

**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, September 16, 2008 - 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. Proclamation: Supporting the efforts of United Way of Denton County. (Mayor)**
- 4. Public Hearing: to receive public comments regarding a request to rezone approximately 0.799 acres, M.A. Watkins Abstract from Single Family-Residence -3 (SF-3) to Agricultural (AG). The property is located at 201 Witt Road, Little Elm, Denton County, Texas. (Planning Director) ( To address the council please fill out form located on table at entry to chambers and present to Town Secretary prior to the hearing)**
  - A. Close Hearing

- B. Discussion and Action to adopt Ordinance No. 909 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 0.799 acres out of the MA Watkins Survey, Abstract 1396, located at 201 Witt Road, Little Elm, Denton County, Texas (and as more fully described in the Ordinance), from Single-Family (SF-3) District to Agricultural (AG) District; 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)
5. **Public Hearing: to receive public comments regarding request to rezone approximately 5.4+/-acres from Light Commercial (LC) and Agricultural (AG), to Light Commercial (LC). The subject property encompasses multiple tracts generally located at the southeast corner of Lobo Lane and Eldorado Parkway, Little Elm, Denton County, Texas. (Planning Director) ( To address the council please fill out form located on table at entry to chambers and present to Town Secretary prior to the hearing)**
- A. Close Hearing
  - B. Discussion and Action to adopt Ordinance No. 910 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 5.4 acres of land generally located at the southeast corner of Lobo Lane and Eldorado Parkway, Little Elm, Denton County, Texas (as more fully described in the Ordinance), from Agricultural District (AG) and Light Commercial District (LC) to Light Commercial (LC) District; 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 for a severability clause; providing a repealer clause; providing an effective date; and ordaining other provisions related to the subject matter hereof. (Planning Director)

6. **Public Hearing: to receive public comments regarding the request to rezone approximately 8.261 acres out of the J.H. King Survey, Abstract 0694, from Light Commercial (LC) to Light Industrial (LI-1) also a request to grant a Specific Use Permit for Personal Training and related uses. The property is located on the north side of King Road, between Witt Road and Rose Lane, 15222 King Road, Little Elm, Denton County, Texas. (Planning Director) ( To address the council please fill out form located on table at entry to chambers and present to Town Secretary prior to the hearing)**

A. Close Hearing

B. Discussion and Action to adopt Ordinance No. 911 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 Personal Training and Related Uses on 8.261 acres presently zoned LC—Light Commercial District and generally located north of King Road between Witt Road and Rose Lane, (and as more fully described in the Ordinance); providing that this 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 amount of Two Thousand Dollars (\$2000) for each offense; providing a severability clause; providing a repealer clause; providing for an effective date; and ordaining other provisions related to the subject matter hereof. (Planning Director).

C. Discussion and Action to adopt Ordinance No. 912 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 8.261 acres of land generally located north of King Road between Witt Road and Rose Lane, Little Elm, Denton County, Texas (and as more fully described in the Ordinance); from Light Commercial District (LC) to Light Industrial District (LI); correcting the official zoning map; providing for a penalty of fine not to exceed the amount of Two Thousand Dollars (\$2000) for each offense; providing a severability clause; providing a repealer clause; providing for an effective date; and ordaining other provisions related to the subject matter hereof. (Planning Director).

7. **Public Hearing: to receive public comments regarding proposed amendments to Section 106-25 (TC-I Town Center-Interim District), modifying development plan requirements and exceptions. (Planning Director) (To address the council please fill out form located on table at entry to chambers and present to Town Secretary prior to the hearing)**

- A. Close Hearing
  - B. Discussion and Action to adopt Ordinance No. 913 an Ordinance of the Town of Little Elm, Texas amending the Code of Ordinances of the Town by amending Section 106-25 “TC-1 Town Center-Interim District” to modify development plan requirements and exceptions; providing a savings clause; providing a severability clause; providing a penalty; and providing for an effective date. (Planning Director)
8. **Public Hearing: to receive public comments regarding request to rezone approximately 109+/-acres from Agricultural (AG), Light Commercial (LC), Single Family-Resident-2 (SF-2), Multifamily (MF-2), Light Industrial-1 (LC-1), Central Business (CB), Patio Home (PH), and Retail (R) to Town Center (TC-I). The subject property encompasses multiple tracts generally located at the intersection of Eldorado Parkway and Main Street, Little Elm, Denton County, Texas. (Planning Director) (To address the council please fill out form located on table at entry to chambers and present to Town Secretary prior to the hearing)**
- A. Close Hearing
  - B. Discussion and Action to adopt Ordinance No. 914 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 109 acres of land generally located around the intersection of Main Street and Eldorado Parkway, Little Elm, Denton County, Texas (as more fully described in the Ordinance), from Agricultural (AG), Light Commercial (LC), Single Family Residence 2 (SF-2), Multi-Family 1 (MF-1), Multi-Family 2 (MF-2), Light Industrial (LI) Central Business (CB0, Patio Home (PH), and Retail (R) to Town Center Interim District (TC-1); correcting the official zoning map; providing for a penalty of fine not to exceed the amount of Two Thousand Dollars (\$2000) for each offense; providing a severability clause; providing a repealer clause; providing for an effective date; and ordaining other provisions related to the subject matter hereof. (Planning Director).
9. **Public Hearing: to review and discuss the 2008 Town of Little Elm Comprehensive Plan. (Planning Director)**
- A. Close Hearing

