

**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, July 21, 2009 - 7:00 PM**  
**Town Hall Center---Council Chambers---100 W Eldorado Parkway**

1. **Roll Call/Call to Order Public Hearing and Regular Town Council Meeting.**
2. **Opening Prayer: Denise Peckham, Button Memorial United Methodist 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. **Presentations by Little Elm Festival Association to Retractable Technologies, Inc. and Dollar General for their contributions to the community. (Linda Kastner)**
5. **Public Hearing: to discuss and adopt the Commercial Design Standards report. All interested citizens are welcome to attend the hearing and participate in same. (Please fill out speaker form on table in front of the council chambers and present to the Town Secretary prior to the meeting) (Community Development Director)**
6. **Close Public Hearing.**

7. **Discussion and Action to adopt Ordinance No. 964 an Ordinance of the Town of Little Elm, Texas, adopting the Commercial Design Standards Report for the Town of Little Elm; recommending revisions to Commercial Design Standards; providing a saving clause; providing a severability clause; and providing for an effective date. (Community Development Director)**
  
8. **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.
  
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 July 7, 2009 Public Hearing and Regular Meeting
  - B. Minutes of the July 7, 2009 Pre-Session Meeting
  - C. Approval of Final Plat 09-FP-003 Applin Addition, Block A, Lots 1 & 2 from KAZ Surveying. Located at 3052 FM 2931, approximately 3700 feet west of Brewer Road and on the south side of FM 2931, 7.51 acres in the ETJ. (Community Development Director)
  - D. Approval of Interlocal Agreement between the Town of Little Elm and Denton County for Tax Collections for a term of one (1) year beginning October 1, 2009 through September 30, 2010 with an automatic renewal of an additional one (1) year term at the discretion of the County and the Town. (Finance Director)
  - E. Authorize staff to pursue grant funding for Project Safe Neighborhoods. (Police Chief)

- F. Adopt Ordinance No. 968 an Ordinance of the Town Council of the Town of Little Elm, Texas, (“Town”) approving a negotiated Resolution between the ATMOS Cities Steering Committee (“ACSC” or “STEERING COMMITTEE”) and ATMOS Energy Corp., Mid-Tex Division (“ATMOS MID-TEX” or “COMPANY”) regarding the company’s rate review mechanism filing in all cities exercising original jurisdiction; declaring existing rates to be unreasonable; requiring the company to reimburse cities’ reasonable ratemaking expenses; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; approving ATMOS’ proof of revenues; adopting a savings clause; determining that this Ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; declaring an effective date; and requiring delivery of this Ordinance to the Company and the Steering Committee’s Legal Counsel. (Finance Director)
  
  - G. Approve Lakeshore Drive Construction Project Change Order #3 in the amount of \$13,534.25 for the Town’s Lakeshore Drive Paving, Drainage, and Water Improvement Project to Quality Excavation, Ltd. of Aubrey, Texas and authorize Town Manager to execute the same. (Town Engineer)
10. **Reports and requests for Town Council consideration and appropriate action:**
- A. Discussion and Action to approve Resolution No. 07210901 a Resolution of the Town Council of the Town of Little Elm, Texas, designating the Little Elm Journal as the Official Town Newspaper. (Town Secretary)
  
  - B. Discussion and Action to approve budget amendment to the Little Elm EDC budget and authorize the loan agreement with UCD Development for related engineering fees associated with a proposed development at FM 423 and FM 720. (David Hillock/EDC)
  
  - C. Discussion and Action to approve Resolution No. 07210902 a Resolution of the Town Council of the Town of Little Elm, Denton County, Texas, authorizing the Town Manager to execute a contract with the Little Elm Independent School District (LEISD) wherein LEISD will pay three-fourths of the non-grant funded salary expenses for police officers assigned to schools in a School Resource Officer Program, and providing an effective date. (Police Chief)

