

**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, August 18, 2009 - 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. **Opening Prayer: Brad Sutton, Point 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. **Recognition of Town Council absences and discussion and consideration of whether such absences should be considered as excused or unexcused absences.**
5. **Public Hearing: to receive public comments regarding a request to rezone approximately 20 acres of land from Planned Development district (PD-Retail) to Planned Development district (PD-Light Commercial), located at the southwest intersection of Eldorado Parkway & FM 423, Little Elm, Denton County, Texas. All interested citizens are welcome to attend the hearing and participate in same. (Please fill out speaker form on the table outside the chambers) and present to the Town Secretary prior to public hearing**
6. **Close Public Hearing.**

7. **Discussion and Action to adopt Ordinance No. 970 an Ordinance of the Town of Little Elm, Texas, amending Ordinance No. 521 and Ordinance No. 805, and as amended, and the Comprehensive Zoning Ordinance of the Town of Little Elm, Texas, herefore amended, by changing the zoning on approximately 20 acres of land, generally located at the southwest corner of Eldorado Parkway & FM 423, from Planned Development District (PD-Retail) to Planned Development district (PD-Light Commercial), providing a savings clause; correcting the official zoning map; providing a penalty; providing a severability clause; providing a repealer clause; and providing for an effective date. (Community Development Director)**
8. **Public Hearing: to receive public comment regarding a request to rezone approximately 4 acres of land from Retail district (R) to Light Commercial district (LC), located at the northeast intersection of Sunland Park Drive & FM 423, Little Elm, Denton County, Texas. All interested citizens are welcome to attend the hearing and participate in same. (Please fill out speaker form on the table outside the chambers) and present to the Town Secretary prior to the public hearing.**
9. **Close Public Hearing.**
10. **Discussion and Action to adopt Ordinance No. 971 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 approximately 4 acres of land, generally located at the northeast corner of Sunland Park Drive and FM 423, Little Elm, Denton County, Texas, from Retail district (R) to Light Commercial district (LC), providing for a saving clause; correcting the official zoning map; providing a penalty; clause; providing a severability clause; providing a repealer clause; and providing for an effective date. (Community Development Director)**
11. **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.

12. **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 3, 2009 Budget Work Session
- B. Minutes of the August 4, 2009 Pre-Session Meeting
- C. Minutes of the August 4, 2009 Regular Council Meeting
- D. Minutes of the August 5, 2009 Special Meeting
- E. Minutes of the August 11, 2009 Special Meeting and Work Session
- F. Final Plat Peyton Addition Block A, Lots 1 & 2 from KAZ Surveying, located at 2221 West Eldorado Parkway, approximately 600 feet south of the intersection of Dickson Lane and Eldorado Parkway, within the town limits, 5.09 acres. (Community Development Director)

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

- A. Discussion and Action to adopt Resolution No. 08180901 a Resolution appointing one members to the Board of Managers of the Denco Area 9-1-1 District.
- B. Discussion and Action to reappoint the Town Center Advisory Committee. (Community Development Director)
- C. Discussion and Action to approve the amended Pay and Classification Plan as presented. (Finance Director)

- D. Discussion and Action to adopt Ordinance No. 974 an Ordinance of the Town of Little Elm, Texas, amending Chapter 34 of the Code of Ordinances by repealing Article 1, “In General,” and adopting a new Article 1 to be entitled “Municipal Courts of Record;” establishing the Little Elm Municipal Court as a Court of Record; establishing the jurisdiction of the municipal court; providing for the appointment of Municipal Court Judges; providing for the qualifications, term, salary, and power and duties of the Municipal Court Judges; providing for a presiding Judge; providing for the filling of vacancies; providing for the removal of Judges; providing for a Municipal Court Clerk; establishing the Juvenile Case Manager Fund; establishing an appeal process and procedure; establishing penalties; repealing all conflicting ordinances; providing a severability clause; and providing for an effective date. (Finance Director)
  - E. Discussion: Town Council to discuss if Pre-Sessions are needed prior to the Council meetings.
14. **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. AJRO Real Estate Investments, LLC v. Town of Little Elm
  - B. Section 551.072 Discussion and deliberation on the purchase, exchange, lease or value of real property.
    - 1. Land acquisitions
  - C. Section 551.074 Of the Texas Government Code-deliberation regarding the interviewing and appointment of applicant(s) to the Economic Development Corporation.
15. **Reconvene into Open Session and take any action necessary as the result of the Closed (executive) session.**
- A. Section 551.071:
    - 1. AJRO Real Estate Investments, LLC v. Town of Little Elm
  - B. Section 551.072 Purchase, exchange, lease or value of real property.

1. Resolution No. 08180902 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 Herbert L. and Carolann E. Johnson and authorizing its condemnation and/or appropriation or public use for water and sewer line construction and improvements in the Town of Little Elm, Texas; providing an immediate effective date. (Public Works Director)
  2. Resolution No. 08180903 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 Leonid Sokolsky and authorizing its condemnation and/or appropriation or public use for water line construction and improvements in the Town of Little Elm, Texas; providing for an immediate effective date. (Public Works Director)
  3. Main Street, Lakeshore Drive Realignment, LEISD, and properties in the area.
- C. Section 551.074 Appointment of applicant(s) to the Economic Development Corporation.
16. **FYI: (All matters are provided to the Town Council for informational purposes only will not be discussed by Council or Staff)**
- A. Little Elm Public Library Monthly Report for June 2009
  - B. Thank You to Council & Staff
17. **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 14th day of August 2009..**