

**JOINT MEETING AGENDA OF THE
CITY OF THE COLONY
CITY COUNCIL
PLANNING AND ZONING COMMISSION
ECONOMIC DEVELOPMENT CORPORATION (TYPE A)
COMMUNITY DEVELOPMENT CORPORATION (TYPE B)
THE COLONY LOCAL DEVELOPMENT CORPORATION
REINVESTMENT ZONE NUMBER ONE, CITY OF THE COLONY**

NOVEMBER 15, 2011

TO ALL INTERESTED PERSONS:

Notice is hereby given of a **JOINT SESSION** of the **CITY COUNCIL**, the **PLANNING AND ZONING COMMISSION**, the **COMMUNITY DEVELOPMENT CORPORATION (TYPE B)**, the **ECONOMIC DEVELOPMENT CORPORATION (TYPE A)**, the **THE COLONY LOCAL DEVELOPMENT CORPORATION**, and the **REINVESTMENT ZONE NUMBER ONE**, of the City of The Colony, Texas to be held at **6:00 P.M.** on the **15th** day of **NOVEMBER, 2011**, 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:
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Call to Order
Invocation
Pledge of Allegiance to the United States Flag
Salute to the Texas Flag
Citizen Input

2.0	REGULAR CITY COUNCIL AGENDA ITEMS
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- 2.1** Discuss and consider approval of minutes of City Council meetings held on November 1, 2011 [McCourry absent] and November 8, 2011 [Schrag absent] (City Secretary)
- 2.2** Discuss and consider the appointment of a Chairperson/President to the Local Development Corporation.
- 2.3** Discuss and consider the appointment of a Chairperson/President to the Reinvestment Zone Number One, City of The Colony.
- 2.4** Discuss and consider an ordinance establishing a Chapter 380 Incentive Program for Economic Incentives to develop and diversify the economic within the City of The Colony, Texas, and to develop and expand business and commercial activity within the City. (Ordinance No. 2011-1935).

- 2.5 Discuss and consider an ordinance adopting the Comprehensive Economic Development Policy attached to the Ordinance as Exhibit A which repeals and replaces the City's existing "The Colony Economic Development Corporation/City of The Colony Comprehensive Policy Statement of Economic Development Incentives". (Ordinance No. 2011-1934).
- 2.6 Discuss and consider an ordinance authorizing and approving the establishment and administration of one or more economic development programs to develop and diversify the economy within the Tax Increment Reinvestment Zone Number One, City of The Colony, Texas, and to develop and expand business and commercial activity within such Zone. (Ordinance No. 2011-1933).

3.0	REGULAR LOCAL DEVELOPMENT CORPORATION AGENDA ITEMS
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- 3.1 Call to Order
- 3.2 Discuss and consider the election of officers to the Local Development Corporation – Vice-Chairperson/Vice-President, Treasurer, and Secretary.
- 3.3 Discuss and consider approving bylaws for the Local Development Corporation.

4.0	JOINT PLANNING AND ZONING COMMISSION AND CITY COUNCIL AGENDA ITEMS
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- 4.1 Call to Order
- 4.2 Joint public hearing regarding a proposed amendment to the Master Thoroughfare Plan by modifying the alignment, design standards, and design speed for the planned thoroughfare extending westward from the intersection of Spring Creek Parkway and Headquarters Drive.
- 4.3 Planning and Zoning Commission discuss and consider making a recommendation to the City Council regarding a proposed amendment to the Master Thoroughfare Plan by modifying the alignment, design standards, and design speed for the planned thoroughfare extending westward from the intersection of Spring Creek Parkway and Headquarters Drive.
- 4.4 City Council discuss and consider an ordinance amending the Master Thoroughfare Plan by modifying the alignment, design standards, and design speed for the planned thoroughfare extending westward from the intersection of Spring Creek Parkway and Headquarters Drive. (Ord. No. 2011-1928)
- 4.5 Joint public hearing regarding a proposed amendment to the Comprehensive Zoning Ordinance and Map of the City of The Colony, Texas, as heretofore amended, by establishing a planned development district that encompasses that

certain 433.81 acres of property generally located along the south side of State Highway 121 between W. Spring Creek Parkway and Plano Parkway and including a tract of land at the southwest corner of State Highway 121 and Plano Parkway.

