

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, December 15, 2009 - 6:30 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: Marc Farnell-Crossridge 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. **Public Hearing: regarding request for a Specific Use Permit for a Communication Tower, located at 26707 US Highway 380, Little Elm, Texas, currently zoned 380-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)**
5. **Close Public Hearing.**

6. **Discussion and Action to adopt Ordinance No. 992 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 Communication Tower and related uses on property currently zoned 380-LC (Light Commercial), generally located at 26707 US Highway 380, 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)**
7. **Public Hearing: to receive input on the proposed revisions to 106-25, Town Center-Interim District. All interested citizens are welcome to attend the hearing and participate in the 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)**
8. **Close Public Hearing.**
9. **Discussion and Action to adopt Ordinance No. 993 an Ordinance of the Town of Little Elm, Texas, amending the Code of Ordinances of the Town, by amending Section 106-25 “Town Center-Interim District” to revise review procedures; by creating the Town Center District (106-26); providing for a saving clause; providing for a penalty; providing a severability clause; providing a repealer clause; and providing for an effective date. (Community Development Director)**
10. **Public Hearing: to receive input on proposed amendments to the Zoning Ordinance, Chapters 106-2, 106-6, 106-7, 106-22, and 106-36, to revise the definitions, the use chart, conditions, retail zoning districts, parking, lighting, and mixed use building 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). (Community Development Director)**
11. **Close Public Hearing.**

12. **Discussion and Action to adopt Ordinance No. 994 an Ordinance of the Town of Little Elm, Texas, amending the Code of Ordinances of the Town by amending Chapter 106 (Zoning) by amending Sections 106-2, 106-06, 106-7, 106-14, 106-15, 106-22, 106-29, 106-36, and 106-38 to revise the Use Chart, definitions, conditions, retail district, patio home district, light industrial 2 district, townhouse district, parking regulations, lighting regulations, and mixed use building standards; providing for saving clause; providing for a penalty; providing a severability clause; providing a repealer clause; and providing for an effective date. (Community Development Director)**
13. **Public Hearing: regarding request for a Specific Use Permit for a Temporary Batch Plant, generally located at the SOUTHWEST corner of Whispering Trail and Eldorado Parkway, currently zoning PD-SF3 (Single Family 3). 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)**
14. **Close Public Hearing.**
15. **Discussion and Action to adopt Resolution No. 12150901 a Resolution by the Town of Little Elm allowing for a temporary concrete batch plant on approximately 74.38 acres in Eldorado Estates West Phase III-A, located on the west side of Eldorado, south of Whispering Trail, Little Elm, Denton County, Texas; providing an effective date. (Community Development Director)**
16. **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.
17. **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 December 1, 2009 Regular Council Meeting.
 - B. Minutes of the December 1, 2009 Work Session.

- C. Minutes of the December 8, 2009 Special Meeting and Work Session.
 - D. Lakeshore Replat-application for Lakeshore Crossing, Final Plat from Ensyrcan, located at the southwest corner of Lobo Lane and Eldorado Parkway. (Community Development Director)
 - E. Unimproved Property Contract between the Town of Little Elm and Lisa Carnes for the property known as 503 Lobo Lane in Little Elm Gentsch Subdivision (Cottonwood) for an amount of \$25,000. (Community Development Director)
 - F. Approve King Road Construction Project Change Order #3 adding forty-five (45) days to the Town's King Road Paving and Drainage, and Water Improvement Project to Texas United Excavators, LLC of Carrollton, Texas and authorize the Town Manager to execute the same. (Town Engineer)
 - G. Award of a materials testing inspection contract for Main Street-West (Phase I) Improvements in the estimated amount of \$26,023.50 to Alliance Geotechnical Group, Inc. and authorize the Town Manager to execute contract for the same. (Town Engineer)
 - H. Resolution No. 12150903 a Resolution for maintenance, control, supervision, and regulation of state highways within the Town and authorize the Town Manager to execute the TXDOT Municipal Maintenance Agreement for the same. (Town Engineer)
 - I. Adopt Amendment for the maintenance, control supervision, and regulation of state highways within the Town and authorize the Town Manager to execute the TXDOT Municipal Maintenance Agreement Amendment for the same. (Town Engineer)
18. **Reports and requests for Town Council consideration and appropriate action:**
- A. Discussion and Action on staff recommendation to approve the matching grant in an amount not to exceed \$22,000 for the purpose of installing playground amenities in the Kings Crossing HOA park land. (Parks Director)

