



CITY OF ANNA AGENDA NOTICE – CITY COUNCIL WORKSHOP

October 25, 2011

6:30 p.m. – Anna City Hall Administration Building

The City Council of the City of Anna will meet in Workshop Session at 6:30 p.m., October 25, 2011, at the Anna City Hall Administration Building, located at 111 North Powell Parkway (Hwy 5), regarding the following items.

1. Call to Order
2. Roll Call and Establishment of Quorum.
3. Council Briefing/Discussion regarding Park Grant Projects. (Maurice Schwanke)
4. **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. discuss or deliberate the purchase, exchange, lease, or value of real property (Tex. Gov't Code §551.072).
 - b. 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); Powell v. City of Anna, Cause No. 401-03815-2009 in the 401st District Court of Collin County, Texas.
 - c. Personnel Matters: City Secretary annual review. (Tex. Gov't Code §551.074).
 - d. Personnel Matters: City Manager annual review. (Tex. Gov't Code §551.074).

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.

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.

5. Discussion regarding any item on the City Council's October 25, 2011 Regular Meeting Agenda Notice, which was posted at the same date, time and place of this Workshop Agenda Notice.
6. 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., October 21, 2011.

Natha Wilkison

Natha Wilkison, City Secretary

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CITY OF ANNA AGENDA NOTICE – CITY COUNCIL REGULAR MEETING

October 25, 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., October 25, 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 salutary 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.*

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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. Approve City Council Minutes for September 27, 2011 Regular Meeting and October 11, 2011 Regular Meeting.
 - b. Approve a Resolution approving an Interlocal Agreement with Collin County for the North Slayter Creek Trail Construction Project. (Maurice Schwanke)
 - c. Approve a Resolution approving an Interlocal Agreement with Collin County for the North Slayter Creek Trail Land Acquisition Project. (Maurice Schwanke)
 - d. Review P & Z Minutes of August 1, 2011.
 - e. Review CDC Minutes for August 4, 2011.
 - f. Review EDC Minutes for August 4, 2011.
 - g. Review of Park Board Minutes for September 19, 2011.

6. Consider/Discuss/Action regarding a Resolution repealing Resolution No. 2010-07-04 which allows members of the City Council to simultaneously serve as a member of the City Fire Department in a volunteer capacity. (Philip Sanders)

7. Consider/Discuss/Action adopting an ordinance regarding annexation of the following tract: A tract of land in the DEW Babb Survey, Abstract No. A0033 generally located south of CR 421 and east of CR 418 and adjacent to the city limits, and containing 10.4 acres more or less. (Maurice Schwanke)

8. (a) Public Hearing: To consider public comment on a request by Oncor Electric Delivery Company, owner(s) of property, requesting a Specific Use Permit in a Single-Family Estates (SF-E) zoning district to allow for the construction and operation of an Electrical Substation on the tract. The property is generally located south of CR 421 and east of CR 418. (Maurice Schwanke)
 - (b) Consider/Discuss/Action regarding adopting an ordinance amending the City's comprehensive plan, zoning map and zoning ordinance and changing the zoning of certain property. The owner(s) is requesting a Specific Use Permit in a Single-Family Estates (SF-E) zoning district to allow the construction and operation of an Electrical Substation on the tract. The property is generally located south of CR 421 and east of CR 418. (Maurice Schwanke)

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.

9. Consider/Discuss/Action regarding a Resolution approving a concept plan for Slayter Creek Trail and Slayter Creek Park, Phase II. (Maurice Schwanke)
10. Consider/Discuss/Action regarding an Ordinance, amending the Anna City Code of Ordinances regarding Utility Billing Charges by amending Part IV Schedule of Fees, Article 7, Section 8 Water and Sanitary Sewer Service Rates. (Philip Sanders)
11. Consider/Discuss/Action regarding approving a Resolution regarding an Economic Development Incentive Agreement between the Anna EDC and Proxomo. (Jessica Perkins)
12. Consider/Discuss/Action regarding adopting a resolution approving (i) a resolution of the board of directors of Anna Economic Development Corporation (“EDC”) approving the entering into of a loan agreement; (ii) a sales tax remittance agreement between the city and the EDC (iii) resolving other matters incident and related to the loan; and (iv) the authority of the Mayor to execute, on behalf of the city, a general certificate of the city and the sales tax remittance agreement. (Jessica Perkins)
13. Council Briefing/Discussion regarding repairs to City buildings (Clayton Fulton)
14. Council Briefing/Discussion regarding a proposed Texas/New Mexico electric substation (Maurice Schwanke)
15. Council Briefing/Discussion regarding the proposed expansion of Highway 121 (Maurice Schwanke)
16. Discussion regarding City Council meeting schedule through the end of 2011. (Philip Sanders)
17. 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. discuss or deliberate the purchase, exchange, lease, or value of real property (Tex. Gov’t Code §551.072).
 - b. 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

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.

Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Government Code (Tex. Gov't Code §551.071); Powell v. City of Anna, Cause No. 401-03815-2009 in the 401st District Court of Collin County, Texas.

c. Personnel Matters: City Secretary annual review. (Tex. Gov't Code §551.074).

d. Personnel Matters: City Manager annual review. (Tex. Gov't Code §551.074).

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.

18. Consider/Discuss/Action on any items listed on posted agenda for October 25, 2011 City of Anna Workshop Session or any closed session occurring during this Regular Meeting, as necessary.

19. 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., October 21, 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.
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**City of Anna
City Council Agenda
Staff Report**

Council Meeting: October 25, 2011

Staff Contact: Philip Sanders

Account Code #: N/A

Date Prepared: 10-25-11

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.*

- a. Approve City Council Minutes for September 27, 2011 Regular Meeting and October 11, 2011 Regular Meeting.
- b. Approve a Resolution approving an Interlocal Agreement with Collin County for the North Slayter Creek Trail Construction Project. (Maurice Schwanke)
- c. Approve a Resolution approving an Interlocal Agreement with Collin County for the North Slayter Creek Trail Land Acquisition Project. (Maurice Schwanke)
- d. Review P & Z Minutes of August 1, 2011.
- e. Review CDC Minutes for August 4, 2011.
- f. Review EDC Minutes for August 4, 2011.
- g. Review of Park Board Minutes for September 19, 2011.

SUMMARY:

RECOMMENDATION: Staff recommends a motion to approve the consent items.



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

Council Meeting: October 25, 2011

Staff Contact: Maurice. Schwanke

Account Code #: N/A

Date Prepared: 10/19/11

Budgeted Amount: N/A

Exhibits: Yes No

AGENDA SUBJECT: Approve a Resolution approving an Interlocal Agreement with Collin County for the North Slayter Creek Trail Construction.

SUMMARY: The City has received a grant for trail construction of approximately 3,145 feet with a trail bridge at a project cost of \$190,960. The funds will be from the Collin County Parks and Open Space Project Funding Assistance Program. The City will be using the value of existing owned land for match. The approval of the Interlocal Agreement with Collin County and the signing by both the City and County are required prior to beginning the project.

RECOMMENDED ACTION: Approval of the Resolution



City of Anna City Council Agenda Staff Report

Council Meeting: October 25, 2011

Staff Contact: Maurice. Schwanke

Account Code #: N/A

Date Prepared: 10/19/11

Budgeted Amount: N/A

AGENDA SUBJECT: Approve a Resolution approving an Interlocal Agreement with Collin County for the North Slayter Creek Trail Land Acquisition.

SUMMARY: The City has received a grant for the acquisition of land for future trail construction. The funds will be from the Collin County Parks and Open Space Project Funding Assistance Program. The City will be using the value of existing owned land for match. The approval of the Interlocal Agreement with Collin County and the signing by both the City and County are required prior to beginning the project.

RECOMMENDED ACTION: Approval of the Resolution



City of Anna City Council Agenda Staff Report

Council Meeting: October 25, 2011
Account Code #: _____
Budgeted Amount: _____

Staff Contact: Philip Sanders

Exhibits: Yes No

AGENDA SUBJECT: Consider/Discuss/Action regarding a Resolution repealing Resolution No. 2010-07-04 which allows members of the City Council to simultaneously serve as a member of the City Fire Department in a volunteer capacity.

SUMMARY: Members of the City Council have requested that Resolution No 2010-07-04 which allows members of the City Council to simultaneously serve as a member of the City Fire Department in a volunteer capacity be repealed.

RECOMMENDATION: Staff recommends that the City Council approve the attached Resolution which repeals Resolution No. 2010-07-04.



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

Council Meeting: October 25, 2011

Staff Contact: Maurice Schwanke

Account Code #: N/A

Date Prepared: 10/19/11

Budgeted Amount: N/A

Exhibits: Yes No

AGENDA SUBJECT: Consider/Discuss/Action adopting an ordinance regarding annexation of the following tract: A tract of land in the DEW Babb Survey, Abstract No. A0033 generally located south of CR 421 and east of CR 418 and adjacent to the city limits, and containing 10.4 acres more or less.

SUMMARY: This tract being requested for annexation is within the City of Anna extraterritorial jurisdiction. This is a voluntary request and is owned by Oncor Electric Delivery Company. The tract is proposed as a future electrical substation. The tract is adjacent to the Current City Limits. Two public hearings regarding the annexation were held on September 13th and September 27, 2011. The property if annexed will automatically come in zoned as "SF-E". A request for an SUP in a "SF-E" district has been submitted.

