

**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 21, 2010 - 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: Pastor Hackworth-Gods Love 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. Presentation by Mayor: Proclamation proclaiming July 30th as “International Youth Peace Day”.
5. Public Hearing: regarding a Town-initiated rezoning on approximately 30 acres of land from Duplex (D) district to Single Family 4 (SF4) and Light Commercial districts, generally located 700 feet northeast of the intersection of Main Street and Lakeshore Drive. All interested citizens are welcome to attend the hearing and participate in the same. (Please fill out form on table outside chamber doors and present to the Town Secretary prior to the meeting, if desire to speak.) (Community Development)
  - A. Staff Report.
  - B. Open Public Hearing.

C. Applicant Presentation.

D. Receive Public Comments.

E. Close Public Hearing.

F. Discussion and Action to adopt Ordinance No. 1028 an Ordinance of the Town of Little Elm, Texas amending the Comprehensive Zoning Ordinance of the Town of Little Elm, Texas, and Ordinance No. 236, herefore amended, by changing the zoning on approximately 30 acres of land, generally located 700 feet northeast of the intersection of Main Street and Lakeshore Drive, Little Elm, Denton County, Texas, from Duplex (D) district to Single Family 4 (SF4) and Light Commercial Districts (LC); providing a saving clause; correcting the official zoning map; providing a penalty; providing for a severability clause; providing a repealer clause; and providing for an effective date. (Community Development)

6. Public Hearing: regarding a request to rezone approximately 110 acres from Agricultural (AG) and Light Commercial (LC) districts to Multi Family (MF) district, generally located at the southwest corner of Little Elm Parkway & FM 423 and the southeast corner of Smotherman Road & FM 423. All interested citizens are welcome to attend the hearing and participate in the same. (Please fill out form on table outside chamber doors and present to the Town Secretary prior to the meeting, if desire to speak.) (Community Development)

A. Open Public Hearing: (This Public Hearing was tabled by the Planning and Zoning Commission, no action will be taken).

B. Close Public Hearing.

7. Public Hearing: to discuss and act on proposed amendments to the Zoning Ordinance, 106-27 (Definitions), 106-28 (Use Chart), and 106-35 (Conditional Uses) to revise the standards for seasonal firewood sales. All interested citizens are welcome to attend the hearing and participate in the same. (Please fill out form on table outside chamber doors and present to the Town Secretary prior to the meeting, if desire to speak.) (Community Development)

A. Staff Report.

B. Open Public Hearing.

- C. Applicant Presentation.
  - D. Receive Public Comments.
  - E. Close Public Hearing.
  - F. Discussion and Action to adopt Ordinance No. 1029 an Ordinance of the Town of Little Elm, Texas amending the Code of Ordinances of the Town, by amending Sections 106-27 (definitions), 106-35 (Conditional Uses), to revise Seasonal Sales regulations; providing a saving clause; providing a penalty; providing for a severability clause; providing a repealer clause; and providing for an effective date. (Community Development)
8. Presentation and Announcements: 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. 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.
9. 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 7, 2010 Regular Council Meeting.
  - B. Minutes of the December 7, 2010 Pre-Session.
  - C. Minutes of the December 14, 2010 Special Meeting and Work Shop.
  - D. Final Plat Paloma Creek Phase III. (Community Development)
  - E. Construction Change Order #3 to reduce the contract amount by \$372,317.67, to authorize final payment of \$200,412.27 to Tri Dal, Ltd. of Southlake, Texas, close out the Eldorado Parkway Water and Wastewater System Improvements, and authorize the Town Manager to execute the same. (Town Engineer)

- F. Final payment to Reynolds Asphalt and Construction Company of Euless, Texas in the amount of \$33,170.37 for construction of the 2010 Annual Street Maintenance Improvements. (Town Engineer)
  - G. Construction Project Change Order #2 to add an additional 75 days for the Town's Witt-Woodlake Connector Improvement Project to Weir Bros., Inc. of Dallas, Texas and authorize the Town Manager to execute the same. (Town Engineer)
  - H. Final Acceptance of water, sewer, drainage, and street improvements for Sunset Pointe Phase 19B & 20B. (Town Engineer)
  - I. Design Amendment for Consulting Services for Streetscape and Gateway Improvement between the Town of Little Elm and Schrickel, Rollins and Associates, Inc. for the amount of \$5,940.00 and authorize the Town Manager to execute a contract for the same. (Town Engineer)
  - J. Agreed Order Docket No. 2010-0249-MWD-E between the Texas Commission on Environmental Quality and the Town of Little Elm to resolve an enforcement action under the authority of TEX. WATER CODE chs. 7 and 26. (Public Works Director)
  - K. Authorize the Town Manager to execute any and all documents for a FMV (Fair Market Value) Lease with HP Financial Services. (Finance Director)
10. Reports and requests for Town Council consideration and appropriate action:
- A. Discussion and Action to adopt Ordinance No. 1030 an Ordinance of the Town of Little Elm, Texas, amending Chapter 102 (Utilities) of the Little Elm Code of Ordinances, by adding Article IX-Landscape Irrigation in order to establish minimum standards for installation of irrigation systems within the corporate limits of the Town: providing a saving clause; providing penalty; providing a severability clause; providing a repealer clause; and providing an effective date. (Community Development)
  - B. Discussion and Action to adopt Ordinance No. 1031 an Ordinance of the Town of Little Elm, Texas repealing Ordinance No. 1000 in its entirety, by revising and replacing the Community Development Comprehensive Fee Schedule; providing a saving clause; providing a severability clause; providing a repealer clause; and providing for an effective date. (Community Development)
  - C. Discussion and Action to approve new six year Contract with Community Waste