- B. Discussion and Action to adopt Ordinance No. 991 an Ordinance of the Town of Little Elm, Texas adopting a Development Plan on approximately 0.41 acres of land, generally located at the northeast corner of Clark Street and Eldorado, at 100 Clark Street, currently zoned TC-I (Town Center-Interim), providing that this Development Plan is established subject to certain conditions as set forth herein, providing a savings clause, providing a severability clause, providing a penalty; providing a repealer clause; and providing for an effective date. (Community Development Director)
- C. Discussion and Action on staff recommendation that Council authorize Town Officials, Financial Advisor (Southwest Securities) and Bond Counsel (Fulbright and Jaworski) to proceed with the issuance process and sale of General Obligation Bonds, Series 2009. (Finance Director)
- D. Discussion and Action to approve Resolution 12150902 a Resolution authorizing the Town Manager to enter into a fair market value operating lease agreement with HP Financial Services for a lease of information technology equipment for three years in an amount not to exceed Thirty-Three Thousand Five Hundred and Fifteen Dollars annually (\$35,515.00); cost of lease shall be charged to and paid from the general operating fund, Information Technology Division budget. (Finance Director/ IT Manager)
- E. Discussion and Action on staff recommendation to approve a Ground and Tower Lease with Clear Wireless, LLC for the placement of antennas on the FM 423 elevated water storage tank site. (Public Works Director)
- F. Discussion and Action on staff recommendation to award construction contract for Main Street-West (Phase I) Improvements in the amount of \$1,545,496.15 to Gilco Contracting, Inc. of Benbrook, Texas and authorize the Town Manager to execute contract for the same. (Town Engineer)
- G. Discussion and Action on staff recommendation to approve Design Change Order for Consulting Services for Main Street (West) Improvements between the Town of Little Elm and TRC Engineers, Inc. for the amount of \$14,350.00 and authorized the Town Manager to execute a contract for the same. (Town Engineer)

- H. Discussion and Action on staff recommendation to approve the Task Order for preparation of a drainage design at the Wastewater Treatment Plant site between the Town of Little Elm and TRC Engineers for the amount of \$4,120.00 and authorize the Town Manager to execute a contract for the same. (Town Engineer)
 - I. Discussion and Action on request from the Denton County Democratic Party to use Town Hall as a polling place location for the March 2, 2010 Democratic Party Primary Election. (Town Manager)
19. **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 Pursuant to Government Code Section 551.071, meeting with Attorney representing the Town for consultation, discussion and to receive advice regarding litigation:
 - 1. Civil Action Number 4:09-cv-226, in the U.S. District Court, Eastern District of Texas, Sherman Division.
 - B. Section 551.074 Of the Texas Government Code-deliberation regarding the interviewing and appointment of applicant(s) to the TIRZ #1, TIRZ #2, and LERA Boards and verification of positions.
 - C. 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.
20. **Reconvene into Open Session and take any action necessary as the result of the Closed (executive) session.**
- A. Section 551.071:
 - 1. Civil Action Number 4:09-cv-226, in the U.S. District Court, Eastern District of Texas, Sherman Division.
 - B. Section 551.074:
 - 1. Discussion and Action on appointments and positions for members to the TRIZ #1, TRIZ #2 and LERA Boards.
 - C. Section 551.087:

1. Discussion and Action to approve the assignment of the First Amended and Reinstated Agreement between the Town of Little Elm Texas, Reinvestment Zone Number One, Town of Little Elm Economic Development Corporation and Little Elm United LP to RoseBriar Little Elm LP.
 2. Discussion and Action to approve Chapter 380 Economic Program and Agreement between the Town and the developer, Little Elm United, L.P., or their successor.
21. **FYI: (All matters are provided to the Town Council for informational purposes only will not be discussed by Council or Staff)**
- A. Town Secretary Monthly Report for November.
 - B. Fire Department Monthly Report for November.
 - C. Thank You to Fire Department
 - D. Community Development Monthly Report for November.
22. **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. **BRAILLE 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 11th day of December 2009.