

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, May 19, 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: Pastor Marc Farnell, Crossroads 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. **Proclamation: Proclaiming the week of May 17-23, 2009, as Emergency Medical Services Week. (Mayor)**
5. **Proclamation: Proclaiming the month of May as Motorcycle Safety and Awareness month. (Mayor)**
6. **Proclamation: Proclaiming May 20th through May 26th 2009 as National Safe Boating Week. (Mayor)**
7. **Public Hearing: regarding a request to rezone approximately 36.6124 acres of land from Planned Development District (PD-Retail) to Planned Development district (PD-Light Commercial), generally to modify development standards, located at the northwest corner of FM 423 and FM 720, Little Elm, Denton County, Texas. 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)**

- A. Close Hearing
 - B. Discussion and Action to adopt Ordinance No. 953 Ordinance of the Town of Little Elm, Texas, amending Ordinance No. 521, and as amended, and the Comprehensive Zoning Ordinance of the Town of Little Elm, Texas, herefore amended, by changing the zoning on approximately 36.6124 acres of land, generally located at the northwest corner of FM 720 and FM 423, from Planned Development District (PD-Retail) to Planned Development District (PD-Light Commercial), generally to modify development standards; correcting the official zoning map; providing a saving clause; providing a severability clause; providing a penalty; and providing for an effective date. (Planning 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 May 5, 2009 Regular Meeting
 - B. Minutes of the May 5, 2009 Pre-Council Meeting
 - C. Authorize the Town Manager to sign contract for Experience Works employee training site for Little Elm Library (Library Director/Town Manager)
10. **Reports and requests for Town Council consideration and appropriate action:**
- A. Discussion and Action on staff recommendation to award construction contract for the Wastewater Treatment Plant (WWTP) Expansion Improvement Project in the amount of \$7,054,786.00 to Gracon Construction Inc. of Mesquite, Texas and authorize the Town Manager to execute a contract for same. (Town Engineer)

- B. Discussion and Action on staff recommendation to approve Service Plus Company for the concession contract at Little Elm Park Lighthouse. (Parks Director)
- C. Discussion and Action on staff recommendation to adopt Ordinance No. 954 an Ordinance of the Town of Little Elm, Texas, amending the Code of Ordinances of the Town by amending Article VI, Chapter 22 “Buildings and Building Regulations” relating to Right of Way acquisition by a governmental agency; providing waiver or variance; providing a savings clause; providing a severability clause; providing a penalty; and providing for an effective date. (Planning Director)
- D. Discussion and Action on staff recommendation to adopt Ordinance No. 955 an Ordinance of the Town Council of the Town of Little Elm, Texas, amending Chapter 98 of the Code of Ordinances by adding Article VII to be entitled “Automated Red Light Enforcement.” establishing a Photographic Traffic Enforcement System (Red Light Camera System); establishing definitions; creating an offense; providing for administration of the system; providing for enforcement; establishing procedure; establishing affirmative defenses; establishing penalties including a civil penalty not to exceed \$75.00 and a late fee of \$25.00; providing a nonjudicial administrative hearing process; providing for an appeal to municipal court; repealing all conflicting ordinances; providing a severability clause; and providing an effective date. (Police Chief)
- E. Presentation and Action on “SPEAK UP PROGRAM” staff requesting the Council support the partnership between the Police Department and the Little Elm Independent School District toward keeping a safer community. Amount of \$5000 will be split between the LEPD and LEISD. (Police Chief)
- F. Discussion and Action on staff recommendation to purchase three (3) GTT Opticom Emergency Vehicle Preemption devices through Consolidated Traffic Control, Inc. / HGAC in the amount of \$17,751.25. (Fire Chief)
- G. Traffic Update: regarding Toll Bridge over Lake Lewisville, the Eldorado/Garza and Eldorado/423 Expansion Projects. (Staff)
- H. Discussion and Action to approve Resolution No. 05190901 a Resolution canvassing the returns and declaring the results of the bond election held May 9, 2009. (Town Attorney)

- I. Discussion and Action to approve Resolution No. 05190902 a Resolution of the Town Council of the Town of Little Elm, Texas canvassing the returns and declaring the result of: (I) General Election held in the Town of Little Elm on May 9, 2009, for the purpose of electing a Mayor for a three (3) year term, one (1) Council member for District 3 for a three (3) year term, and one (1) Council member for District 5 for a three (3) year term, (II) The Special Election held in the Town on the same date for the purpose of submitting to the qualified voters of the Town a proposition on the question of the reauthorization on adoption of a Local Sales and Use Tax within the Town at the rate of one-fourth of one-percent to provide revenue for maintenance and repair of municipal streets under the provisions of Chapter 327, Texas Tax Code, as amended, and (III) the Special Election held in the Town the same date for the purpose of submitted to the qualified voter of the Town certain amendments to the Town Charter; making other declaration and finding other matters in connection with the said elections as set forth herein; finding that all matters set forth are true and correct; providing for an effective date. (Town Attorney)
 - J. Certificate of Election: issue Certificate of Election to newly elected members.
 - K. Statement of Elected Officer: newly elected officers will complete the Statement of Elected Officer and Oath of Office. (Town Secretary)
(Newly elected officers will take their position at the dais)
(Newly elected officers will take their positions at the council dais)
11. **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 litigation.
 - 1. Landon Fence Agreement
 - 2. Agreement with Frisco Real Estate Investment
 - B. Section 551.072 Discussion and deliberation on the purchase, exchange, lease, or value or real property.

1. Resolution No. 05190903 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 Villages of Woodlake Homeowners Association and authorizing its condemnation and/appropriation for public use for street and drainage improvements in the Town of Little Elm, Texas; providing for an immediate effective date.
 2. Resolution No. 05190904 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 Sunset Point 1, LTD. and authorizing its condemnation and/or appropriation for public use for water and sewer line construction and improvements in the Town of Little Elm, Texas; and providing for an immediate effective date.
 3. Resolution No. 05190905 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 J. Woodrow Witt and authorizing its condemnation and/or appropriation for public use for sewer line and sewer lift station improvements in the Town of Little Elm, Texas; providing for an immediate effective date
- C. Section 551.074 Conduct interview with applicants for director positions on the Little Elm TIRZ#1 And TIRZ #2 Board and the LERA Board.
12. **Discussion and consideration to take any action as the result of the Closed (executive) session.**
- A. Section 551.071 Consultation with Town Attorney to receive legal advice concerning legal matters and contemplated litigation.
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13. **FYI: (All matters are provided to the Town Council for informational purposes only will not be discussed by Council or Staff)**
- A. Letter of thanks to the Fire Department
 - B. Monthly Reports
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. **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 15th day of May 2009.