Disposal, LP for commercial and residential solid waste and recycling services.  
(Town Manager)

- D. Discussion and Action to approve Resolution No. 12211001 approving the consent of assignment of concession agreement and amendment to the concession agreement between the Town, Benjamin R. Miller, and Cottonwood Creek Marina, Inc. (Town Manager)
- E. Discussion and Action to approve request from Cottonwood Creek Marina to install additional slips at the marina. (Town Manager)
- F. Discussion and Action to adopt Ordinance No. 1032 an Ordinance of the Town of Little Elm, Texas, creating a Construction Work Zone for traffic and temporarily reducing the rate of speed therein, on FM 423 between Sunland Park and Witt Road in the Town limits of the Town of Little Elm, defining the speed limit, requiring placement of signs; declaring what may be a sufficient complaint in prosecutions hereunder and fixing a penalty therefore; with saving clause and effective date.  
(Town Engineer)
- G. Discussion and Action to approve the Main Street and Lakeshore Drive Realignment Agreement between Town and the Town's Economic Development Corporation and authorize the Town Manager to execute the same. (Town Engineer)
- H. Discussion and Action to award bid No. 12142010-7001 for trucking and disposal of the Town's Municipal Bulk Solid Waste from the Town's Courtesy Bulk Site to Champion Waste Services LLC of Dallas, Texas in the amount of \$143.00 per haul and \$20.00 per ton disposal fee for a total annual expense of \$68,600, and authorize the Town Manager to execute a contract for the same. (Public Works Director)
- I. Discussion and Action on staff recommendation for Town Council to discuss Red-Light Camera Budget, prioritize, and approve each requested item. (Police Chief)
- J. Discussion and Action to re-appoint David Coleman Director (1), Rick Browne Director (3), Dan Jaworski Director (5), and Karen Moore Director (7) for terms expiring 12-31-2012 to the TIRZ #1, TIRZ #2 and LERA Boards. (Council)
- K. Discussion and Action to appoint Dan Jaworski as Chairman to the LERA Board for a one year term expiring 12-31-2011. (Council)
- L. Discussion and Action to appoint David Coleman as Chairman for the TIRZ #1

Board for a one year term expiring 12-31-2011. (Council)

M. Discussion and Action to appoint Jack Gregg as Chairman for the TIRZ #2 Board for a one year term expiring 12-31-2011. (Council)

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

A. Community Development Monthly Report for November 2010.

12. An executive session pursuant to Subchapter D of Chapter 551 of the Texas Government Code to deliberate on the following matters:

A. Section 551.071, section (1) to obtain legal advice about contemplated litigation and/or a settlement offer; and (2), Consultation with Town's Attorney to obtain legal advice regarding the matters listed below with respect to which the attorney(s) have the duty to advise the client confidentially, pursuant to the Attorney-Client privilege and the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas:

1. The authority of the Town Manager, pursuant to the Town's Charter, Code of Ordinances and applicable law, deal with personnel issues that take disciplinary actions with respect to employees of the Town.

13. Reconvene into Open Session and take any action necessary as the result of the executive closed session.

A. Section 551.071, section (1) to obtain legal advice about contemplated litigation and/or a settlement offer; and (2), Consultation with Town's Attorney to obtain legal advice regarding the matters listed below with respect to which the attorney(s) have the duty to advise the client confidentially, pursuant to the Attorney-Client privilege and the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas:

1. The authority of the Town Manager, pursuant to the Town's Charter, Code of Ordinances and applicable law, deal with personnel issues that take disciplinary actions with respect to employees of the Town.

14. 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 17th day of December 2010.**