



## **CITY OF ANNA AGENDA NOTICE – CITY COUNCIL REGULAR MEETING**

**April 26, 2011**

**7:30 p.m. – Anna City Hall Administration Building**

The City Council of the City of Anna will meet in Regular Session at 7:30 p.m., April 26, 2011, at the Anna City Hall Administration Building, located at 111 North Powell Parkway (Hwy 5), to consider the following items.

*Welcome to the City Council Meeting. Please sign the Sign-In-Sheet as a record of attendance. If you wish to speak on an open-session agenda item please fill out the Opinion/Speaker Registration Form and turn it in to the City Secretary before the meeting starts.*

1. Call to Order.
2. Invocation and Pledge of Allegiance.
3. Citizen comments. *Citizens are allowed 3 minutes to speak. The Council is unable to respond to or discuss any issues that are brought up during this section that are not on the agenda, other than to make statements of specific factual information in response to a citizen's inquiry or to recite existing policy in response to the inquiry.*
4. Receive reports from Staff or the City Council about items of community interest. *Items of community interest include: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutory recognition of a public official, public employee, or other citizen (but not including a change in status of a person's public office or public employment); a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.*

1. The Council may vote and/or act upon each of the items listed in this agenda.
2. The Council reserves the right to retire into executive session concerning any of the items listed on this agenda, whenever it is considered necessary and legally justified under the Open Meeting Act.
3. Persons with a disability who want to attend this meeting who may need assistance should contact the City Secretary at 972 924-3325 two working days prior to the meeting so that appropriate arrangements can be made.

5. Consent Items. *These items consist of non-controversial or “housekeeping” items required by law. Items may be considered individually by any Council member making such request prior to a motion and vote on the Consent Items.*
  - a. City Council Minutes for Regular Meeting April 12, 2011.
  - b. Review P & Z Minutes for Regular Meeting February 7, 2011.
  - c. Review Anna CDC minutes for January 13, 2011
  - d. Review Anna CDC minutes for February 3, 2011.
6. First public hearing regarding a Resolution regarding need to continue in effect current curfew for minors. (Chief Jenks)
7. (a) To consider public comment regarding an ordinance amending the City’s comprehensive plan, zoning map, and zoning ordinance and changing the zoning of certain property. Ms. Laurie Kinser, representative for Valverde Enterprises LLC is requesting a Specific Use Permit to operate a private club. The tract is currently zoned as General Commercial (C2) and is located at the southwest corner of the intersection of the Sam Rayburn Memorial Highway (State Highway 121) and FM 2862, and generally known as 7522 Sam Rayburn Memorial Hwy. (Maurice Schwanke)
 

(b) Consider/Discuss/Action adopting an ordinance amending the City’s comprehensive plan, zoning map and zoning ordinance and changing the zoning of certain property. The tract is currently zoned as General Commercial (C2) and is located at the southwest corner of the intersection of the Sam Rayburn Memorial Highway (State Highway 121) and FM 2862, and generally known as 7522 Sam Rayburn Memorial Hwy. (Maurice Schwanke)
8. Consider/Discuss/Action regarding an Ordinance authorizing the City Attorney to file or otherwise participate in legal proceedings. (Clark McCoy)
9. Consider/Discuss/Action regarding a Resolution approving an amendment to the Anna Community Development Corporation Budget. (Jessica Perkins)
10. Consider/Discuss/Action regarding a Resolution approving an amendment to the Anna Economic Development Corporation Budget. (Jessica Perkins)
11. Discussion regarding Off Site Special Event signs. (Philip Sanders)

1. The Council may vote and/or act upon each of the items listed in this agenda.
2. The Council reserves the right to retire into executive session concerning any of the items listed on this agenda, whenever it is considered necessary and legally justified under the Open Meeting Act.
3. Persons with a disability who want to attend this meeting who may need assistance should contact the City Secretary at 972 924-3325 two working days prior to the meeting so that appropriate arrangements can be made.

12. CLOSED SESSION (EXCEPTIONS): Under Tex. Gov't Code Chapter 551, the City Council may enter into closed session to discuss any items listed or referenced on this agenda under the following exceptions:

a. consult with legal counsel regarding pending or contemplated litigation and/or on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Government Code (Tex. Gov't Code §551.071).

The council further reserves the right to enter into executive session at any time throughout any duly noticed meeting under any applicable exception to the Open Meetings Act.

13. Consider/Discuss/Action on any items listed on posted agenda for April 26, 2011 City of Anna Workshop Session or any closed session occurring during this Regular Meeting, as necessary.

14. Adjourn.

This is to certify that I, Natha Wilkison, City Secretary, posted this agenda at a place readily accessible to the public at the Anna City Hall and on the City Hall bulletin board at or before 5:00 p.m., April 22, 2011.

