

**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 16, 2007 - 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. **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.
3. **Public Hearing on rezoning: Consider a request to rezone approximately 25.74 acres out of the Christian Bohrman Survey, Abstract 0086, from Single Family SF-3 (SF-3) to Light Industrial (LI-1) and approximately 9.4 acres out of the Christian Bohrman Survey, Abstract 0086, from Single Family SF-3 (SF-3) to Agricultural (AG). The property is located on the northern side of Smotherman Road, west of the Frisco City Limits, Little Elm, Denton County Texas. (Planning Director)**
4. **Close Public Hearing**
5. **Public Hearing on Specific Use Permit: Consider request to grant a Specific Use Permit for daycare and related uses on approximately 8.01 acres of Lot 2, Block A of the Village of Eldorado Subdivision, zoned Planned Development Light Commercial (PD-LC), located on the northeast corner of FM 423 and Eldorado Parkway, Little Elm, Denton County, Texas. (Planning Director)**
6. **Close Public Hearing.**

7. **Discussion and action to adopt Ordinance No. 860 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 Day Care and related uses on property presently zoning Planned Development Light Commercial #484 (PD-LC) #484 and generally located on the northeast corner of FM 423 and Eldorado Parkway, on Lot 2, Block A of the Villages at Eldorado Subdivision (and as more fully described in the Ordinance), providing that the Specific Use Permit is established subject to certain conditions as set forth herein; correcting the official zoning map; providing for a penalty of fine not to exceed the sum of two thousand dollars (\$2000) for each offense; providing a severability clause; providing a repealer clause; providing an effective date; and ordaining other provisions related to the subject matter hereof. (Planning Director)**
8. **Presentation: Mayor Kastner to present certificate of appreciation to Michael Topor former Chairman of the Public Relation Committee.**
9. **Presentation: The Caw-Coo Parrot Head Club to make check presentation to James Day- Little Elm Box 620 Support Company.**
10. **Proclamation: Mayor Kastner to Proclaim October 15-19- 2007 as “Chamber of Commerce Week in Little Elm, Texas”.**
11. **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.
12. **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 2, 2007 Pre-Council Meeting
  - B. Minutes of the October 2, 2007 Public Hearing and Regular Council Meeting

- C. Final Plat #07-FP-013 Shops at Sunset Pointe Lots 2 & 3, Block A; located northwest intersection of FM 423 & Panther Creek Parkway; 2.622 acres (Planning Director)
  - D. Preliminary Plat #07-PP-005- Kingdom Hall Addition, located at 201 Witt Road; 4.57 acres. (Planning Director)
  - E. Final Plat #07-FP-014 Frisco Hills Phase 1, located approximately 4,000' southwest of the intersection of Doe Creek and US Hwy 380; 54.832 acres, 247 residential lots. (Planning Director)
  - F. Final Acceptance of the water, sewer, drainage and street improvements for Eldorado Estates West Phase 3-B (Block B Lots 44-58, and Block K Lots 1-18) (Public Works Director)
  - G. Staff recommendation to approve Change Order No. 1 for the F.M. 423 Water Line Project design contract with TRC Solutions, Task Order 05-02 in the amount of \$2,500 and authorize the Town Manager to execute the same. (Public Works Director)
  - H. Staff recommendation to approve Change Order No. 2 for the Cottonwood Branch Trunk Sewer Line Project, Task Order No. 05-01 with TRC Solutions in the amount of \$8,600 and authorize the Town Manager to execute the same. (Public Works Director)
  - I. Interlocal Cooperation Agreement for Library Services between Denton County and the Little Elm Public Library for October 1, 2007 through September 30, 2008. (Library Director)
  - J. Grant permission for Staff to apply for the North Central Texas Council of Governments Citizen Corp Grant. (Fire Chief)
  - K. Grant permission for Staff to apply for the FireHouse Subs Foundation Grant. (Fire Chief)
13. **Reports and requests for Town Council consideration and appropriate action:**

- A. Discussion and Action to adopt Ordinance No. 861 an Ordinance of the Town Council of the Town of Little Elm, Texas, amending Chapter 70 of the Code of Ordinances of the Town of Little Elm, Texas, relating to Miscellaneous Offenses, by adding a Section 70-2, entitled “Residency Requirements of Sex Offenders”; prohibiting registered sex offenders from residing within one thousand (1000) feet of Public Parks, Private or Public Schools, Public Swimming Pools, and Child Daycare Centers; providing for the measuring of distance requirements; providing for the maintaining and updating of town map; dispensing with a culpable mental state; providing affirmative defenses to the residency requirements; providing a penalty clause; providing a severability clause; providing a repealer clause; and providing for said Ordinance to take effect from and after its date and publication. (Police Chief)
  - B. Discussion and Action to approve bid in the amount of \$381,785.84 from Quality Excavation of Aubrey, Texas for the Eldorado Sanitary Sewer Maintenance Project and authorize the Town Manager to execute the for the same. (Public Works Director)
  - C. Discuss purchase of Wastewater Treatment Capacity in the Upper Trinity Doe Creek Wastewater Plant for future retail, commercial and industrial developments. (Public Works Director)
  - D. Discussion and Action on appointment of Council member to serve on the Public Relation Committee as replacement for Council member Hillock.
  - E. Discussion and Action to set date and time for November Work Session.
  - F. Traffic – Update, Discussion and Action.
14. **The Town Council will hold a Closed (executive) session meeting pursuant to Chapter 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 litigations.
    - 1. Khosrow Sadeghian and Johnny Houston (809 Hillside Beach Drive)
  - B. Section 551.072 Discussion and deliberation on the purchase, exchange, lease, or value or real property.

1. Land acquisition
  - C. Section 551.087 Discussion and deliberate regarding commercial or financial information that the EDC Board has received from a business prospect that the board seeks to have locate or expand in the Town of Little Elm and with which the Board is conducting economic development negotiations, and to deliberate the offer of financial or other incentive to such business prospect.
15. **Discussion and consideration to take any action necessary as the result of the Closed (executive) session.**
- A. Section 551.171 Khosrow Sadeghian and Johnny Houston (809 Hillside Beach Drive)
  - B. Section 551.072 Resolution No. 10160701 a Resolution of the Town Council of the Town of Little Elm, Texas declaring the necessity to acquire fee simple title to approximately 8.320 acres situated the Richard Hensworth Survey, Abstract Number 577, Joanne Kaspar Property Town of Little Elm, Denton County, Texas, for a proposed Community Center and other related governmental purposes; determining the public necessity for such acquisition; authorizing the acquisition of property right necessary for the Community Center Project; appointing an appraiser and negotiator as necessary; authorizing the Town Manager of the Town of Little Elm, Texas, to establish just compensation for the property rights to be acquired; authorizing the Town Manager to take all steps necessary to acquire the needed property rights in compliance with all applicable laws and resolutions; and authorizing the Town Attorney to institute condemnation proceedings to acquire the property if purchase negotiations are not successful.
  - C. Section 551.087 Including the offer of a financial or other incentive to a business prospect that the Board seeks to have locate or expand in the Town of Little Elm.
16. **FYI: (All matters are provided to the Town Council for informational purposes only)**
- A. September Departmental Reports for 2007
17. **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 12th day of October 2007.**