

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, November 6, 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 to receive comments on Re-Zoning #07-Z-003.**
Approximately 13.823 acres out of the J. Gonzales Survey, Abstract No. A0447A, the J. Haynes survey, Abstract No. A0625A and the Taylor Survey, Abstract No. A1671A from Agricultural (AG) to 380 Light Industrial (380-LI); Approximately 44.423 acres out of the J. Gonzales Survey, Abstract No. A0447A from Agricultural (AG) to 380 Heavy Industrial (380-HI); Approximately 1.827 acres out of the J. Gonzales Survey, Abstract No. A0447A from Agricultural (AG) to 380 Light Commercial (380-LC); Approximately 82.942 acres out of the J. Gonzales Survey, Abstract No. A0447A from Agricultural (AG) to Multi-Family 2I (MF-2); Approximately 4.822 acres out of the J. Gonzales Survey, Abstract No. A0447A from Agricultural (AG) to 380 Light Commercial (380-LC); Approximately 3.006 acres out of the J. Gonzales Survey, Abstract No. A0447A from Agricultural (AG) to Agricultural (AG); Approximately 43.179 acres out of the J. Gonzales Survey, Abstract No. A0447A from Agricultural (AG) to 380 Light Commercial (380-LC); Approximately 257.162 acres out of the Thomas Navo Survey, Abstract No. A0964A from Agricultural (AG) to 380 Light Industrial (380-LI); Approximately 12.254 acres out of the Thomas Navo Survey, Abstract No. A0964A from Agricultural (AG) to 380 Light Commercial (380-LC); Approximately 31.861 acres out of the Thomas Navo Survey, Abstract No. A0964A from Agricultural (AG) to 380 Light Commercial (380-LC); Approximately 72.504 acres out of the Thomas Navo Survey, Abstract No. A0964A from Agricultural (AG) to Single Family SF-1 (SF-1); Approximately 51.396 acres out of the M. Jones Survey, Abstract No. A0662A from Agricultural (AG) to Agricultural (AG); Approximately 115.987 acres out of the M. Jones Survey, Abstract No. A0662A from Agricultural (AG) to Light Commercial (380-LC) The property is located along US 380 between FM 2931 and FM 423, Little Elm, Denton County, Texas. (Planning Director)

4. **Close Public Hearing**

5. **Discussion and Action to adopt Ordinance No. 863 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 the following tracts: approximately 113.823 acres out of the J. Gonzales Survey, Abstract A0447A, the J. Haynes Survey, Abstract No. A0625A and the Taylor Survey, Abstract No. A1671A from Agricultural (AG) to 380 Light Industrial (380-LI); approximately 44.423 acres out of the J. Gonzales Survey, Abstract A0447A from Agricultural (AG) to 380 Heavy Industrial (380-HC); approximately 1.827 acres out of the J. Gonzales Survey, Abstract No. A0447A from Agricultural (AG) to 380 Light Commercial (380-LC); approximately 82.942 acres out of the J. Gonzales Survey, Abstract No. A0447A from Agricultural (AG) to Multi-family 2L (MF-2); approximately 4.822 acres out of the J. Gonzales Survey, Abstract No. A0447A from Agricultural (AG) to 380 Light Commercial (380-LC); approximately 3.006 acres out of the J. Gonzales Survey, Abstract No. A0447A from Agricultural (AG) to Agricultural (AG); approximately 43.179 acres out of the J. Gonzales Survey, Abstract No. A0447A from Agricultural (AG) to 380 Light Commercial (380-LC); approximately 257.162 acres out of the Thomas Navo Survey, Abstract No. A0964A from Agricultural (AG) to 380 Light Industrial (380-LI); approximately 12.254 acres out of the Thomas Navo Survey, Abstract A0964A from Agricultural (AG) to 380 Light Commercial (380-LC); approximately 31.861 acres out of the Thomas Navo Survey, Abstract No. A0964A from Agricultural (AG) to 380 Light Commercial (380-LC); approximately 72.504 acres out of the Thomas Navo Survey, Abstract No. 0964A from Agricultural (AG) to Single Family SF-1 (SF-1); approximately 51.396 acres out of the M. Jones Survey, Abstract No. A0662A from Agricultural (AG) to Agricultural (AG); approximately 115.987 out of the M. Jones Survey, Abstract No. A0662A from Agricultural (AG) to 380 Light Commercial (380-LC); located along US 380 between FM 2931 and FM 423, Little Elm, Denton County, Texas (and more fully described in the Ordinance); correcting the official zoning map; providing for a penalty of fine not be exceed the sum of Two Thousand (\$2000) for each offense; providing a severability clause; providing for a repealer clause; providing an effective date; and ordaining other provisions related to the subject matter hereof. (Planning Director)**

