



CITY OF ANNA AGENDA NOTICE – CITY COUNCIL WORKSHOP

February 8, 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., February 8, 2011, at the Anna City Hall Administration Building, located at 111 North Powell Parkway (Hwy 5), regarding the following items.

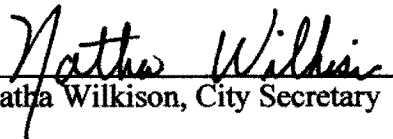
1. Call to Order
2. Roll Call and Establishment of Quorum.
3. Discussion regarding proposed Oncor Substation. (Maurice Schwanke)
4. Presentation and Discussion of Anna Police Department Annual Report. (Chief Jenks)
5. Consider/Discuss/Action regarding agenda for the Town Hall Meeting and the upcoming joint meeting with Council appointed Boards and Commissions
6. **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.

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.

7. Discussion regarding any item on the City Council's February 8, 2011 Regular Meeting Agenda Notice, which was posted at the same date, time and place of this Workshop Agenda Notice.
8. 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 10:00 a.m., February 5, 2011.


Natha Wilkison, City Secretary

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CITY OF ANNA AGENDA NOTICE – CITY COUNCIL REGULAR MEETING

February 8, 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., February 8, 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.*

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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 Regular minutes for January 25, 2011.
- b. Review Anna EDC Special minutes for September 7 2010.
- c. Review Anna CDC Special minutes for September 7, 2010.
- d. Approve “Gregory Pitts” development plat. (Maurice Schwanke)
- e. Approve a Resolution authorizing payment and reimbursement for Council member travel and training expenses. (Philip Sanders)
- f. Approve a amended Professional Service Agreement between the Anna Economic Development Corporation/Anna Community Development Corporation and Tom Terrell, Jr. (Jessica Perkins)
- g. Approve a Resolution regarding Senate Bill 332 (Philip Sanders)

6. (a) **Public Hearing:**

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, providing for savings, repealing and severability clauses; providing for an effective date; providing for a penalty clause not to exceed \$2,000 or the highest penalty amount allowed by law, whichever is less; and providing for publication and caption hereof. The property is currently zoned as Agriculture (AG). The owner has requested a Planned Development (PD) zoning to include Single Family Residential, Town Homes, Multiple Family Residential (FM-2) and Restricted Commercial (C-1) District zoning with additional uses. The property is located in an area roughly bonded by the north city limits line (CR 373, CR 372, and CR 290) on the south and west by the Hurricane Creek Country Club, The Hurricane Creek Estates and the Urban Crossing Addition, and is east and west of N. Central Expressway. The property is owned by Viola Lordsmeer L.P. (Maurice Schwanke)

(b) Consider/Discuss/Action on recommendation regarding an ordinance amending the City’s comprehensive plan, zoning map, and zoning ordinance and changing the zoning of certain property, providing for savings, repealing and severability clauses; providing for an effective date; providing for a penalty clause not to exceed \$2,000 or the highest penalty amount allowed by law, whichever is less; and providing for publication and caption hereof. The property is currently zoned as Agriculture (AG). The owner has requested a Planned Development

- 1. The Council may vote and/or act upon each of the items listed in this agenda.
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(PD) zoning to include Single Family Residential, Town Homes, Multiple Family Residential (FM-2) and Restricted Commercial (C-1) District zoning with additional uses. The property is located in an area roughly bonded by the north city limits line (CR 373, CR 372, and CR 290) on the south and west of the Hurricane Creek Country Club, the Hurricane Creek Estates and the Urban Crossing Addition, and is east and west of N. Central Expressway. The property is owned by Viola Lordsmeer L.P. (Maurice Schwanke)

7. (a) Public Hearing:

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, providing for savings, repealing and severability clauses; providing for an effective date; providing for a penalty clause not to exceed \$2,000 or the highest penalty amount allowed by law, whichever is less; and providing for publication and caption hereof. The property is currently zoned as Planned Development. The owner(s) Windmill Storage is requesting a Specific Use Permit to allow for a self contained Ice and Water Facility use on the tract. The property is generally located South of West White Street and east of Westfield Drive. (Maurice Schwanke)

(b) Consider/Discuss/Action on recommendation regarding an ordinance amending the City's comprehensive plan, zoning map, and zoning ordinance and changing the zoning of certain property, providing for savings, repealing and severability clauses; providing for an effective date; providing for a penalty clause not to exceed \$2,000 or the highest penalty amount allowed by law, whichever is less; and providing for publication and caption hereof. The owner(s) Windmill Storage is requesting a Specific Use Permit to allow for a self contained Ice and Water Facility use on the tract. The property is generally located South of West White Street and east of Westfield Drive. (Maurice Schwanke)

8. Consider/Discuss/Action regarding ordinance amending the Anna City Code of Ordinances Part II, Article 8, Section 1.12 (Dangerous Structures), establishing a Building and Standards Commission, and providing for authority of the Building and Standards Commission to hear and determine certain public health and safety matters including matters related to dangerous structures. (Clark McCoy)

9. Consider/Discuss/Action regarding a Resolution directing publication of notice of intention to issue combination tax and revenue certificates of obligation.

