

MEETING
Town of Little Elm
100 W Eldorado Parkway
Little Elm, Texas 75068-5060

214-975-0404
<http://www.littleelmtx.us>

Regular

Wednesday, October 8, 2008 - 7:00 PM
Town Hall Center---Council Chambers---100 W Eldorado Parkway

1. **Roll Call/Call to Order 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. **Announcement: The Public Hearings for the amendments to the Land Use and Building Chart and Supplementary District Regulations have been re-advertised and rescheduled for October 21, 2008. (Planning Director)**
4. **Certificate of Recognition: (Mayor)**
5. **Proclamation: Proclaiming the Week of October 20-24, 2008 as Texas Chamber of Commerce Week in Little Elm, Texas. (Mayor)**
6. **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.

7. **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 11, 2008 Public Hearings/Special Meeting and Work Session
- B. Minutes of the September 16, 2008 Public Hearings and Regular Council Meeting
- C. Minutes of the September 16, 2008 Council Pre-Session
- D. Accept resignation of Amber Sullivan from the Community Development Corporation (CDC)
- E. Replat B&G Addition south of Eldorado Parkway & East of Castleridge Drive (Planning Director)
- F. Approval of Resolution No. 10080803 a Resolution of the Town of Little Elm, Texas finding that ONCOR Electric Company's requested increases to its Electric Transmission and Distribution Rates and Charges within the Town should be denied; find that the Town's reasonable rate case expenses shall be reimbursed by the Company; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the Company and Legal Counsel. (Town Manager)
- G. Acceptance of Water and Sanitary Sewer Force Main Easements for force mains and water lines through USACE tracts of land to Doe Creek Peninsula. (Town Engineer)
- H. Acceptance of Water, Sewer, Drainage and Street Improvements for Sunset Pointe Phase 19A & 20A. (Town Engineer)

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

- A. Discussion and Action to direct Town Staff to prepare a response letter to the Texas State Comptroller of Public Accounts expressing the Town's intent to call an election to reauthorize the ¼ % sales and use tax for Street Maintenance. (Public Works Director)

- B. Discussion and Action to approve Resolution No. 10080801 a Resolution of the Town Council of the Town of Little Elm, Texas adopting Tax Abatement Guidelines and Criteria; providing a severability clause; and providing for an effective date. (EDC Consultant)
- C. Discussion and Action to approve Resolution No. 10080802 a Resolution of the Town Council of the Town of Little Elm, Texas, establishing prohibited parking locations pursuant to 98-101 (C) of the Town of Little Elm Code of Ordinances; and providing for a immediate effective date. (Parks Director)
- D. Discussion and Action to approve Change Order No. 1 for the Little Elm Park Improvements Project for an additional \$107,000.00 to provide for the necessary design changes and construction cost to expand the concession/restroom at the Swim Beach to house a full service concession facility. (Parks Director)
- E. Discussion and Action to approve the Multi-Year Capital Improvement Plan (CIP) to be submitted to Citizen Bond Committee. (Finance Department)
- F. Discussion and Action to adopt Ordinance No. 918 an Ordinance of the Town of Little Elm, Texas, amending the Code of Ordinances of the Town by adopting Article VI, Chapter 22 “Buildings and Building Regulations”, relating to Right-of-Way Acquisition by Governmental Agency; providing definitions; establishing Post-Acquisition Standards; requiring removal of certain non-conforming improvements; providing a saving clause; providing a severability clause; providing a penalty; and providing for an effective date. (Planning Director)
- G. Receive brief update on remaining 2004 Bond Fund Initiative:
 - 1. Community Center
 - 2. Little Elm Park Improvement Combination Project 2004
 - 3. King Road
 - 4. Lakeshore Drive
 - 5. Main Street
 - 6. Witt Road

H. Traffic Update:

9. **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 of Little Elm vs. Ajro Real Estate Investment
 - 3. Sunset Pointe Agreement
 - 4. 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
 - 1. Discussion and deliberation 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.
 - 2. HoltCaterpillar incentives, agreement to the tax abatement and waiving of the road impact fee.
- D. Section 551.074
 - 1. Discussion and deliberation concerning the salary and compensation provided to the Town Manager, Police Chief, Fire Chief, Finance Director, Public Works Director, Planning Director, Parks and Recreation Director, Library Director and Town Secretary.
 - 2. Discussion and deliberation on the Employment Contract of the Town Manager.

3. Annual Evaluation of the Town Secretary
10. **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 of Little Elm vs. Ajro Real Estate Investment
 3. Sunset Pointe Agreement
 4. TxDot Impact on Non-Conforming Properties
 - B. Section 551.072
 1. Land acquisition
 - C. Section 551.087
 1. 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.
 2. HoltCaterpillar incentives, agreement to the tax abatement and waiving of the road impact fee.
 - D. Section 551.074
 1. Discussion and Action concerning the salary and compensation provided to the Town Manager, Police Chief, Fire Chief, Finance Director, Public Works Director, Planning Director, Parks and Recreation Director, Library Director and Town Secretary.
 2. Discussion and Action on the Employment Contract of the Town Manager
 3. Discussion and Action on annual evaluation of the Town Secretary

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

- A. Letter from Denco Area 9-1-1 District regarding appointment to the Denco 9-1-1 District Board of Managers (Harlan Jefferson)
- B. TML Legislative Update September 24, 2008
- C. Thank You to Council and Staff
- D. Thank You Officer Curt Slocum-Police Department

12. **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 3rd day of October 2008.