PLANNING AND ZONING ACTION: The Planning and Zoning Commission recommended approval of the annexation at their September 12, 2011 meeting. The vote was unanimous.

RECOMMENDED ACTION: Approval of annexation ordinance



City of Anna City Council Agenda Staff Report

Council Meeting: October 25, 2011

Staff Contact: Maurice Schwanke

Account Code #: N/A

Date Prepared: 10/19/11

Budgeted Amount: N/A

Exhibits: Yes No

AGENDA SUBJECT: (a) Public Hearing: To consider public comment on a request by Oncor Electric Delivery Company, owner(s) of property, requesting a Specific Use Permit in a Single-Family Estates (SF-E) zoning district to allow for the construction and operation of an Electrical Substation on the tract. The property is generally located south of CR 421 and east of CR 418.

(b) Consider/Discuss/Action regarding adopting an ordinance amending the City's comprehensive plan, zoning map and zoning ordinance and changing the zoning of certain property. The owner(s) is requesting a Specific Use Permit in a Single-Family Estates (SF-E) zoning district to allow the construction and operation of an Electrical Substation on the tract. The property is generally located south of CR 421 and east of CR 418.

SUMMARY: This request consists of approximately 11.4 acres of which 10.4 acres is part of the annexation contained in item 7 of this agenda package. The land is bordered on the northwest by overhead electric transmission lines. The Collin County Outer loop is being built several hundred feet to the north. GCEC owns a similar operation north of CR 421 along the same transmission line. The facility will be built in the middle of the site with a buffer between the development to the east and south. The facility will be protected with a chain link fence to allow visibility into the facility for security purposes. Once constructed the facility will only generate only one vehicle trip per month on the average. Additionally, Oncor has committed to contribute to the City of Anna the value of what the landscape screening would have been to be used at other City of Anna public facilities at the Cities discretion. (1 tree per 40 feet along the hypotenuse of the triangle of the annexation)

PLANNING AND ZONING ACTION: The Planning and Zoning Commission recommended approval of the zoning request at their meeting September 12, 2011. The vote was unanimous.

RECOMMENDED ACTION: Approval of zoning request and ordinance



City of Anna City Council Agenda Staff Report

Council Meeting: October 25, 2011
Account Code #: _____
Budgeted Amount: _____

Staff Contact: Philip Sanders
Exhibits: Yes No

AGENDA SUBJECT: Consider/Discuss/Action regarding an Ordinance, amending the Anna City Code of Ordinances regarding utility billing charges by amending Part IV, Article 7, and adding the North Texas Groundwater Conservation District Production Fee.

SUMMARY: on May 27, 2009 Governor Perry signed SB 2497 into law which mandated the creation of the North Texas Groundwater Conservation District. The District encompasses Collin, Cook, and Denton Counties and is governed by a nine (9) member board of directors appointed by the County Commissioners from Collin, Denton, and Cook Counties. Each County appoints three directors. The State law requires one director to be selected from a nominee submitted by the largest municipal groundwater producer in each county. The City of Anna is the largest municipal groundwater producer in Collin County. In order to represent the City's interests, the Council has nominated the Anna City Manager to serve on the District's Board of Directors.

The Board of Directors is charged with monitoring and regulating ground water production within the three counties covered by the district and has the power to implement rules and regulations in order to conserve groundwater resources within the District. Operating costs for the district are assessed to the ground water producers. The District may charge a groundwater production fee of up to \$0.30 per 1,000 gallons of water pumped by non-exempt groundwater producers.

For the first two years since its creation, the District borrowed money from the Collin, Cook, and Denton Counties to fund all the costs it incurred to comply within its legislative mandate. On October 11 the District's Board of Directors voted to adopt their 2012 annual budget. In order to fund the budget and begin repay their debt obligations, the Board adopted a ground water production fee of \$0.10 per 1,000 gallons for the 2012 calendar year. Starting in January 2012 the City will be required to pay the District \$0.10 for every 1,000 gallons of groundwater we produce. Water used to maintain our system (flushing lines) and to provide fire protection is exempt from the production fee. The fee for water produced by the City during the first six months of the year will be due in September and the fee for water produced during the last six months of the year will be due in March the following year. When we receive the first six month invoice in July, Staff will recommend that the budget be adjusted to show the anticipated annual expense.