10. Discussion regarding the appointment of a Charter Review Commission. (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.

City Council may enter into closed session to discuss any items listed or referenced on this agenda under the following exceptions:

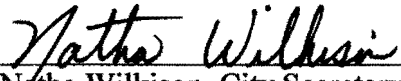
a. consult with legal counsel regarding pending or contemplated litigation and/or on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Government Code (Tex. 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.

12. Consider/Discuss/Action on any items listed on posted agenda for February 8, 2011 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 10:00 a.m., February 5, 2011.


Natha Wilkison, City Secretary

1. The Council may vote and/or act upon each of the items listed in this agenda.
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City of Anna City Council Agenda Staff Report

Council Meeting: February 8, 2011 Workshop

Staff Contact: Chief Jenks

Account Code #: _____

Budgeted Amount: _____

Exhibits: Yes No

AGENDA SUBJECT: Anna Police Department 2010 Annual Report

SUMMARY: Each year the Police Department collects statistical data for the types of services that are provided to the citizens of Anna and the surrounding area. This Annual report provides:

- # of Calls for Police Service;
- # of Incidents Reported;
- # of Arrests made;
- # of Citations;
- # of Traffic Crashes;
- # of Evidence collected; and
- the # of cases regarding juveniles.

STAFF RECOMMENDATION: N/A



City of Anna City Council Agenda Staff Report

Council Meeting: February 8, 2011

Staff Contact: Philip Sanders

Account Code #:

Budgeted Amount: _____

Exhibits: Yes No

AGENDA SUBJECT: Consider/Discuss/Action regarding agenda for the Town Hall Meeting and the upcoming joint meeting with Council appointed Boards and Commissions.

SUMMARY: The Town Hall City Council meeting needs to be rescheduled. Staff also needs to confirm the date and time for the joint meetings with Council appointed Boards and Commission currently scheduled for February 15 starting at 6:30 p.m.



City of Anna City Council Agenda Staff Report

Council Meeting: February 8, 2011

Staff Contact: Philip Sanders

Account Code #: 10-403-6711 Travel Expense & 10-403-6721 Education & Training

Budgeted Amount: \$600 per person

Exhibits: Yes No

AGENDA SUBJECT: Consider/Discuss/Action regarding a Resolution authorizing payment and reimbursement for Council Member travel and training expenses.

SUMMARY: The Chambers of Commerce in Collin County are sponsoring the bi-annual Collin County Day in Austin on March 7 and 8. The event allows business and community leaders for Collin County to promote legislative issues that are important to Collin County residents. The estimated cost associated with the event includes, \$150 for registration, \$189 (plus tax) for lodging, and meals and travel to be reimbursed in accordance with the Council's previously adopted travel reimbursement policy.

The attached Resolution authorizes the payment and reimbursement of expenses incurred by Mayor Driskell who has expressed a desire to attend this event.

RECOMMENDATION: Staff recommends approval of this Resolution.



City of Anna City Council Agenda Staff Report

Council Meeting: February 8, 2011
Account Code #: _____
Budgeted Amount: _____

Staff Contact: Jessica Perkins

Exhibits: Yes No

CONSENT AGENDA SUBJECT: Approve an amended Professional Services Agreement between the Anna Economic Development Corporation and the Anna Community Development Corporation and Tom Terrell, Jr. (Jessica Perkins)

SUMMARY: This agreement came before you at the last meeting but did not include the CDC as apart of the agreement. Staff would like the agreement to be between the EDC and the CDC. Tom's knowledge and expertise will benefit both corporations and sharing the cost is mutually beneficial to the corporations.

Tom Terrall, Jr is a retired EDC director for The Colony and now does consulting work. Tom is very knowledgeable and comes highly from area EDC directors, developers, and many others. The EDC and CDC would like to use Tom to promote and market the city as well as to expand our networking circle.

STAFF RECOMMENDATION: Staff recommends you approve the resolution.



