



## **CITY OF ANNA AGENDA NOTICE – CITY COUNCIL WORKSHOP**

**January 10, 2012**

**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., January 10, 2012, 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. Discussion regarding paving county roads with mutual or shared boundaries. (Philip Sanders)
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. 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); William Austin Gant and Paul Eugene Gant v. City of Anna, Cause No. 380-02370-2011 in the 380<sup>th</sup> District Court of Collin County, Texas.

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 January 10, 2012 Regular Meeting Agenda Notice, which was posted at the same date, time and place of this Workshop Agenda Notice.
6. Adjourn.

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.

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., January 6, 2012.

*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 AGENDA NOTICE – CITY COUNCIL REGULAR MEETING**

**January 10, 2012**

**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., January 10, 2012, 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. Approve City Council Minutes for December 13, 2011 Regular Meeting.
- b. Approve a contract amendment for emergency medical services. (Philip Sanders)
- c. Approve a re-plat of the “Affi Addition”. (Maurice Schwanke)
- d. Review Planning and Zoning Regular Meeting Minutes for November 7, 2011.

6. Discussion/Briefing regarding December 24 water line break. (James Parkman)

7. Project Update/Briefing:

- Utility Billing/Court Credit Card Payments
- Active Shooter Grant Program
- Personnel Policy Manual Update
- 2012 Citizens Academy
- Old Post Office Remodel Project
- Fire Station Remodel Project
- Fire Department ALS Program
- Development Code Update
- Standard Design Manual Update
- Builder Sign Kiosks
- Slayter Creek Park Concession Building
- Slayter Creek Park, Phase II
- Slayter Creek Trail, Phase II
- Natural Springs Park Land Swap
- Highway 5 Expansion Project
- FM 455 Utility Relocation
- FM 455 Expansion Project
- FM 455 Private Median Breaks
- 2012 Street Rehabilitation Project
- Interurban Street Storm Sewer Project
- 2012 CDBG Waterline Project
- Hackberry Lane Waterline Project
- Highway 5 Ground Storage Tank Rehabilitation Project
- Water System CIP Study

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.

- Wastewater Treatment Permit Renewal
  - Waste Water Treatment Option Study
8. Discussion/Briefing regarding DART utility lease agreements. (Philip Sanders)
  9. Consider/Discuss/Action adopting an Ordinance regarding Municipal Court Fees. (Clark McCoy)
  10. Consider/Discuss/Action regarding adopting a resolution approving the interior design layout and exterior design and the not to exceed amount from Level 5 Design for property located at 312 North Powell Parkway and authorizing the EDC Chief Administrative Officer to execute an agreement for same. (Jessica Perkins)

11. 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); William Austin Gant and Paul Eugene Gant v. City of Anna, Cause No. 380-02370-2011 in the 380<sup>th</sup> District Court of Collin County, Texas.

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.

12. Consider/Discuss/Action on any items listed on posted agenda for January 10, 2012 City of Anna Workshop Session or any closed session occurring during this Regular Meeting, as necessary.
13. 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., January 6, 2012.

*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: January 10, 2012

Staff Contact: Philip Sanders

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

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

Exhibits:  Yes  No

**AGENDA SUBJECT:** Discussion regarding paving county roads with mutual or shared boundaries with the City.

**SUMMARY:** Last month I met with County Commissioner Joe Jaynes and County Public Works Director Jon Kleinheksel to discuss City participation in paving certain sections of County roads where the City and the County have joint jurisdiction. This issue has been discussed on several prior occasions with the County where the County has asked the City to spend money to pave roads at the edge of the City's jurisdiction. When we have been able to identify a financially feasible solution, the City has stepped forward and participated in the project. For example, a couple of years ago, the EDC contributed \$10,000 to pave CR 376. Earlier this year, the City agreed to give land valued at \$38,500 to the County for the Collin County outer loop to cover the City's total cost share to pave portions of CR 372 and CR 290.

In some cases the City has not been able to participate in the County's cost share proposals. For example, last year we were asked to spend \$37,000 to pave CR 474. CR 474 forms a common ETJ boundary with the City of Melissa. The property on the Anna side of CR 474 is undeveloped and no Anna residents live on CR 474.

During their November 21 meeting, the Commissioner's Court discussed the issues surrounding paving County roads with a common city boundary. After a lengthy discussion, the Commissioners voted to implement a policy whereby the County will pave all the County Roads that have a common boundary with a city. The respective cities will then be expected to reimburse the County for the city share of the cost.