- D. Discussion and Action to adopt Ordinance No. 961 an Ordinance of the Town of Little Elm, Texas, amending the Code of Ordinances of the Town of Little Elm, Texas by amending Chapter 10, “Alcoholic Beverages”, Article I, “ in general”, by adopting a restrictions related to parks; adopting a Special Events Permit Process; repealing Chapter 10, “Alcohol Beverages”, Articles II, “Alcoholic Beverage Sales Permits”, in its entirety and adopting a new Article II, “Alcoholic Beverages”, in Chapter 10 “Business Regulations”; establishing definitions; establishing business hours for alcohol sales; establishing permit requirements and exceptions to those requirements; providing for permit fees; prohibiting the sale of beer in residential areas; providing a penalty not to exceed \$500.00; providing for the repeal of conflicting ordinances; providing a severability clause; and providing an effective date. (Community Development Director)
- E. Discussion and Action to adopt Ordinance No. 966 an Ordinance authorizing the issuance of “Town of Little Elm, Texas, General Obligations Bonds, Series 2009”, specifying the terms and features of said bonds; and levying a continuing direct annual ad valorem tax for the payment of said bonds; and resolving other matters incident and related to the issuance, sale, payment and delivery of said bonds, including the approval and execution of a Paying Agent/Registrar Agreement and a Purchase Contract, and the approval and distribution of an Official Statement pertaining thereto; and providing an effective date. In the principle amount of \$10,000,000. (Finance Director)
- F. Discussion and Action to adopt Ordinance No. 967 an Ordinance authorizing the issuance of “Town of Little Elm, Texas, Combination Tax and Limited Pledge Revenue Certificate of Obligation, Series 2009A”; providing for the payment of said certificates of obligation by the levy of an ad valorem tax upon all taxable property within the Town and a limited pledge of the net revenues derived from the operations of the Town’s Waterworks and Sewer System; providing the terms and conditions of such certificates and resolving other matters incident and relating to the issuance, payment, security, sale and delivery of said certificates, including the approval and execution of a Paying Agent/Registrar Agreement, and the approve and distribution of a Preliminary Official Statement and Official Statement pertaining thereto; and providing an effective date. In the amount of \$2,500,000. (Finance Director)
- G. Presentation and Discussion: Quarterly budget report ending June 30, 2009. (Finance Director) (Waiting on completed packet from Finance)
- H. Discussion and Action to approve Quarterly Investment report for the quarter ending June 30, 2009. (Finance Director)

- I. Discussion and Action to authorize the Town Manger to enter into an agreement with Sunset Pointe I, Ltd and Landon Homes Ltd relating to the construction of a perimeter fence along Woodlake and Sunflower. (Community Development Director)
  - J. Discussion and receive council direction: on Neighborhood Integrity Project for Cottonwood Manufactured Home Subdivision. (Community Development Director)
  - K. Discussion and Action on staff recommendation to approve the Architectural Services Agreement for the Public Safety Center, Animal Shelter, and Public Works Service Center Bay Improvements between the Town of Little Elm and Jim Wilson Architects for the amount of \$970,450.00 and authorize the Town Manager to execute a contract for the same. (Town Engineer)
11. **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 Consultation with Town Attorney to receive legal advice concerning legal matters and contemplated litigation.
    - 1. Consultation with Town Attorney on proposed architectural services contracts with Jim Wilson & Associates and Perkins & Will for the design of various capital improvement projects.
  - B. Section 551.072 Discussion and deliberation on the purchase, exchange, lease or value of real property.
    - 1. Land acquisition and foreclosure of properties
12. **Reconvene into Open Session and take any action necessary as the result of the Closed (executive) session.**
- A. Section 551.071:
    - 1. Consultation with Town Attorney on proposed architectural services contracts with Jim Wilson & Associates and Perkins & Will for the design of various capital improvement projects.
  - B. Section 551.072 Purchase, exchange, lease or value of real property
    - 1. Land acquisition and foreclosure of properties

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

A. Thank You letter to Fire Department

B. Little Elm Police Department Quarterly Activity Report-Summary  
April 2009-June 2009

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. **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 17th day of July 2009.**