6. **Discussion and action to approve Ordinance No. 862 an Ordinance of the Town of Little Elm, Texas, annexing adjacent and contiguous territory, as described in Exhibit A and as depicted in Exhibit A.1, to the Town of Little Elm, Texas; finding that all necessary and required legal conditions have been satisfied; providing that such area shall become a part of the Town and that the owners and inhabitants thereof shall be entitled to the rights and privileges of other citizens and be bound by the Acts, Ordinances, Resolutions and Regulation of the Town of Little Elm now in effect and to be hereafter adopted; approving and adopting a Service Plan for the annexed area; further providing for amending and correcting the official boundaries of the Town as heretofore adopted; providing a severability clause; and providing for said Ordinance to take effect and be in force from and after its passage. (Planning Director)**

7. **Public Hearing to hear comments on Zoning #07-Z-007. Approximately 15.473 acres out of the Marcella Jones Survey, Abstract No. 622, from Agricultural (AG) to 380 Light Commercial (380-LC), a tract of approximately 17.552 acres out of the Marcella Jones Survey, Abstract No. 622, from Agricultural (AG) to 380 Light Commercial (380-LC) and a request to consider a rezone a tract of approximately 81.60 acres out of the Thomas Navo Survey, Abstract 964, from Agricultural (AG) to 380 Light Industrial (380-LI). The property is located on the south side of US 380 between Paloma Creek Blvd and S Elm Ridge Road, Little Elm, Denton County, Texas.**

8. **Close Public Hearing.**

9. **Discussion and Action to adopt Ordinance No. 864 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 a tract of approximately 15.473 acres out of the Marcella Jones Survey, Abstract No. 622, from Agricultural (AG) to 380 Light Commercial (380-LC) and a tract of approximately 17.552 acres out of the Marcella Jones Survey, Abstract No. 622, from Agricultural (AG) to 380 Light Commercial (380-LC), located on the south side of US 380 between FM 2931 and Paloma Creek Blvd, Little Elm, Denton County, Texas (and as more fully described in the Ordinance); approximately 81.60 acres out of the Thomas Navo Survey, Abstract 964, from Agricultural (AG) to 380 Light Industrial (380-LI), located on the south side of US 380 between Paloma Creek Blvd and S Elm Ridge Road, Little Elm, Denton County, Texas (and as more fully described in the Ordinance); 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)**
10. **Public Hearing on adoption of Ordinance to Tax Super Freeport Goods. (Pam Mundo-EDC)**
11. **Close Public Hearing.**
12. **Discussion and Action to adopt Ordinance No. 868 an Ordinance of the Town of Little Elm, Texas, amending Chapter 94, Article II of the Code of Ordinances of the Town of Little Elm, Texas, by adding a New Section 94-23, entitled "Taxation of Tangible Personal Property in Transit"; providing for the Ad Valorem Taxation of Tangible Personal Property in Transit or "Super Freeport" Goods pursuant to Section 11.253 of the Texas Tax Code; providing a severability clause; providing a repealer clause; and providing for said Ordinance to take immediate effect. (Pam Mundo-EDC)**
13. **Employee Introduction: Introduction of newly hired Town Engineer Jason Laumer.**
14. **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.

15. **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 16, 2007 Pre-Council Meeting
- B. Minutes of the October 16, 2007 Public Hearing and Regular Council Meeting
- C. Minutes of the October 23, 2007 Special Meeting and Work Session
- D. Resolution No. 11060701 a Resolution by the Town of Little Elm regarding the implementation of Ordinance No. 823, Section 102.433 Dumpster Enclosures on properties along Eldorado; providing an effective date. (Planning Director)
- E. Final Acceptance of the water, sewer, drainage and street improvements for Sunset Pointe Phase 16. (Public Works Director)

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

- A. Discussion and Action on staff recommendation to approve a Wastewater Capacity Reservation Agreement between the Town and Mustang Special Utility District for the reservation of 25,000 gallons of wastewater capacity in the Upper Trinity Regional Water District Doe Creek Plant and authorize the Town Manager to execute the same. (Town Manager/Public Works Director)
- B. Discussion and Action to adopt Ordinance No. 866 an Ordinance of the Town of Little Elm, Texas, amending Chapter 46 of the Code of Ordinances by adding Article IV relating to Sanitation; establishing a Bulk Courtesy Drop Site; creating Rules and Regulations; establishing prohibitions; providing a penalty; providing a repealing clause of conflicting Ordinances; providing a severability clause; and providing an effective date. (Public Works Director)

- C. Discussion and Action to appoint sub-committee of the Little Elm Town Council to work with sub-committee from the Lakewood Village Town Council on the proposed Interlocal Agreement for fire/rescue/ambulance services for FY 07-08. (Suggest that this committee also include Chief Florentino and Finance Director Ryan Adams).