*Natha Wilkison*

---

Natha Wilkison, City Secretary

1. The Council may vote and/or act upon each of the items listed in this agenda.
2. The Council reserves the right to retire into executive session concerning any of the items listed on this agenda, whenever it is considered necessary and legally justified under the Open Meeting Act.
3. Persons with a disability who want to attend this meeting who may need assistance should contact the City Secretary at 972 924-3325 two working days prior to the meeting so that appropriate arrangements can be made.



**City of Anna  
City Council Agenda  
Staff Report**

Council Meeting: April 26, 2011

Staff Contact: Philip Sanders

Account Code #: N/A

Date Prepared: 4/21/11

Budgeted Amount: N/A

Exhibits:  Yes  No

**AGENDA SUBJECT:** Consent Items. *These items consist of non-controversial or "housekeeping" items required by law. Items may be considered individually by any Council member making such request prior to a motion and vote on the Consent Items.*

Formatted: Bullets and Numbering

- a. City Council Minutes for Regular Meeting April 12, 2011.
- b. Review P & Z Minutes for Regular Meeting February 7, 2011.
- c. Review Anna CDC minutes for January 13, 2011
- d. Review Anna CDC minutes for February 3, 2011.

Deleted: 1

Deleted: and

Formatted: Bullets and Numbering

**SUMMARY:**

**RECOMMENDATION:** Staff recommends approval of the consent items.



**City of Anna  
City Council Agenda  
Staff Report**

Council Meeting: April 26, 2011

Staff Contact: Jessica Perkins

Account Code #: \_\_\_\_\_

Budgeted Amount: \_\_\_\_\_

Exhibits:  Yes       No

**AGENDA SUBJECT:** CONSENT C Review Anna CDC minutes for January 13, 2011.

**SUMMARY:** There was typo and unclear language in the February 3, 2011 minutes and on the last agenda the February and January minutes were group under the same agenda item. .

**STAFF RECOMMENDATION:** Staff recommends you approve the minutes.



**City of Anna  
City Council Agenda  
Staff Report**

Council Meeting: April 26, 2011

Staff Contact: Jessica Perkins

Account Code #: \_\_\_\_\_

Budgeted Amount: \_\_\_\_\_

Exhibits:  Yes       No

**AGENDA SUBJECT CONSENT D Review** Anna CDC minutes for February 3, 2011.

**SUMMARY:** There was a typo and unclear language in the minutes. It has been corrected.

**STAFF RECOMMENDATION:** Staff recommends you accept the minutes.



**City of Anna  
City Council Agenda  
Staff Report**

Council Meeting: April 26, 2011

Staff Contact: Chief Jenks

Account Code #: \_\_\_\_\_

Budgeted Amount: \_\_\_\_\_

Exhibits:  Yes  No

**AGENDA SUBJECT:** Public Hearing regarding continuing in effect Ordinance No. 208-2005

**SUMMARY:** Every three (3) years, the Ordinance that established a Youth Curfew must be reviewed.

The Youth Curfew Ordinance provides our community and police officers a valuable tool to help prevent juvenile crime and curtail criminal activity. Persons of juvenile age (under 17) are prohibited from being out without parental supervision after 11 pm on school nights and midnight on all other nights. Those persons that appear to be under the age of 17 out and about during curfew hours can be stopped by officers and an inquiry made as to what they are doing and whether their parents know where they are.

31 warnings/citations have been written during the current duration of the ordinance. The parent was unaware that their child was out during many of these contacts.

**STAFF RECOMMENDATION: This is a public hearing**



## City of Anna City Council Agenda Staff Report

Council Meeting: April 26, 2011

Staff Contact: Maurice. Schwanke

Account Code #: N/A

Date Prepared: 04/20/11

Budgeted Amount: N/A

Exhibits:  Yes  No

**AGENDA SUBJECT:** (a) Public Hearing

(a) To consider public comment regarding an ordinance amending the City's comprehensive plan, zoning map, and zoning ordinance and changing the zoning of certain property. Ms. Laurie Kinser, representative for Valverde Enterprises LLC is requesting a Specific Use Permit to operate a private club. The tract is currently zoned as General Commercial (C2) and is located at the southwest corner of the intersection of the Sam Rayburn Memorial Highway (State Highway 121) and FM 2862, and generally known as 7522 Sam Rayburn Memorial Hwy.

This request for a Specific Use Permit is to open a Private Club in conjunction with a restaurant in the facility known in the past as Circle V, Vinny's, and Home Sweet Home. Under the Private Club approval 50 percent of the revenue must come from the sale of Food. In other words the facility can not become strictly a bar facility. Audits are required on a 6 month basis to monitor the ratio of food sales to alcohol sales. Both Circle V and Vinny's operated with a Specific Use Permit for a private club. The City did not experience any significant problems with the operations. The reason for the re-approval is that after a lapse of 60 days of continuance the Specific Use Permit terminates (Part III C, Section 37.01 (b) of the Anna Code).