It is still unclear how the County intends to collect from the cities. Some of the ideas suggested by the Commissioners include increasing dispatch, jail, and animal control fees for cities that haven't reimbursed the County. It was also suggested that cities that have not paid the County for paving these roads should not be eligible to receive County bond money for parks and open space or street improvements.

The result of the County's new policy became clear during the County Commissioner's December 12 meeting. The City has been awarded two grants from the County's Parks and Open Space grant program to construct additions to Slayter Creek Trail. Earlier this fall the Commissioner's approved the grant awards and sent the City an Interlocal Agreement to authorize the funding. The Agreements (approved by the City in October) were on the December 12 Commissioner's agenda for approval. The Commissioner's ultimately decided not

to approve the parks grant agreements until the City and the County have an agreement regarding the paving of County Roads that have a common boundary with the City.

During our meeting last month, the County Public Works director provided me with an estimate of \$295,962 as the total cost for paving the road sections that have a common or shared boundary with the City. Some of these roads have a section that shares a common boundary with the City which is adjacent to a section that is entirely within the City limits, which in turn is adjacent to a section that is entirely within the County. The County Public Works Director made it clear that it is the County's preference to pave the entire roadway including those sections that are entirely within the City limits, rather than have a road that is paved then gravel, then paved. If this approach is taken, the City's cost share would be \$1,545,557.

Under either scenario, I would not recommend using the City's very limited financial assets to pave roadways that are rarely traveled by City residents at the expense of funding road construction and paving projects in the original town of Anna that are in much greater need of repair. A possible solution could involve allowing the County to redirect funds from the 2007 County Bond program to cover the costs of these road projects which are clearly a priority for the County Commissioners

The 2007 Collin County Bond Program identified \$8.2 million in roadway construction projects in the City of Anna and authorized the County to issue bonds in order to fund one-half (\$4.1 million) of the cost of said projects. The projects mentioned in the bond program are:

- Mantua Rd/CR 371 (Hwy. 5 to U.S. 75 – reconstruction) \$6.6 million
- Rosamond Pkwy. (Hwy 5 to U.S. 75 – Engineering/right-of-way) \$519,750
- FM 455 (U.S. 75 to East Fork Creek – Engineering/right-of-way) \$520,000
- Ferguson Pkwy. (FM 455 to Foster Crossing Rd. – Engineering/right-of-way) \$594,000

Earlier this year, the City and the County agreed to reduce the County bond funds available for the Mantua Road project by \$800,000 (\$3.3 million down to \$2.5 million) in order to help fund the utility relocation necessary for the FM 455 expansion project. If the County is willing, the City might agree to allow the County to further redirect County bond funds available for Mantua Road to pay for the paving of the County roads that share a common boundary with the City. This would reduce the amount of County bond money available for Mantua road down to \$2.2 million or (if the desire is to pave the entire County roadways including those sections that are entirely within the City limits) down to \$1 million. I asked Commissioner Jaynes if he thought that this would be a viable solution and he said that he thought it would be agreeable.

County Public Works Director Jon Kleinheksel will be at our workshop to discuss this issue with the City Council. Maurice will prepare a map that will show all the road sections that the County would like us to pay for. The Commissioner's are schedule to reconsider the Park Grant ILA's during their January 23 meeting.



## City of Anna City Council Agenda Staff Report

Council Meeting: January 10, 2012

Staff Contact: Philip Sanders

Account Code #: N/A

Date Prepared: 1-6-12

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 December 13, 2011 Regular Meeting.
- b. Approve a contract amendment for emergency medical services. (Philip Sanders)
- c. Approve a re-plat of the "Affi Addition". (Maurice Schwanke)
- d. Review Planning and Zoning Regular Meeting Minutes for November 7, 2011.

### SUMMARY:

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





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

Council Meeting: January 10, 2012

Staff Contact: Philip Sanders

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

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

Exhibits:  Yes       No

**AGENDA SUBJECT:** Approve a contract amendment for emergency medical services. (Philip Sanders)

**SUMMARY:** Last fall I advised the Council that we received our FY 2012 assessment from Collin County for ambulance service. The assessment is about \$12K more than last year. While we were expecting a roughly 3% increase, the formula the County uses to calculate the individual city assessments assigned a slightly larger percentage of the total population served by the contract to Anna. This resulted in a larger increase than expected. The contract is billed on a quarterly basis. Depending on other expenses that occur throughout the year, it is possible that we will need to increase the Ambulance Service budget during the last quarter of the fiscal year. This can be done either through budget amendment or contingency allocation.

