizens to address Council on any concern whether on this agenda or not. Please observe the time limit of three (3) minutes. 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 551.072, Texas Government Code.

26. **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:**
- A. Minutes of the October 13, 2009 Special Meeting and Work Session.
 - B. Bid for Meter Testing, Repair and Replacement with Great Southwest Meters, Inc. through the Interlocal Cooperative Purchasing Agreement with the Town of Flower Mound. (Finance Director)
 - C. Approve Task Order for testing on the FM 423 Water Line and Cottonwood Creek Wastewater Improvements between the Town of Little Elm and Alliance Geotechnical Group for the estimated amount of \$14,408.50 and authorize Town Manager to execute a contract for the same (Town Engineer)
 - D. Authorize staff to complete the purchase of miscellaneous pick ups from Philpott Motors of Netherlands, Texas for an amount of \$157,620.00. (Public Works Director)
 - E. SECO Stimulus Resolution No. 1020901 (Town Manager)
27. **Reports and requests for Town Council consideration and appropriate action:**
- A. Discussion and Action on staff recommendation to approve Change Order #1 for Witt-Woodlake Connector Improvements Design Task Order (an exhibit to the Master Agreement to furnish consulting services between the Town of Little Elm and Graham and Associates, Inc.) for \$13,105.00 and authorize the Town Manager to execute a change order for the same. (Town Engineer)
 - B. Discussion and Action to direct staff to prepare an ordinance for Council consideration to designate a name for the section of FM 720 on the east side of Town between its intersections with Eldorado Parkway and FM 423 and direct Staff to work with the City of Frisco regarding the renaming of FM 423. (Public Work Director)
28. **Closed (executive) session of the Town Council pursuant to Section 551, Texas Government Code, Vernon's Texas Code Annotated, in accordance with the authority contained in:**

- A. Section 551.071 Consultation with Town Attorney to receive legal advice concerning legal matters and contemplated litigation.
 - 1. Little Elm v Joanna Kaspar
 - B. Section 551.087 Discussion and deliberation regarding commercial or financial information that the Town of Little Elm has received from a business prospect that the Town seeks to have locate or expand in the Town with which the Town is conducting economic development negotiations, and to deliberate the offer of financial or other incentive to such business prospect.
29. **Reconvene into Open Session and take any action necessary as the result of the Closed (executive) session.**
- A. Section 551.071: Little Elm v Joanna Kasper
 - B. Section 551.087: Discussion and Action to approve Development Program and Agreement between the Town of Little Elm and Little Elm United, L.P. and authorize the Town Manager to execute a contract for same.
 - C. Section 551.087: Discussion and Action to approve amending Resolution No. 09290901 a Resolution of the Town Council of the Town of Little Elm, Texas authorizing Amendment to the Agreement by and between the Town Council of the Town of Little Elm, Texas, and Board of Directors of Reinvestment Zone number One, the Little Elm Economic Development Corporation and The Little Elm United L.P. dedicating TIRZ #1 Tax Increment Funds in the amount of \$2,500,000.00 plus interest to satisfy the construction of certain development costs and qualified expenditure within Reinvestment Zone Number One; providing a severability clause; and providing for an effective date.
30. **FYI: (All matters are provided to the Town Council for informational purposes only will not be discussed by Council or Staff)**
- A. Fire Department Monthly Report for September 2009
 - B. Planning and Development Service Report for September 2009
31. **Adjourn.**

Pursuant to the Texas Open Meeting Act, (Chapter 551, Texas Government Code), one or more of the above items will be taken or conducted in open session following the conclusion of the executive closed session.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aide of service such as interpreters for the hearing impaired, reader or large print are requested to contact the secretary at 214-975-0404 two days prior to the meeting so appropriate arrangements can be made. **BRILLE IS NOT PROVIDED.**

Respectfully,

Town Secretary

This is to certify that the above notice was posted on the bulletin board at the Town Hall Center this 16th day of October 2009.