

**MEETING  
Town of Little Elm  
100 W Eldorado Parkway**

**214-975-0404  
<http://www.littleelm.org>**

**PUBLIC HEARINGS  
And  
REGULAR TOWN COUNCIL MEETING  
Tuesday November 11, 2008 – 7:00 p.m.  
Town Hall Center – Council Chambers**

1. **Roll Call/Call to Order Public Hearing and Regular Town Council Meeting.**
2. **Pledge to the Flags:**
  - a. United States Flag
  - b. Texas Flag:
    - i. **Honor the Texas Flag**
    - ii. **I pledge allegiance to thee**
    - iii. **Texas, one state under God, one and indivisible.**
3. **Presentation:** of Certificate of Recognition to certain employee(s). (Mayor)
4. **Presentation:** Dennis Engelke of CoServ Charitable Foundation to make presentation to Secret Santa (Santa's Elves) of Little Elm, Tx. Inc.
5. **Public Hearing:** regarding request for a Planned Development for Heavy Equipment Sales on approximately 42.75 acres, generally located at the southeast corner of U.S. 380 and FM 1385, currently zoned 380-Light Industrial (380-LI), Little Elm, Denton County, Texas. (To address the council please fill out form located on table at entry to chambers and present to Town Secretary prior to the hearing)

**Close Hearing**

6. **Discussion and Action to adopt Ordinance No. 922:** an Ordinance of the Town of Little Elm, Texas amending the Comprehensive Zoning Ordinance of the Town of Little Elm, Texas heretofore amended, by changing the zoning on approximately 42.75 acres of land, generally located at the southeast corner of US 380 and FM 1385, from 380-light Industrial district (380-L1) to planned development district (PD) for heavy equipment sales correcting the official zoning map providing a savings clause, providing a severability clause providing a penalty and providing an effective date. (Planning Director)
7. **Presentations and announcement:** 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.

**8. 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 14, 2008 Work Session
- b. **Minutes** of the October 21, 2008 Pre-Council Meeting
- c. **Minutes** of the October 21, 2008 Regular Council Meeting
- d. **Minutes** of the October 27, 2008 Special Meeting
- e. **Approve** Request permission to apply for U.S. Smokeless Tobacco Company Grant to receive a donation for a Polaris Ranger.
- f. **Approve** Request permission to apply for Flow Healthcare Foundation, Inc Grant to receive two RAD-57 CO Pulse Oximeters.
- g. **Approve** Signing the Interlocal Agreement for Cooperative Purchasing of Goods, Products and/or services with metroplex area member cities.

**9. Reports and requests for Town Council consideration and appropriate action:**

- a. **Discussion and Action:** to approve Townscape Professional Services Agreement with Townscape, Inc. in the amount of \$30,614 for the Eldorado/423 Overlay District and authorize Town Manager to execute the same. (Planning Director)
- b. **Discussion and Action:** to adopt Ordinance No. 920 an Ordinance of the Town of Little Elm, Texas amending the Code of Ordinances of the Town Section 106-2 “Definitions”, Section 106-6 “Use of Land and Buildings”, and Section 106-7 “Conditions Noted to Use Regulations” to amend the Use Chart and Associated Definitions; providing a savings clause, providing a severability clause; providing a penalty; and providing for an effective date. (Planning Director)
- c. **Discussion and Action:** to approve Resolution No. 11110801 a Resolution by the Town Council of Little Elm, recognizing the necessity of protecting our limited water supply resources from pollution; endorsing Watershed Protection as an urgent regional program for the County, Cities, Towns and Utilities located in the Watershed of Lewisville Lake; and expressing our intention to participate in Watershed Protection Strategies to preserve and protect the environment and to safeguard the public welfare. (Dave Ryburn – Upper Trinity Regional Water District)

- d. **Discussion and Action:** to approve Resolution No. 11110804 a Resolution of the Town of Little Elm, Texas appointing one member to the Board of Directors of the Denton County Transportation Authority; providing for a repealer and providing an effective date. (Town Manager)
  - e. **Discussion and Action:** on appointment to Regional Transportation Committee based on Bylaw Changes. (Town Manager)
  - f. **Discussion and Action:** to appoint Council liaison/Board member to the Economic Development Corporation to fill vacancy.
  - g. **Discussion and Action:** to approve bid award for Sludge Cake Hauling and Disposal from IESI Corporation in the amount of \$478.50 per haul load; total annual cost estimated to be \$95,700. (Public Works Director)
  - h. **Discussion and Action:** to approve Right of Entry Agreement between the Texas Department of Transportation and the Town of Little Elm for installation of signal communication equipment on the Main Street Water Tower (Tin Man) and authorize the Town Manager to execute the same. (Public Works Director)
  - i. **Discussion and Action:** to approve Interlocal Agreement between the Town and Lakewood Village for the provision of Fire and EMS Services. (Town Manager/Fire Chief)
  - j. **Discussion and Action:** on request to observe a moment of silence or a word of prayer prior to council meetings. (Council)
  - k. **Discussion and Action:** regarding the replacement of lettering on the Main Street Water Tower (Tin Man) (Council member)
  - l. **2004 G.O. Bond Capital Project Fund Update:** Presentation on the status of the capital project fund. (Finance Director)
  - m. **Discussion and Action:** to deny all bids received on September 25, 2008 for the Main Street Paving and Drainage Project. (Public Works Director)
  - n. **Traffic Update:** regarding Toll Bridge over Lake Lewisville, the Eldorado/Garza and Eldorado/423 Expansion Projects. (Staff)
10. **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:

**Section 551.071** Consultation with Town Attorney to receive legal advice concerning legal matters and contemplated litigations:

- a. Frisco Hills, Frisco Ranch and The Preserve Development Agreement, Interlocal Agreement, and Compromise and Settlement Agreement.
- b. Town vs. Ajro Real Estate Investment
- c. Sadeghian et al. vs. Little Elm

11. **Discussion and consideration:** to take any action necessary as the result of the Closed (executive) session.

- a. Frisco Hills, Frisco Ranch and The Preserve Development Agreement, Interlocal Agreement, Compromise and Settlement Agreement
- b. Town of Little Elm vs. Ajro Real Estate Investment
- c. Sadeghian et al. vs. Little Elm

12. **FYI:** (All matters are provided to the Town Council for informational purposes only will not be discussed by Council or Staff)

- a. CWD Monthly Recycling Report for September 2008
- b. Thank You to Police & Fire Department-Frisco Ranch (email sent 10-27-08 with pictures)
- c. Atmos Energy Rider GCR for November 2008

13. **Adjourn.**

**Pursuant to the Texas Open Meeting Act, (Chapter 551, Texas Government Code), one or more of the above items may be considered in executive closed session to the public. Any decision on any item 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,

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Town Secretary

**This is to certify that the above notice was posted at the Town Hall Center prior to 4:00 p.m. this 7<sup>th</sup> day of November 2008.**