**RECOMMENDATION:** A copy of the 2012 County EMS contract amendment is attached. Staff recommends that the Council approve the contract amendment.



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

Council Meeting: January 10, 2012

Staff Contact: Maurice Schwanke

Account Code #: N/A

Date Prepared: 01/05/12

Budgeted Amount: N/A

Exhibits:  Yes  No

**AGENDA SUBJECT:** Approve a re-plat of the "Affi Addition".

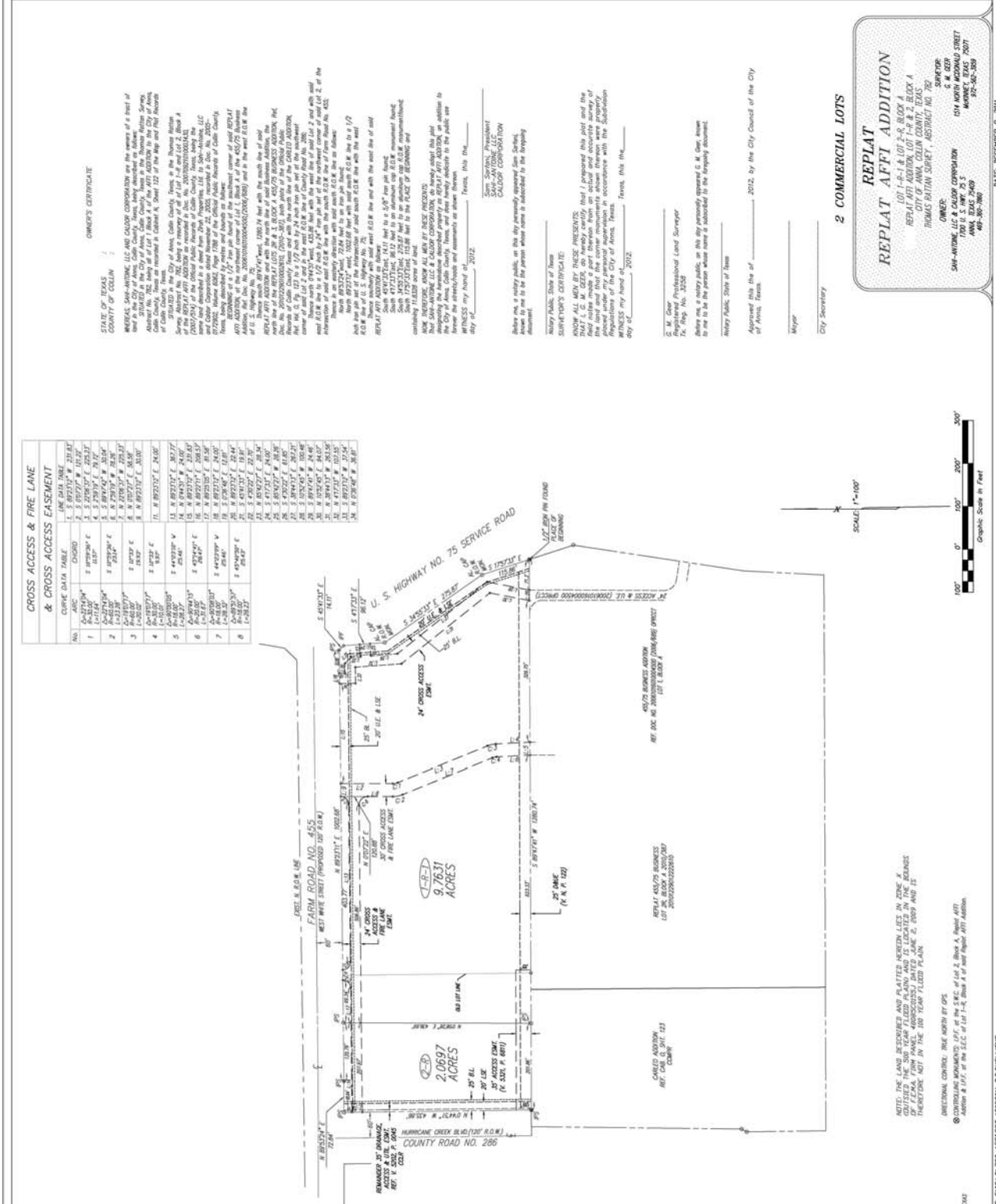
**SUMMARY:** The Affi Addition is a re-plat to move the existing lot line between lot 1-R and lot 2 to the west approximately 38.2 feet to accommodate the pending sale of the eastern portion of the tract. The new lot line will correspond to the existing pavement that is on the tract.

