



**CITY OF THE COLONY
CITY COUNCIL MEETING AGENDA
TUESDAY, SEPTEMBER 20, 2016
6:30 PM**

TO ALL INTERESTED PERSONS:

Notice is hereby given of a **REGULAR SESSION** of the **CITY COUNCIL** of the City of The Colony, Texas to be held at **6:30 PM** on **Tuesday, September 20, 2016** at **CITY HALL, 6800 MAIN STREET, THE COLONY, TEXAS**, at which time the following items will be addressed:

1.0 ROUTINE ANNOUNCEMENTS, RECOGNITIONS AND PROCLAMATIONS

1. Call to Order

- 1.1. Invocation

- 1.2. Pledge of Allegiance to the United States Flag

- 1.3. Salute to the Texas Flag

- 1.4. Items of Community Interest

- 1.4.1. Receive presentation from Parks and Recreation regarding upcoming events and activities (PARD, Stansell)

2.0 WORK SESSION

The Work Session is for the purpose of exchanging information regarding public business or policy. No action is taken on Work Session items. Citizen input will not be heard during this portion of the agenda.

- 2.1. Council to provide direction to staff regarding future agenda items (Council)

3.0 CITIZEN INPUT

This portion of the meeting is to allow up to five (5) minutes per speaker with a maximum of thirty (30) minutes for items not posted on the current agenda. The council may not discuss these items, but may respond with factual data or policy information, or place the item on a future agenda. Those wishing to speak shall submit a Request Form to the City Secretary.

4.0 CONSENT AGENDA

The Consent Agenda contains items which are routine in nature and will be acted upon in one motion. Items may be removed from this agenda for separate discussion by a Council member.

- 4.1. Consider approving City Council Special Session and City Council Regular Session minutes for September 6, 2016 (City Secretary, Stewart)

- 4.2. Consider approving a resolution authorizing the City Manager to execute a Landlord Estoppel Certificate concerning Hawaiian Falls in The Colony (PARD, Nelson)

¹ These items are strictly public service announcements. Expressions of thanks, congratulations or condolences; information regarding holiday schedules; honorary recognition of city officials, employees or other citizens; reminders about upcoming events sponsored by the City or other entity that are scheduled to be attended by a city official or city employee. No action will be taken and no direction will be given regarding these items.

- 4.3. Consider approving a resolution authorizing the City Manager to execute a third amendment to the Ground and Tower Lease Agreement with Verizon Wireless (Engineering, Scruggs)
- 4.4. Consider approving a resolution authorizing the City Manager to execute a contract between the City of The Colony, Medical Center of Plano and Dr. Brandon Meek for Medical Control Services to The Colony Fire Department (Fire, Stephens)

5.0 REGULAR AGENDA ITEMS

- 5.1. Discuss and consider an ordinance approving a Development Plan to allow The Shacks at Austin Ranch Phase II, where three restaurants approximately 3000 square feet, 5000 square feet and 8000 square feet will be built on 5.976-acre parcel of land located at the Southeast corner of Plano Parkway and Windhaven Parkway in the Planned Development 22 (PD-22 – Austin Ranch) Zoning District (Development Services, Scruggs)
- 5.2. Discuss and consider approving a resolution authorizing the City Manager to execute the proposed Partial Assignment of the LMG Ventures, LLC Contract with Boggs Electric in the amount of \$105,261.00 for the completion of the electrical work on the well and aeration equipment (General Admin, Maurina)
- 5.3. Discuss and consider approving a resolution amending Fiscal Year 2015-16 Master Fee Schedule for Fiscal Year 2016-2017 effective October 1, 2016 (General Admin, Miller)
- 5.4. Discuss and consider approving an ordinance adopting the City of The Colony Fiscal Year Budget beginning October 1, 2016 through September 30, 2017; providing for intra and inter departmental fund transfers; providing for the investment of certain funds; providing that expenditures for said fiscal year to be made in accordance with said budget (General Admin, Miller)
- 5.5. Discuss and consider approving a resolution ratifying the property tax revenue increase reflected in the City of The Colony Budget for Fiscal Year 2016-17 (General Admin, Miller)
- 5.6. Discuss and consider approving an ordinance adopting the City of The Colony tax rate of \$.6675 per \$100 valuation on January 1, 2016. Tax rate is comprised of \$.51254 M&O and \$.15496 of General Fund Debt Service (General Admin, Miller)
- 5.7. Discuss and consider an ordinance levying the Public Improvement District Annual Assessment on properties located within the City of The Colony Public Improvement District No. 1, approving the Service and Assessment Plan for the District for Fiscal Year 2016-2017 and approving an Assessment Roll (General Admin, Miller)

- 5.8. Discuss and consider a variance to the Noise Ordinance regarding Webber Construction for the FM 423 Project (General Admin, Shallenburger)

6.0 EXECUTIVE SESSION

- 6.1. A. Council shall convene into a closed executive session pursuant to Section 551.071 of the Texas Government Code to seek legal advice from the city attorney regarding Austin Ranch building fee issue.
- B. Council shall convene into a closed executive session pursuant to Section 551.071 of the Texas Government Code to seek legal advice from the city attorney regarding pending or contemplated litigation – Atlantic Colony Venture I, LLC and Atlantic Colony Venture II, LLC v. City of The Colony, Texas, et al., Cause No. 16-02219-442.
- C. Council shall convene into a closed executive session pursuant to Section 551.071 of the Texas Government Code to seek legal advice from the city attorney regarding pending or contemplated litigation – Appeal of Brazos Electric Power Cooperative, Inc., PUC Docket No. 45175 and City of The Colony, Texas v. Brazos Electric Power Cooperative, Inc. matter, Cause No. 16-06424-16.
- 6.2. A. Any action as a result of executive session regarding Austin Ranch building fee issue.
- B. Any action as a result of executive session regarding the pending or contemplated litigation - Atlantic Venture, LLC and Atlantic Colony Venture II, LLC v. City of The Colony, Texas, et al.
- C. Any action as a result of executive session regarding pending or contemplated litigation – Appeal of Brazos Electric Power Cooperative, Inc., PUC Docket No. 45175 and City of The Colony, Texas v. Brazos Electric Power Cooperative, Inc. matter, Cause No. 16-06424-16.

Pursuant to the Texas Open Meeting Act, Government Code Chapter 551 one or more of the above items may be considered in executive session closed to the public, including but not limited to consultation with attorney pursuant to Texas Government Code Section 551.071 arising out of the attorney's ethical duty to advise the city concerning legal issues arising from an agenda item. Any decision held on such matter will be taken or conducted in open session following the conclusion of the executive session.

ADJOURNMENT

Persons with disabilities who plan to attend this meeting who may need auxiliary aids such as interpreters for persons who are deaf or hearing impaired, readers or, large print are requested to contact the City Secretary's Office, at 972-624-3105 at least two (2) working days prior to the meeting so that appropriate arrangements can be made.

CERTIFICATION

I hereby certify that above notice of meeting was posted outside the front door of City Hall by 5:00 p.m. on the 15th day of September, 2016.



A handwritten signature in cursive script that reads "Tina Stewart".

Tina Stewart, TRMC, City Secretary