- 4.6 Planning and Zoning Commission discuss and consider making a recommendation to the City Council regarding a proposed amendment to the Comprehensive Zoning Ordinance and Map of the City of The Colony, Texas, as heretofore amended, by establishing a planned development district that encompasses that certain 433.81 acres of property generally located along the south side of State Highway 121 between W. Spring Creek Parkway and Plano Parkway and including a tract of land at the southwest corner of State Highway 121 and Plano Parkway; granting a variance to the regulations for the sale of alcoholic beverages with respect to said property.**
- 4.7 City Council discuss and consider an ordinance amending the Comprehensive Zoning Ordinance and Map of the City of The Colony, Texas, as heretofore amended, by establishing a planned development district that encompasses that certain 433.81 acres of property generally located along the south side of State Highway 121 between W. Spring Creek Parkway and Plano Parkway and including a tract of land at the southwest corner of State Highway 121 and Plano Parkway; granting a variance to the regulations for the sale of alcoholic beverages with respect to said property. (Ordinance No. 2011-1927).**
- 4.8 City Council discuss and consider a resolution approving bylaws for The Colony Local Development Corporation. (Resolution No. 2011-076)**

5.0	REGULAR ECONOMIC DEVELOPMENT CORPORATION (TYPE A) AGENDA ITEMS
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- 5.1 Call to Order**
- 5.2 Discuss and consider approving a Performance Agreement with LMG Ventures, LLC, a Texas limited liability company, and TXFM, Inc., a Texas corporation to provide economic development incentive for the development of a retail, commercial and entertainment development to be generally located on approximately 433.81 acres of land, located south of State Highway 121 and near Plano Parkway, City of The Colony, Denton County, Texas.**
- 5.3 Discuss and consider authorizing and directing the City Manager or City Attorney to take all necessary actions to initiate and file a declaratory judgment lawsuit to validate proposed bond issuances, contracts and actions taken or planned in support of economic development initiatives within Reinvestment Zone Number One, City of The Colony, Texas.**
- 5.4 Discuss and consider a resolution authorizing reimbursement of expenditures with proceeds of future debt.**

6.0	REGULAR COMMUNITY DEVELOPMENT CORPORATION (TYPE B) AGENDA ITEMS
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- 6.1 Call to Order**
- 6.2 Conduct a public hearing, discuss and consider approving a Performance Agreement with LMG Ventures, LLC, a Texas limited liability company, and TXFM, Inc., a Texas corporation to provide an economic development incentive for the development of a retail, commercial and entertainment development to be generally located on approximately 433.81 acres of land, located south of State Highway 121 and near Plano Parkway, City of The Colony, Denton County, Texas.**
- 6.3 Discuss and consider authorizing and directing the City Manager or City Attorney to take all necessary actions to initiate and file a declaratory judgment lawsuit to validate proposed bond issuances, contracts and actions taken or planned in support of economic development initiatives within Reinvestment Zone Number One, City of The Colony, Texas.**
- 6.4 Discuss and consider a resolution authorizing reimbursement of expenditures with proceeds of future debt.**

7.0	REGULAR LOCAL DEVELOPMENT CORPORATION AGENDA ITEMS
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- 7.1 Reconvene**
- 7.2 Discuss and consider approving a Development Agreement by and between The City of The Colony, the Local Development Corporation, LMG Ventures, LLC, a Texas limited liability company, TXFM, Inc., a Texas corporation, and the Board of Directors of Tax Increment Financing Reinvestment Zone Number One, City of The Colony.**
- 7.3 Discuss and consider authorizing and directing the City Manager or City Attorney to take all necessary actions to initiate and file a declaratory judgment lawsuit to validate proposed bond issuances, contracts and actions taken or planned in support of economic development initiatives within Reinvestment Zone Number One, City of The Colony, Texas.**
- 7.4 Discuss and consider a resolution authorizing reimbursement of expenditures with proceeds of future debt.**

8.0	REGULAR REINVESTMENT ZONE NUMBER ONE, CITY OF THE COLONY AGENDA ITEMS
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- 8.1 **Call to Order**
- 8.2 **Discuss and consider the election of officers for the Reinvestment Zone Number One- Vice-Chairperson/Vice-President, Treasurer, and Secretary.**
- 8.3 **Discuss and consider approving the Reinvestment Zone Number One, City of The Colony, tax increment financing project plan and financing plan.**
- 8.4 **Discuss and consider approving a Development Agreement by and between The City of The Colony, The Colony Local Development Corporation, LMG Ventures, LLC, a Texas limited liability company, and TXFM, Inc., a Texas corporation, and the Reinvestment Zone Number One, City of The Colony.**
- 8.5 **Discuss and consider approving an agreement with Denton County regarding participation in the Reinvestment Zone Number One, City of The Colony, tax increment fund.**