**PLANNING AND ZONING ACTION:** The Planning and Zoning Commission recommended approval of the re-plat at their meeting on January 3, 2012. The vote was unanimous.

**RECOMMENDED ACTION:** Approval of the re-plat.

### CROSS ACCESS & FIRE LANE & CROSS ACCESS EASEMENT

NO.	CURVE DATA TABLE
1	CHORD
2	ANGULAR DISTANCE
3	RADIUS
4	CHORD BEARING
5	CHORD LENGTH
6	CHORD BEARING
7	CHORD BEARING
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9	CHORD BEARING
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37	CHORD BEARING
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39	CHORD BEARING
40	CHORD BEARING



OWNER'S CERTIFICATE  
 STATE OF TEXAS  
 COUNTY OF COLLIN  
 I, \_\_\_\_\_, the undersigned, being the owner of a tract of land containing the above described property, do hereby certify that the above described property is the same as that shown on the plat hereunto annexed, and that the same is subject to the same taxes and assessments as the other lands in the same block, subdivision, or tract as shown on the plat hereunto annexed. My hand this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

SWAN-AVONNE, LLC AND CALOOR CORPORATION are the owners of a tract of land containing the above described property, do hereby certify that the above described property is the same as that shown on the plat hereunto annexed, and that the same is subject to the same taxes and assessments as the other lands in the same block, subdivision, or tract as shown on the plat hereunto annexed. My hand this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

SWAN-AVONNE, LLC and CALOOR CORPORATION are the owners of a tract of land containing the above described property, do hereby certify that the above described property is the same as that shown on the plat hereunto annexed, and that the same is subject to the same taxes and assessments as the other lands in the same block, subdivision, or tract as shown on the plat hereunto annexed. My hand this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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2 COMMERCIAL LOTS  
**REPLAT AFFI ADDITION**  
 REPLAT AFFI ADDITION  
 REPLAT AFFI ADDITION  
 CITY OF ANNA, COLLIN COUNTY, TEXAS  
 THOMAS PATTON SURVEY, ABSTRACT NO. 782  
 SWAN-AVONNE, LLC & CALOOR CORPORATION  
 CHAIRMAN  
 1514 NORTH McDONALD STREET  
 IRVING, TEXAS 75017  
 (972) 565-3000  
 DATE: DECEMBER 9, 2011

STATE OF TEXAS  
 COUNTY OF COLLIN  
 I, \_\_\_\_\_, being a duly qualified and sworn Surveyor, do hereby certify that the above described property is the same as that shown on the plat hereunto annexed, and that the same is subject to the same taxes and assessments as the other lands in the same block, subdivision, or tract as shown on the plat hereunto annexed. My hand this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

STATE OF TEXAS  
 COUNTY OF COLLIN  
 I, \_\_\_\_\_, being a duly qualified and sworn Surveyor, do hereby certify that the above described property is the same as that shown on the plat hereunto annexed, and that the same is subject to the same taxes and assessments as the other lands in the same block, subdivision, or tract as shown on the plat hereunto annexed. My hand this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

STATE OF TEXAS  
 COUNTY OF COLLIN  
 I, \_\_\_\_\_, being a duly qualified and sworn Surveyor, do hereby certify that the above described property is the same as that shown on the plat hereunto annexed, and that the same is subject to the same taxes and assessments as the other lands in the same block, subdivision, or tract as shown on the plat hereunto annexed. My hand this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

STATE OF TEXAS  
 COUNTY OF COLLIN  
 I, \_\_\_\_\_, being a duly qualified and sworn Surveyor, do hereby certify that the above described property is the same as that shown on the plat hereunto annexed, and that the same is subject to the same taxes and assessments as the other lands in the same block, subdivision, or tract as shown on the plat hereunto annexed. My hand this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

SCALE 1"=100'  
 Graphic Scale in Feet  
 100' 0' 100' 200' 300'

LEGEND  
 0 FT. 0" 0' 0"  
 1/2" = 10' 1/4" = 5' 1/2" = 2 1/2'  
 1/8" = 2 1/2' 3/16" = 3 3/4' 1/4" = 5'  
 3/16" = 4 1/2' 1/2" = 15' 5/8" = 18 3/4'  
 1" = 25' 1 1/4" = 31 1/4' 1 1/2" = 37 1/2'  
 1 3/4" = 43 1/4' 2" = 50'  
 2 1/4" = 62 1/2' 3" = 75'  
 3 1/4" = 87 1/2' 4" = 100'  
 5" = 125' 6" = 150'  
 8" = 200' 10" = 250'  
 12" = 300'