Provisions of Part III C Section 34.09 (c) (3) of the City of Anna Code require a private club to be on a tract of land two acres or more. The Anna Board of Adjustment approved a variance request by Valverde Enterprises to permit a private club on this tract which is less than two acres at their July 21, 2007 meeting. Therefore, this request on the same property is valid.

(b) Consider/Discuss/Action adopting an ordinance amending the City's comprehensive plan, zoning map and zoning ordinance and changing the zoning of certain property. The tract is currently zoned as General Commercial (C2) and is located at the southwest corner of the intersection of the Sam Rayburn Memorial Highway (State Highway 121) and FM 2862, and generally known as 7522 Sam Rayburn Memorial Hwy.

**PLANNING AND ZONING ACTION:** The Planning and Zoning Commission recommended approval of the proposed ordinance at their meeting on April 4, 2011 meeting. The vote was unanimous.

**RECOMMENDED ACTION:** Approval of Ordinance.





## City of Anna City Council Agenda Staff Report

Council Meeting: April 26, 2011  
Account Code #: \_\_\_\_\_  
Budgeted Amount: \_\_\_\_\_

Staff Contact: Clark McCoy

Exhibits:  Yes       No

### **AGENDA SUBJECT:**

Consider/Discuss/Action regarding an Ordinance authorizing the City Attorney to file or otherwise participate in legal proceedings. (Clark McCoy)

### **SUMMARY:**

The City is a jural entity with the ability to sue—as well as the capacity in certain instances to be sued—and there are instances in which the City's legal rights and obligations may require it to be represented in legal proceedings upon short notice. In such situations and other situations where it may benefit the City, this ordinance would specifically grant a limited authority to the City Attorney to file and otherwise participate in legal proceedings on the City's behalf. This authority derives from Section 4.04 of the Home-Rule Charter, which states that the City Attorney must "[r]epresent the City in litigation and legal proceedings as directed by the City Council and the City Manager." It is likely that the City Attorney already has implied authority to participate in legal proceedings on the City's behalf in the absence of individualized authorization to do so, but the proposed ordinance would expressly make the City Attorney's authority and ability to participate in legal proceedings an immediate option without requiring the City Council to officially authorize such participation. However, this is a limited grant of authority as the ordinance expressly preserves the City Council's right to direct the course of any legal proceedings, including the termination of such proceedings when permitted under law. The ordinance further directs City personnel to cooperate as appropriate in any such legal proceedings and it expressly preserves the City's immunities from suit and liability.

### **RECOMMENDED ACTION:**

Approval of the proposed ordinance.



## City of Anna City Council Agenda Staff Report

Council Meeting: April 26, 2011  
Account Code #: \_\_\_\_\_  
Budgeted Amount: \_\_\_\_\_

Staff Contact: Jessica Perkins

Exhibits:  Yes       No

**AGENDA SUBJECT:** Consider/Discuss/Action regarding a Resolution approving an amendment to the Anna Community Development Corporation Budget.

**SUMMARY:** The CDC is making more money than expected. Staff would like to increase the amount of revenue to be earned for the fiscal year by \$25,000. The CDC would also like to make additional (purchased mower at the beginning of the FY) one time capital equipment purchases. The CDC would need to dip into reserve funds for the capital purchases. The total amount of reserve funds used for the fiscal year would be approximately \$50,000. Below is a list of the items the CDC desires to be purchase.

#### Park Equipment:

- |  |          |
|--|----------|
| 1. 32 horsepower tractor with turf tires | \$17,500 |
| 2. 15 cubic ft., 3 point topdresser      | \$3500   |
| 3. 60" 3 point aerator                   | \$6000   |
| 4. 60" 3 point tiller                    | \$3000   |
| 5. 3 point blower                        | \$3000   |
| 6. loader                                | \$3500   |
| 7. 3 point fertilizer spreader           | \$700    |

#### Water Fountains

- |  |        |
|--|--------|
| 1. wall mounted (Slayter)                      | \$1265 |
| 2. free standing with pet and jug filler (NSP) | \$3725 |

- |                                |          |
|--------------------------------|----------|
| PD vehicle for park patrol     | \$12,294 |
| AED deliberator for PD vehicle | \$1500   |

**STAFF RECOMMENDATION:** Staff recommends you approve the resolution.



**City of Anna  
City Council Agenda  
Staff Report**

Council Meeting: April 26, 2011

Staff Contact: Jessica Perkins

Account Code #: \_\_\_\_\_

Budgeted Amount: \_\_\_\_\_

Exhibits:  Yes       No

**AGENDA SUBJECT:** Consider/Discuss/Action regarding a Resolution approving an amendment to the Anna Economic Development Corporation Budget.

**SUMMARY:** The EDC is making more money than expected. Staff would like to increase the amount of revenue to be made for the fiscal year by \$25,000.

**STAFF RECOMMENDATION:** Staff recommends you approve the resolution.