City of Anna City Council Agenda Staff Report

Council Meeting: February 8, 2011

Staff Contact: Philip Sanders

Account Code #:

Budgeted Amount: _____

Exhibits: Yes No

AGENDA SUBJECT: Consider/Discuss/Action to approve a Resolution regarding Senate Bill 332.

SUMMARY: On January 12, 2011 Senator Fraser filed Senate Bill 332 to be considered by the 82nd Texas Legislature this Spring. The bill seeks to amend Section 36.002 of the Water Code regarding the ownership of and right to produce groundwater. Section 1 of the Bill states that “A land owner, ... has a vested ownership interest in and right to produce groundwater below the surface of the landowner ’s real property”.

The City of Anna, Texas (the “City”) currently operates seven water wells as part of its municipal water supply and is the largest municipal groundwater producer in Collin County. In order to protect its production sources and maintain affordable water rates for all customers, the City must be able to regulate the production of groundwater within its Certificate of Convenience and Necessity (“CCN”). The “vested ownership” language could be interpreted to require the city to compensate property owners where our water well regulations limit or prohibit another owner from producing ground water within our city limits. In addition, the language could pave the way for potential litigation if a property owner were to claim that the water we are pumping out of the ground originated beneath property not owned by the city of Anna.

The attach Resolution requests that the bill be amended in a manner that allows the city to protect its production sources and produce groundwater in sufficient quantities necessary to serve all of its customers without the threat of litigation.

RECOMMENDATION: Staff recommends approval of the attached Resolution.



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

Council Meeting: February 8, 2011

Staff Contact: Maurice. Schwanke

Account Code #: N/A

Date Prepared: 02/04/11

Budgeted Amount: N/A

Exhibits: Yes No

AGENDA SUBJECT: (a) Public Hearing

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, providing for savings, repealing and severability clauses; providing for an effective date; providing for a penalty clause not to exceed \$2,000 or the highest penalty amount allowed by law, whichever is less; and providing for publication and caption hereof. The property is currently zoned as Agriculture (AG). The owner has requested a Planned Development (PD) zoning to include Single Family Residential, Town Homes, Multiple Family Residential (FM-2) and Restricted Commercial (C-1) District zoning with additional uses. The property is located in an area roughly bonded by the north city limits line (CR 373, CR 372, and CR 290) on the south and west by the Hurricane Creek Country Club, The Hurricane Creek Estates and the Urban Crossing Addition, and is east and west of N. Central Expressway. The property is owned by Mr. Vincent Viola.

The staff has been reviewing this zoning case since 2005. The area is commonly known as Mantua. The total project is approximately 3,000 acres in size; however, only 900 acres will be within the jurisdiction of Anna while the remainder will be in Van Alstyne. At this time 551.73 acres are within the City Limits of Anna and the remainder is within our extraterritorial jurisdiction. The major portion of the Mantua project in the Anna City limits (U.S. 75 frontage) will be of a commercial nature with several pockets of higher density residential development and single family development. With the Development of the Adopted Comprehensive Plan for Anna the Mantua project was mirrored in terms of Land Use and Thoroughfares. As such the staff is in support of the proposed ordinance that is attached.

(b) Consider/Discuss/Action on recommendation regarding an ordinance amending the City's comprehensive plan, zoning map, and zoning ordinance and changing the zoning of certain property, providing for savings, repealing and severability clauses; providing for an effective date; providing for a penalty clause not to exceed \$2,000 or the highest penalty amount allowed by law, whichever is less; and providing for publication and caption hereof. The property is currently zoned as Agriculture (AG). The owner has requested a Planned Development (PD) zoning to include Single Family Residential, Town Homes, Multiple Family Residential (FM-

2) and Restricted Commercial (C-1) District zoning with additional uses. The property is located in an area roughly bounded by the north city limits line (CR 373, CR 372, and CR 290) on the south and west of the Hurricane Creek Country Club, the Hurricane Creek Estates and the Urban Crossing Addition, and is east and west of N. Central Expressway. The property is owned by Mr. Vincent Viola.

PLANNING AND ZONING ACTION: The Planning and Zoning Commission recommended approval of the proposed ordinance at their meeting January 3, 2011 meeting. The applicant asked that 4 changes be made to the Planned Development. The staff does not have an objection to the requested changes since they should not adversely impact the overall quality of the Planned Development. Therefore the Staff recommended changes be made to the Exhibit D with include the following:

- 1.) Part II (Street Design Standards) I. D. (Utility Space) was changed so that landscape easements could be included as utility space.
- 2.) Part III (Development Standards) I. D.(Density) net was defined as gross minus flood plain, commercial land, public and park land and open space lands.
- 3.) Part III (Development Standards) I. E.(Residential Design Diversity.) 1. e. (Anti-Monotony) was changed from every eight (8) lots to every five (5) lots.
- 4.) Part III (Development Standards) I. G. (Open Space) was changed from a minimum of 150 acres to 130 acres.