NOTICE: THE LAND INTERESTS AND PLATTED BOUNDARIES ARE SHOWN AS QUASI-LIENS FOR THE 300 YEAR FLEES PLANNING AND IS LIMITED TO THE BOUNDARIES SHOWN ON THIS PLAT. THE 300 YEAR FLEES PLANNING IS SUBJECT TO THE 300 YEAR FLEES PLANNING ACT.  
 DIRECTIONAL CONTROL: TRUE NORTH BY GPS  
 CONTROLLING INSTRUMENTS: LPT, M-14, S.W.C. of Lot 2, Block A, Parcel APT, Action B LPT, of the S.E.C. of Lot 1-8, Block A of said Parcel APT Addition.

REPLAT AFFI ADDITION  
 LOT 26, BLOCK A, 2012/08/27  
 9.7831 ACRES  
 CHARTERED ADDITION  
 REF. DOC. NO. 2012/08/27/00000000000000000000

REPLAT AFFI ADDITION  
 LOT 26, BLOCK A, 2012/08/27  
 9.7831 ACRES  
 CHARTERED ADDITION  
 REF. DOC. NO. 2012/08/27/00000000000000000000

REPLAT AFFI ADDITION  
 LOT 26, BLOCK A, 2012/08/27  
 9.7831 ACRES  
 CHARTERED ADDITION  
 REF. DOC. NO. 2012/08/27/00000000000000000000

REPLAT AFFI ADDITION  
 LOT 26, BLOCK A, 2012/08/27  
 9.7831 ACRES  
 CHARTERED ADDITION  
 REF. DOC. NO. 2012/08/27/00000000000000000000

REPLAT AFFI ADDITION  
 LOT 26, BLOCK A, 2012/08/27  
 9.7831 ACRES  
 CHARTERED ADDITION  
 REF. DOC. NO. 2012/08/27/00000000000000000000

REPLAT AFFI ADDITION  
 LOT 26, BLOCK A, 2012/08/27  
 9.7831 ACRES  
 CHARTERED ADDITION  
 REF. DOC. NO. 2012/08/27/00000000000000000000

REPLAT AFFI ADDITION  
 LOT 26, BLOCK A, 2012/08/27  
 9.7831 ACRES  
 CHARTERED ADDITION  
 REF. DOC. NO. 2012/08/27/00000000000000000000





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

Council Meeting: January 10, 2012

Staff Contact: James Parkman

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

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

Exhibits:  Yes       No

**AGENDA SUBJECT:** Discussion/Briefing regarding December 24 water line break.

**SUMMARY:** Staff will brief the Council regarding the cause and response to the December 24 waterline break that resulted in wide spread low water pressure.



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

Council Meeting: January 10, 2012

Staff Contact: Philip Sanders

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

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

Exhibits:  Yes       No

**AGENDA SUBJECT:** Project Update/Briefing

**SUMMARY:** Staff will brief the Council regarding the status of a number of projects that we will be working on in 2012.



## City of Anna City Council Agenda Staff Report

Council Meeting: January 10, 2012

Staff Contact: Philip Sanders

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

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

Exhibits:  Yes  No

**AGENDA SUBJECT:** Discussion/Briefing regarding DART utility lease agreements.

**SUMMARY:** The City currently has two lease agreements with the Dallas Area Rapid Transit (DART) that authorizes water and sewer lines to cross under the DART rail road right-of-way. The annual lease payment is currently \$600 per year for each, but will increase each year by the same percentage as the annual Consumer Price Index (CPI). DART will allow the City to prepay the lease payment and thereby receive a discount. The following example provided by DART uses a CPI escalation fee of 3%, and shows what the city might expect to save on each lease by prepaying.

<u>Years</u>	<u>Fee</u>	<u>Savings</u>
10	\$5,511	\$489
15	\$7,894	\$3,266
20	\$10,058	\$6,065
25	\$12,024	\$9,853

Although we do not currently have money in the budget to prepay the two leases, we would recommend negotiating a prepayment to take advantage of the potential savings.



## City of Anna City Council Agenda Staff Report

Council Meeting: January 10, 2012

Staff Contact: Clark McCoy

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

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

Exhibits:  Yes  No

### AGENDA SUBJECT:

Consider/Discuss/Action adopting an Ordinance regarding Municipal Court Fees.