- B. Discussion and Action to adopt Ordinance No. 915 an Ordinance of the Town of Little Elm, Texas, adopting the 2008 Comprehensive Plan for the Town of Little Elm; providing for a Comprehensive Planning Program, Vision and Official Policy for the future of Little Elm; providing a severability clause; providing a repealer clause; providing an effective date; and ordaining other provisions related to the subject matter thereof. (Planning Director)
10. **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.
11. **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 September 9, 2008 Work Session
  - B. Minutes of the September 2, 2008 Special Meeting
  - C. Minutes of the September 2, 2008 Public Hearing & Regular Council Meeting
  - D. Minutes of the August 23, 2008 Budget Work Shop
  - E. Minutes of the August 26, 2008 Special Meeting & Budget Work Shop
12. **Reports and requests for Town Council consideration and appropriate action:**
- A. Discussion and Action to approve Contractual Agreement for Legal Service with Paul J. Liston of the Liston Law Firm, P.C. as Town Attorney for the Municipal Court Prosecution. (Finance Department/Mr. Liston)

- B. Discussion and Action to approve Letter of Engagement between the Town of Little Elm and Southwest Securities to provide financial advisory services in conjunction with proposed developments in creation of PID's. (Town Manager)
- C. Discussion and Action to approve Valencia on the Lake Pre-Annexation Agreement, Development Agreement, Public Improvement Agreement and Tax Increment Reinvestment Zone Agreement. (Town Attorney)
- D. Discussion and Action to award construction contract for King Road Paving and Drainage Improvement Project in the amount of \$2,724,736.45 to Texas United Excavators, LLC of Carrollton, Texas and authorize Town Manager to execute a contract for the same. (Public Works Director)
- E. Discussion and Action to approve Amendment Number One for the Wastewater Treatment Plant Improvements Design Work Order with TRC Engineers, Inc. (an exhibit to the Master Agreement to furnish consulting services between the Town of Little Elm and TRC) in the amount of \$59,719.00 and authorize the Town Manager to execute the same. (Public Works Director)
- F. Discussion and Action to adopt Ordinance No. 916 an Ordinance of the Town of Little Elm, Texas approving and adopting the Budget for Fiscal Year beginning October 1, 2008 and ending September 30, 2009; providing that expenditures for said fiscal year shall be made in accordance with said budget; appropriating and setting aside the necessary funds out of the General Fund and other revenues for said fiscal year for the Maintenance and Operation of the various funds and departments and for various activities and improvements of the Town; amending the current budget as revised; authorizing that Town Manager to make Interfund Transfers as appropriated; authorizing the Town Manager to make purchases; providing a repealing clause; providing a severability clause; and providing for an effective date. (Finance Director)
- G. Discussion and Action to move to ratify the property tax rate increase of \$0.56996 as reflected in the Town of Little Elm proposed budget for fiscal year 2008-2009. (Finance Director)

- H. Discussion and Action to adopt Ordinance No. 917 an Ordinance of the Town Council of the Town of Little Elm, Denton County, Texas, levying the Ad Valorem Taxes for the Tax Year 2008 (Fiscal Year 2008-2009) at a rate of \$0.56996 per one hundred dollars (\$100) assessed valuation on all taxable property within the corporate limits of the Town of Little Elm as of January 1, 2008; to provide revenue for the payment of current expenses; providing for an Interest and Sinking Fund for all outstanding debt of the Town of Little Elm; providing for due and delinquent dates together with penalties and interest; providing a severability clause; providing repealing clause; and providing an effective date. (Finance Director) (Please note recommended motion on Agenda Sheet)
  
- I. Discussion and Action: (Finance Director)
  - 1. Authorizing the Town Manager to execute any and all contract documents with Cigna Health Care Company based on proposal renewal for employee medical/health insurance benefits.
  - 2. Authorizing the Town Manager to execute any and all contract documents with Metropolitan Life Insurance Company (MetLife Dental) based on proposed renewal for employee dental insurance benefits.
  - 3. Authorizing the Town Manager to execute any and all contract documents with Spectera based on proposed renewal for employee vision care benefits.
  - 4. Authorizing the Town Manager to execute any and all contract documents with Standard Insurance Company based on proposed renewal for employee long term disability benefits.
  
- J. Discussion and Action to appoint member(s) to the Citizen 2009-2014 Bond Committee. (Mayor)
  
- K. Traffic Update:
  
- 13. **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. Frisco Hills, Frisco Ranch and The Preserve Development Agreement, Interlocal Agreement, and Compromise and Settlement Agreement.
  2. Town vs. Ajro Real Estate Investment
  3. Town vs. Anchor Boat Storage
  4. Potential Sunset Pointe Development Agreement
  5. TxDot Impact on Non conforming Properties
- B. Section 551.072 Discussion and deliberation on the purchase, exchange, lease, or value of 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.
14. **Discussion and consideration to take any action necessary as the result of the Closed (executive) session.**
- A. Section 551.071
1. Frisco Hills, Frisco Ranch and The Preserve Development Agreement, Interlocal Agreement, and Compromise and Settlement Agreement
  2. Town vs. Ajro Real Estate Investment
  3. Town vs. Anchor Boat Storage
  4. Potential Sunset Pointe Development Agreement
  5. TxDot Impact on Non-conforming Properties
- B. Section 551.072
1. Land acquisition

- C. Section 551.087 a. Including the offer of a financial or other incentive to a business prospect that the EDC Board seeks to have locate or expand in the Town of Little Elm.

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

- A. Departmental Monthly Reports for August 2008
- B. Thank You (Library)
- C. Letter from ATMOS Energy

16. **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 12th day of September 2008.**