9.0	REGULAR CITY COUNCIL AGENDA ITEMS
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- 9.1 **Reconvene**
- 9.2 **Discuss and consider a resolution approving a performance agreement by and between the Community Development Corporation (Type B), LMG Ventures, LLC, a Texas limited liability company, and TXFM, Inc., a Texas corporation to provide an economic development incentive for the development of a retail, commercial and entertainment development to be generally located on approximately 433.81 acres of land, located south of State Highway 121 and near Plano Parkway, City of The Colony, Denton County, Texas. (Resolution No. 2011-077)**
- 9.3 **Discuss and consider a resolution approving a performance agreement by and between the Economic Development Corporation (Type A), LMG Ventures, LLC, a Texas limited liability company, and TXFM, Inc., a Texas corporation to provide an economic development incentive for the development of a retail, commercial and entertainment development to be generally located on approximately 433.81 acres of land, located south of State Highway 121 and near Plano Parkway, City of The Colony, Denton County, Texas. (Resolution No. 2011-078)**
- 9.4 **Discuss and consider a resolution approving a Chapter 380 Agreement with LMG Ventures, LLC, a Texas limited liability company, and TXFM, Inc., a Texas corporation to provide an economic development incentive for the development of a retail, commercial and entertainment development to be generally located on approximately 433.81 acres of land, located south of State Highway 121 and near Plano Parkway, City of The Colony, Denton County, Texas. (Resolution No. 2011-079)**

- 9.5 **Discuss and consider a resolution approving a hotel occupancy tax agreement with LMG Ventures, LLC, a Texas limited liability company, and TXFM, Inc., a Texas corporation to provide an economic development incentive for the development of a retail, commercial and entertainment development to be generally located on approximately 433.81 acres of land, located south of State Highway 121 and near Plano Parkway, City of The Colony, Denton County, Texas. (Resolution No. 2011-080)**
- 9.6 **Discuss and consider an ordinance approving the Reinvestment Zone Number One, City of The Colony, tax increment financing project plan and financing plan. (Ordinance No. 2011-1929)**
- 9.7 **Discuss and consider an ordinance approving an agreement with Denton County regarding participation in the Reinvestment Zone Number One, City of The Colony, tax increment fund. (Ordinance No. 2011-1931)**
- 9.8 **Discuss and consider an ordinance approving a Development Agreement by and between The City of The Colony, The Colony Local Development Corporation, LMG Ventures, LLC, a Texas limited liability company, TXFM, Inc., a Texas corporation, and the Board of Directors of Tax Increment Financing Reinvestment Zone Number One, City of The Colony. (Ordinance No. 2011-1932)**
- 9.9 **Discuss and consider an ordinance authorizing the city manager to execute a license and use agreement with LMG Ventures, LLC, a Texas limited liability company, and TXFM, Inc., a Texas corporation concerning the placement, alteration, maintenance, and removal of signs over public right-of-way located on approximately 433.81 acres of land, located south of State Highway 121 and near Plano Parkway, City of The Colony, Denton County, Texas. (Ordinance No. 2011-1930)**
- 9.10 **Discuss and consider approving a resolution declaring an expectation to reimburse expenditures with proceeds of future debt. (Resolution No. 2011-084)**
- 9.11 **Discuss and consider approving an ordinance authorizing and directing the City Manager or City Attorney to take all necessary actions to initiate and file a declaratory judgment lawsuit to validate proposed bond issuances, contracts and actions taken or planned in support of economic development initiatives within Reinvestment Zone Number One, City of The Colony, Texas. (Ordinance No. 2011-1936).**

10.0 EXECUTIVE SESSION

- 10.1 **The Economic Development Corporation, the Community Development Corporation, the Local Development Corporation and the City 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 regarding necessary actions to initiate and file a declaratory judgment lawsuit to validate proposed bond issuances, contracts and actions taken or planned in support of economic development initiatives within Reinvestment Zone Number One, City of The Colony, Texas.

Reconvene to Open Session

10.2 The Economic Development Corporation, the Community Development Corporation, the Local Development Corporation, and the City Council to take any action as a result of the executive session regarding pending or contemplated litigation regarding a declaratory judgment lawsuit to validate proposed bond issuances, contracts and actions.

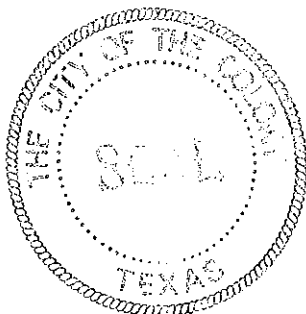
“Pursuant to the Texas Open Meetings Act, Government Code Chapter 551 one or more of the above items may be considered in executive session closed to the public, including but not limited to consultation with attorney pursuant to Texas Government Code Section 551.071 arising out of the attorney’s ethical 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”.

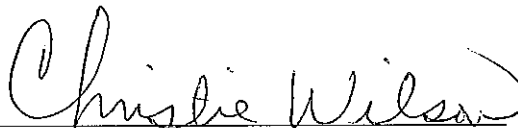
ADJOURN ALL BOARDS

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 Lisa Henderson, Deputy City Secretary, 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 10th day of November, 2011.




Christie Wilson, TRMC, City Secretary