### SUMMARY:

The City's regulations regarding municipal court costs and fees are in Part II, Article 41 of the Anna City Code of Ordinances (the "Code"). This ordinance would add three new sections to Article 41 for the purpose of expressly setting forth in the Code certain optional court costs and fees that the City is authorized by state law to charge to defendants. In the 2011 Legislative Session, the Legislature adopted amendments to Section 102.017 of the Texas Code of Criminal Procedure related to court fees that can be charged to defendants to help fund municipal court security expenses. The amendments to the state law went into effect January 1, 2012, but there were inadvertent errors in the legislation.

The Legislature adopted both a House bill (HB 2847) and a Senate bill (SB 1521), both amending Section 102.017, in an overlapping manner. The provision of Section 102.017 at issue is subsection (d-1), which relates to the types of expenses that may be paid from a municipality's "courthouse security fund." House Bill 2847 added "video conferencing systems" as an eligible security-related expense, while Senate Bill 1521 did not do so. The inclusion of the videoconferencing systems in House Bill 2847 was drafted in a way that renumbered a portion of the list of eligible security expenses under subsection (d-1) resulting in a total of 12 items, with the 12<sup>th</sup> item being "continuing education on security issues for court personnel and security personnel," an eligible expense that predated the 2011 amendments. Meanwhile, Senate Bill 1521 added a new category of eligible expenses at the end of the list of eligible expenses for "warrant officers and related equipment." However, Senate Bill 1521 placed this new eligible expense in the same number 12 slot in Section (d-1) as the continuing education expense. As a result, the Section 102.017(d-1) now has a list that has two different "number twelves."

We were aware of this error before the law went into effect, and had been monitoring the situation to see if House Bill 2847 and Senate Bill 1521 would be reconciled before going



to effect. Apparently, this has not occurred. Thus, we have had to analyze whether the bills are in conflict, or whether (using accepted principles of statutory construction) the bills can be harmonized. My analysis has led me to conclude that it is likely that the list under subsection (d-1) should essentially be interpreted to include a total of 13 items including the videoconferencing system, the continuing education expenses, and the warrant officer expenses. Thus, the proposed ordinance lists all 13 items of expense as being eligible for payment from the courthouse security fund as follows:

- (1) the purchase or repair of X-ray machines and conveying systems;
- (2) handheld metal detectors;
- (3) walkthrough metal detectors;
- (4) identification cards and systems;
- (5) electronic locking and surveillance equipment;
- (6) video teleconferencing systems;
- (7) bailiffs, deputy sheriffs, deputy constables, or contract security personnel during times when they are providing appropriate security services;
- (8) signage;
- (9) confiscated weapon inventory and tracking systems;
- (10) locks, chains, alarms, or similar security devices;
- (11) the purchase or repair of bulletproof glass;
- (12) continuing education on security issues for court personnel and security personnel; and
- (13) warrant officers and related equipment.

The provisions related to courtroom security are included in the ordinance as a new section 13 of Article 21 in the Code.

The ordinance also adds new sections 14 and 15 to Article 41. Section 14 sets forth the fees that are charged to a convicted defendant to help fund the cost for services of peace officers, such as executing and processing arrest warrants, and issuing summons to appear in court. Section 15 are additional fees that attach to certain traffic offenses, including but not limited to school zone infractions. These fees must be kept in a separate account and may only be used to fund school crossing programs, or, in the event that the City does not have such a program, the funds can be used for programs that benefit safety, health or nutrition of children.

**RECOMMENDED ACTION:**

The proposed additions to the Code should provide improved instruction to both court staff and those who become defendants as to what type of costs and fees (over and above the normal penalties) will be due upon conviction. Further, the ordinance provides direction as to the type of costs that can be funded by the various fees. The city attorney recommends approval of the proposed ordinance.



## City of Anna City Council Agenda Staff Report

Council Meeting: January 10, 2012

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 the interior design layout and exterior design and the not to exceed amount from Level 5 Design for property located at 312 North Powell Parkway and authorizing the EDC Chief Administrative Officer to execute an agreement for same. (Jessica Perkins)

**SUMMARY:** EDC staff is moving forward with the renovations needed to make the Old Post Office usable to rent. Level 5 Design has submitted the attached proposed interior design layout, exterior design, and not to exceed amount for renovation of property at 312 North Powell Parkway. The EDC board has reviewed and approved the design and not to exceed amount for the renovation.

**STAFF RECOMMENDATION:** Staff recommends you adopt a resolution.