- D. 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 the Code of Ordinances of the Town of Little Elm, Texas, relating to Miscellaneous Offenses, by adding a Section a Section 70-2, entitled "Residency Requirements of Sex Offenders"; Prohibiting Registered Sex Offenders from residing within one thousand (1000) feet of Public Parks, Public Playgrounds, Private or Public Schools, Libraries, Public Swimming Pools, Semi-Public Swimming Pools, Public or Private Youth Centers, Child Day Care Centers and Video Arcade Facilities; 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 Ordinances to take effect from and after its date of publication. (Police Chief)

- E. Discussion and Action to adopt Ordinance No. 869 an Ordinance of the Town Council of the Town of Little Elm, Texas, amending Chapter 70 of the the Code of Ordinances of the Town of Little Elm, Texas, relating to Miscellaneous Offenses, by adding a Section a Section 70-2, entitled "Residency Requirements of Sex Offenders"; Prohibiting Registered Sex Offenders from residing within two thousand (2000) feet of Public Parks, Public Playgrounds, Private or Public Schools, Libraries, Public Swimming Pools, Semi-Public Swimming Pools, Public or Private Youth Centers, Child Day Care Centers and Video Arcade Facilities; 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 Ordinances to take effect from and after its date of publication. (Police Chief)

- F. Discussion and Action to adopt Ordinance No. 870 an Ordinance of the Town Council of the Town of Little Elm, Texas, amending Chapter 70 of the the Code of Ordinances of the Town of Little Elm, Texas, relating to Miscellaneous Offenses, by adding a Section a Section 70-2, entitled "Child Safety Zones"; Prohibiting Registered Sex Offenders from residing within one thousand (1000) feet of Public Parks, Public Playgrounds, Private or Public Schools, Libraries, Public Swimming Pools, Semi-Public Swimming Pools, Public or Private Youth Centers, Child Day Care Centers and Video Arcade Facilities; 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 Ordinances to take effect from and after its date of publication. (Police Chief)
- G. Discussion and Action to approve Resolution No. 11060702 a Resolution of the Town Council of the Town of Little Elm, Texas, casting the Town's 28 votes for _____ to serve on the Denton Central Appraisal District Board of Directors; and providing an effective date.
- H. Discussion and Action to adopt Ordinance No. 867 an Ordinance of the Town of Little Elm, Texas, disannexing certain corporate territory, comprising approximately 16.494 acres and described in Exhibit A attached hereto, from the Town's corporate limits; retaining such land in the Town's Extraterritorial Jurisdiction; providing for amending and correcting the Official Map and Boundaries of the Town of Little Elm, Texas; providing for the filing of this Ordinance with the County Clerk; providing a savings clause; providing a severability clause; and providing an effective date. (Town Engineer)
- I. Discussion and Action to adopt Ordinance No. 865 an Ordinance of the Town Council of the Town of Little Elm, Texas , amending the Code Of Ordinances by repealing Sections 8 and 9 of appendix A, The Subdivision Ordinance relating to Landscaping Regulations and Tree Conservation; adopting Article II of Chapter 106 of the Zoning Ordinances relating to Landscaping Regulations and Tree Conservation Requirements; establishing Standards and Requirements for Landscaping for all Zoning Districts within the Town; establishing definitions; requiring a permit; establishing a permits requirement; adopting recommended Plant Materials; establishing a Tree Valuation Schedule and Formula; providing for a penalty; repealing conflicting Ordinances; providing for a severability clause; providing an effective date. (Planning Department)

- J. Discussion and Action to authorize the Mayor to draft letter to our U.S. Senators to express the Town's opposition to S.2123 regarding Unfunded Federal Mandate. (Town Manager)
 - K. Brief Update and Action: on remaining 2004 Bond Fund Initiative:•Community Center•Hike and Bike Trails, Pavilions and Multi-Purpose Fields•King Road•Lakeshore•Main Street•Preston of the Lake Emergency Exit•Witt Road
 - L. Traffic – Update, Discussion and Action.
17. **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
18. **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 Land Acquisition: Discussion and Action to approve Resolution No. 11060703 a Resolution of the Town Council of the Town of Little Elm, Texas determining the Public Necessity of acquiring the hereinafter described real property owned by Benderson 85-1 Trust and authorizing its condemnation and/or appropriation for Public Use for Street and Drainage Improvements in the Town of Little Elm, Texas; providing an immediate effective date.
19. **FYI: (All matters are provided to the Town Council for informational purposes only)**
- A. Letter to Commissioner White

- B. CWD Monthly Report for September 2007
- C. Oncor Merger

20. **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 posted this 2nd day of November 2007.