

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 2, 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: Proclaiming “National Payroll Week” (Mayor)**
- 4. Proclamation: Proclaiming “Alcohol and Drug Addiction Recovery Month” (Mayor)**
- 5. Proclamation: Proclaiming “Constitution Week” (Mayor)**
- 6. Presentation of Certificate of Appreciation. (Mayor)**
- 7. Discussion and Action to appoint two (2) residents to vacant regular positions on the Board of Adjustments and appoint one (1) resident to a vacant alternate position shared by the Planning and Zoning Commission and the Board of Adjustment. (Council)**
- 8. Discussion and Action on re-appointment of existing members to the Planning and Zoning Commission and Board of Adjustments. (Planning Director)**
- 9. Discussion and Action to appoint Audrey Oyler as a regular member of the Keep Little Elm Beautiful Committee. (KLEB Representative)**

10. **1st Public Hearing to discuss and receive comments on the proposed Tax Rate. Any and all citizens are invited and urged to attend to express their views and concerns in regards to this matter. (To address the council please fill out form located on table at entry to chambers and present to Town Secretary prior to the hearing) (Finance Department)**

11. **Public Hearing: to receive public comments regarding a request for a Specific Use Permit for a Martial Arts Studio on approximately 1.4131 acres, Block 1 Lot 2, Little Elm Retail Addition, currently zoned Light Commercial (LC). The property is located west of FM 423 and south of King Road at 2650 King Road, Suite 500, 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) (Planning Director)**

12. **Close Public Hearings.**

13. **Discussion and Action to adopt Ordinance No. 908 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 Martial Arts and Related Uses on 1.4131 acres presently zone LC – Light Commercial District and generally located west of FM 423 and South of King Road at 2650 King Road, Lot 2, Block 1, Little Elm Retail Addition, (and 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 sum of Two Thousand Dollars (\$2000.00) 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)**

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 August 19, 2008 Pre-Council Meeting
 - B. Minutes of the August 19, 2008 Regular Council Meeting
 - C. Acceptance of temporary construction, Water, and Sanitary Sewer Easements for water, line along FM 423 in front of Sunset Storage (Town Engineer)
 - D. Acceptance of temporary construction, Water and Sanitary Sewer Easements for water line along FM 423 in front of Elevated Water Storage Tank (Town Engineer)
 - E. Acceptance of Water Easements for water line and water meter in front of All Storage (Town Engineer)
16. **Reports and requests for Town Council consideration and appropriate action:**
- A. Discussion of Development Plan for Cochran tracts at Eldorado and Clark.
 - B. Discussion and Action to adopt Ordinance No. 907 an Ordinance of the Town Council of the Town of Little Elm, Texas (“TOWN”) approving a negotiated resolution between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division (“ATMOS MID-TEX” or “THE COMPANY”) regarding the Company’s rate review mechanism filing in all cities exercising original jurisdiction; declaring existing rate to be unreasonable; 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 saving clause; determining that this Ordinance was passed in accordance with the requirements of the Texas Open Meeting Act; declaring an effective date; and requiring delivery of this Ordinance to the Company and Legal Counsel. (Town Manager)
 - C. Discussion and Action: to appoint members to the 2009-2014 Citizen’s Bond Committee. (Mayor)

- D. Receive brief update on 2004 remaining Bond Fund Initiatives. •Community Center•Little Elm Park Improvement Combination Project 2004 Bond•King Road•Lakeshore Drive•Main Street•Witt Road
 - E. Traffic Update:
 - F. Continue discussion on 2008-2009 Fiscal Year Budget.
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. Absolute Development, LLC PMR/WHM, Ltd, and Frisco Hill, LP v. Town of Little Elm
 - 2. Town vs. Ajro Real Estate Investment
 - 3. Town vs. Anchor Boat Storage
 - 4. Potential Sunset Pointe Development Agreement
 - B. Section 551.072 Discussion and deliberation on the purchase, exchange, lease, or value or real property.
 - 1. Land acquisition
 - C. Section 551.074 Deliberation and review employment contract of the Town Manager.
18. **Discussion and consideration to take any action necessary as the result of the Closed (executive) session.**
- A. Section 551.071
 - 1. Absolute Development, LLC PMR/WHM, Ltd., and Frisco Hill, LP v. Town of Little Elm
 - 2. Town vs. Ajro Real Estate Investment
 - 3. Town vs. Anchor Boat Storage
 - 4. Potential Sunset Pointe Development Agreement

- B. Section 551.072
 - 1. Land acquisition
 - C. Section 551.074 Employment contract of the Town Manager
19. **FYI: (All matters are provided to the Town Council for informational purposes only)**
- A. ONCOR Announcement
 - B. ATMOS Rider GCR for September 2008
 - C. Thank You (Fire Department)
 - D. Thank You (Fire Department)
 - E. Thank You (Fire Department-Amy)
 - F. TML Legislative Update August 21, 2008
 - G. CWD Monthly Report for July 2008

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 this 29th day of August 2008.