Based on historical water production, we estimate that the production fee will cost the City \$40K to \$50K annually. Staff is proposing that the cost of the production fee be included as a separate charge on each utility customer's monthly bill. Because we do not sell all the water we produce

(we average about a 34% water loss due to water used for fire protection, water breaks, routine maintenance etc.) Staff is recommending that the Council set the NTGCD production fee at \$0.15 per 1,000 gallon to go into effect on January 1, 2012. Customers will see the additional fee on their monthly bill starting in February. The average residential customer in Anna uses about 7,000 gallons of water in an average month. The NTGCD production fee will cost the typical residential customer about \$1.05 per month.

RECOMMENDATION: Staff recommends approval of the attached Ordinance which establishes a North Texas Groundwater Conservation District Production fee of \$0.15 per 1,000 gallons of water used by each utility customer.



City of Anna City Council Agenda Staff Report

Council Meeting: October 20, 2011

Staff Contact: Jessica Perkins

Account Code #: n/a

Budgeted Amount: n/a

Exhibits: Yes No

AGENDA SUBJECT: Consider/Discuss/Action regarding adopting a resolution approving an Economic Development Incentive Agreement between the Anna EDC and Proxomo.

SUMMARY: The Anna EDC was introduced to Proxomo in June of 2011 through a contact at Tech Wildercatters. Proxomo was looking for a place to open an office and after hearing positive comments from staff at Tech Wildercatters and IVL contacted the city. Since June city staff has been working with Proxomo to identify their needs to locate in Anna.

The incentive agreement being proposed is a grant in the amount of \$100,000 (to be disbursed in three installments of \$50,000, \$25,000 and \$25,000, one upon execution of the agreement, one on their one year anniversary, and the last on their second year anniversary, respectively). The AEDC will also offer Proxomo or assist it in finding rent-free office space. According to the terms of the agreement Proxomo will create 10 primary jobs in 36 months and maintain those jobs and operate the business in Anna for 10 years. The failure of Proxomo to do so would obligate Proxomo to repay the full amount of the grant or declining percentages of the grant depending on when the failure occurs.

STAFF RECOMMENDATION: Staff recommends you adopt the resolution in support of the incentive agreement.



City of Anna City Council Agenda Staff Report

Council Meeting: October 25, 2011

Staff Contact: Jessica Perkins

Account Code #: n/a

Budgeted Amount: n/a

Exhibits: Yes No

AGENDA SUBJECT: Consider/Discuss/Action regarding adopting a resolution approving (i) a resolution of the board of directors of Anna Economic Development Corporation (“EDC”) approving the entering into of a loan agreement; (ii) a sales tax remittance agreement between the city and the EDC (iii) resolving other matters incident and related to the loan; and (iv) the authority of the Mayor to execute, on behalf of the city, a general certificate of the city and the sales tax remittance agreement.

SUMMARY: The Anna EDC is moving forward with the financing needed to secure and close on the property located at 312 North Powell Parkway (aka Old Post Office). There is a list of documents requested from the lending bank (BB&T). These documents include financing terms; sales tax pledge and a tax opinion from bond counsel to secure the tax-exempt nature of the note. The city is being asked to pass a resolution in support of the loan and commit to remit sales tax.

STAFF RECOMMENDATION: Staff recommends you adopt the resolution in support of the purchase of property at 312 North Powell Parkway.



City of Anna City Council Agenda Staff Report

Council Meeting: October 25, 2011

Staff Contact: Clayton Fulton

Account Code #: N/A

Date Prepared: 10/20/11

Budgeted Amount: N/A

Exhibits: Yes No

AGENDA SUBJECT: Council Briefing/Discussion regarding repairs to City buildings

SUMMARY: City facilities have recently experienced damage and failure of major components over the past month. The A/C unit and indoor coil at the Planning and Development building failed requiring the replacement of the unit. Staff was able to obtain a grant from Oncor for energy efficiency upgrades to support the cost of the A/C replacement.

Also, the roof at the Police Department/Utility Billing Department experience significant hail damage causing water to leak into the building and cause interior damage. The roof needs to be replaced as well as repair/replacement of lighting fixtures and ceiling tiles.

Staff has filed an insurance claim with TML for property damage to the roof. Hail damage is typically covered; however, we have not heard anything official from TML.

Please see below for a schedule of cost:

	Estimate	Deductible	TML Cash Claim	Grant	Cost to City
A/C Replacement	\$4,615	-	-	\$1,551	\$3,064
Roof/Interior Damage	\$16,549	\$1,000	\$8,677	-	\$6,872
Total Cost to City					\$9,936

Staff anticipates that the cost of these repairs will likely necessitate a contingency allocation for maintenance and repair of buildings. At that time we will recognize the additional revenue from the grant and the cash claim from TML.

Please see the attached photos of the hail damage and interior damage to the PD/UB building.