The vote which included the above recommended changes was approved unanimously.

RECOMMENDED ACTION: Approval of Ordinance.



City of Anna Staff Agenda Report

Council Meeting: 02/08/2010Staff Contact: Clark McCoy, City AttorneyPrepared by: Clark McCoy, City AttorneyAccount Code #: N/ADate Prepared: 2/5/2011Budgeted Amount: \$ N/AExhibits: Yes No

AGENDA SUBJECT: Consider/Discuss/Action regarding ordinance amending the Anna City Code of Ordinances Part II, Article 8, Section 1.12 (Dangerous Structures), establishing a Building and Standards Commission, and providing for authority of the Building and Standards Commission to hear and determine certain public health and safety matters including matters related to dangerous structures.

SUMMARY: Currently, determinations regarding dangerous structures are made by the City Council. Staff has determined that a more efficient and effective approach for dealing with dangerous structures is available under Texas Local Government Code, Chapter 54, which allows for the creation of a Building and Standards Commission (“BSC”) to make such determinations. This ordinance revises the City’s Property Maintenance Code to create the BSC and supplies new procedures for notices and hearings consistent with LGC Chapter 54. The BSC would be composed of the members of the City’s Board of Adjustments, so no additional appointments for the BSC would be necessary.

RECOMMENDED ACTION:

Adopt proposed ordinance.



City of Anna City Council Agenda Staff Report

Council Meeting: February 8, 2011

Staff Contact: Philip Sanders

Account Code #:

Budgeted Amount: _____

Exhibits: Yes No

AGENDA SUBJECT: Consider/Discuss/Action regarding a Resolution directing publication of notice of intention to issue combination tax and revenue certificates of obligation.

SUMMARY: One of the ways we are considering funding the purchase of the new fire engine is through the issuance of certificates of obligation. The attached Resolution directs the City Secretary to publish the required "notice of intent" to issue said certificates. A final vote to actually issue the new debt instruments would not be taken unless and until the Council determines that this particular debt instrument is the best option for financing the new fire engine. The blanks on the notice attached with the Resolution have not yet been filled in. We will have that information for the Council during the meeting on Tuesday.

RECOMMENDATION: We are looking at several financing scenarios for the new fire engine. In the event issuing new certificates of obligation is the best option, Staff recommends approval of the attached Resolution that will allow the Council to move forward with this option at a later date.



City of Anna City Council Agenda Staff Report

Council Meeting: February 8, 2011

Staff Contact: Philip Sanders

Account Code #:

Budgeted Amount: _____

Exhibits: Yes No

AGENDA SUBJECT: Discussion regarding the appointment of a Charter Review Commission.

SUMMARY: During the last City Council meeting, the Council discussed the possible appointment of a Charter Review Commission. The Commission must consist of at least ten citizens of the City. All persons appointed to serve must be qualified voters in the City. The Mayor has asked each Council member to recommend at least one person who would be qualified and willing to serve on a Charter Review Commission. We have received one nomination so far.

The attached Charter Review Commission application form will assist the Council in reviewing the qualifications of all persons nominated to serve on this commission. Staff is requesting that the persons nominated, fill out the attached application and return it (along with a current resume if available) to the City Secretary no later than February 16.

Charter Review Commission

(a) The City Council must appoint a Charter Review Commission at least once every six years. The Charter Review Commission must consist of at least ten citizens of the City who must:

(1) inquire into the operation of the City government under the Charter and determine whether any provisions require revision (to this end, public hearings may be held and the Commission may compel the attendance of any officer or employee of the City and require submission of any City records);

(2) propose any recommendations it deems desirable to insure compliance with the Charter of the City government; and

(3) report its findings and present its recommendations to the City Council.

(b) The City Council must receive and have published in the official newspaper of the City a comprehensive summary of the report presented by the Commission, must consider any recommendations made, and may order any amendments

suggested to be submitted to the voters of the City in the manner provided by state law as now written or amended.

(c) The term of office of the Commission must be for not more than six months, at the end of which time a report must be presented to the City Council and all records of proceedings of the Commission must be filed with the City Secretary and become a public record.

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