



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

**March 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., March 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 the usage of Slayter Creek Park Fields.
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); Property for extension of trail system.
  - 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); *City of Anna v. Walmart Inc., et al.*; Cause No. 429-00288-2009, in the 429<sup>th</sup> District Court of Collin County, Texas.; *Powell v. City of Anna*, Cause No. 401-03815-2009 in the 401<sup>st</sup> District Court of Collin County, Texas; *Texas Star Bank v. City of Anna*, Cause No. 380-04163-2009 in the 380<sup>th</sup> District Court of Collin County, Texas; Weston annexations; Anna Center Ltd. Development Agreement.
  - c. Personnel: City Attorney Annual Evaluation. (Government Code, Section 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 March 8, 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., March 4, 2011.

*Natha Wilkison*  
Natha Wilkison, City Secretary

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

**March 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., March 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 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.
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5. Presentation of the 2011 Gold Leadership Circle Award for financial transparency. (Philip Sanders)
6. 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 February 22, 2011.
  - b. Approve City Council/Park Board Joint minutes for February 15, 2011.
  - c. Approve City Council/P & Z Joint minutes for February 15, 2011.
  - d. Approve City Council/EDC & CDC Joint minutes for February 15, 2011.
  - e. Review Anna EDC Special minutes for October 20, 2010.
  - f. Review Anna EDC Regular minutes for November 4, 2010.
  - g. Review Anna CDC Regular minutes for November 4, 2010.
  - h. First reading of Resolution regarding Anna Community Development Project for USDA Loan to Image Vision Labs.
7. Presentation and approval of the FY 2010 Audit Report. (Rod Abbott)
8. Consider/Discuss/Action adopting an Ordinance amending the Anna City Code of Ordinances by amending Part II, Article 21, adding a new Section 5, Wooden Truss Warning signs. (Chief Newton)
9. Consider/Discuss/Action approving a settlement agreement in City of Anna v. Walmart Inc., et al., Cause No. 429-00288-2009, in the 429<sup>th</sup> District Court of Collin County, Texas. (Clark McCoy)
10. Consider/Discuss/Action regarding an appointment to fill a vacancy on the Anna Economic Development Corporation. (Jessica Perkins)
11. Consider/Discuss/Action regarding an appointment to fill a vacancy on the Anna Community Development Corporation. (Jessica Perkins)
12. Consider/Discuss/Action approving a Resolution regarding the appointment of a Charter Review Commission. (Philip Sanders)
13. Discussion regarding the Anna Center Ltd. Development Agreement. (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.

14. 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); Property for extension of trail system.

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); *City of Anna v. Walmart Inc., et al.*; Cause No. 429-00288-2009, in the 429<sup>th</sup> District Court of Collin County, Texas.; *Powell v. City of Anna*, Cause No. 401-03815-2009 in the 401<sup>st</sup> District Court of Collin County, Texas; *Texas Star Bank v. City of Anna*, Cause No. 380-04163-2009 in the 380<sup>th</sup> District Court of Collin County, Texas; Weston annexations; Anna Center Ltd. Development Agreement.

c. Personnel: City Attorney Annual Evaluation. (Government Code, Section 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.

15. Consider/Discuss/Action on any items listed on posted agenda for March 8, 2011 City of Anna Workshop Session or any closed session occurring during this Regular Meeting, as necessary.

16. 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., March 4, 2011.

*Natha Wilkison*

Natha Wilkison, City Secretary

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## City of Anna City Council Agenda Staff Report

Council Meeting: March 8, 2011

Staff Contact: Philip Sanders

Account Code #:

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

Exhibits:  Yes       No

**AGENDA SUBJECT:** Discussion regarding the usage of Slayter Creek Park Fields.

**SUMMARY:** The multi-purpose field at Slayter Creek park has received a tremendous amount of use this past year. The use has been so heavy, that the turf in some areas has become severely damaged and will not recover unless traffic on the damaged areas is restricted for a period of time. In order to preserve the condition of the fields, Staff is recommending that we limit the use of the fields to games and practices with organizations that have a formal use agreement with the City.



## City of Anna City Council Agenda Staff Report

Council Meeting: March 8, 2011

Staff Contact: Jessica Perkins

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

Budgeted Amount: grant funds

Exhibits:  Yes       No

**AGENDA SUBJECT:** **Consent Letter h**, First reading of a Resolution regarding Anna Community Development Project for USDA Loan to Image Vision Labs.

**SUMMARY:** In 2009 the Anna CDC was the recipient of a grant from the USDA in the amount of \$99,900. The grant funds were given for the purpose of establishing a revolving loan fund to support small, local businesses. For the past several months the CDC and IVL have been working on a loan agreement for the full amount of the grant funds (\$99,900). The entities have come to terms and want to proceed with the execution of the loan.

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



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

Council Meeting: March 8, 2011  
Cummings

Staff Contact: Wayne E.

Account Code #: N/A

Date Prepared: 3/2/2011

Budgeted Amount: N/A

Exhibits:  Yes  No

**AGENDA SUBJECT:** Presentation and approval of the FY 2010 Audit.

**SUMMARY:** Last fall the City Council authorized Rod Abbott, CPA, to perform the City's annual audit. Mr. Abbott will present the FY 2010 Audit Report and will be available to answer questions.

**RECOMMENDED ACTION:** Staff recommends that the City Council approve the FY 2010 Audit Report.





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

Council Meeting: March 08, 2011

Staff Contact: Danny Newton

Account Code #: N/A

Date Prepared: 02/28/11

Budgeted Amount: N/A

Exhibits:  Yes  No

**AGENDA SUBJECT:** Ordinance regarding Wooden Truss Warning Signs.

**SUMMARY:** The Anna Fire Department has determined that a need exists for the marking of commercial and some residential structures to help warn our fire personnel about truss constructed buildings. Structural collapse of truss buildings can occur within the early stages of fire suppression and many firefighters have been killed or seriously injured as a result of structural failure. The attached Ordinance would require the owner's of commercial and multi-family buildings with wooden roof or floor truss structures to post a sign on the exterior of the building.

**RECOMMENDATION:** Staff recommends approval of this Ordinance.



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

Council Meeting: March 8, 2011

Staff Contact: Clark McCoy

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

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

Exhibits:  Yes       No

**AGENDA SUBJECT:**

Consider/Discuss/Action on settlement of *City of Anna v. Walmart Inc., et al.*, Cause No. 429-00288-2009, in the 429th District Court of Collin County, Texas.

**SUMMARY:**

This matter is on the closed session agenda for discussion. The proposed settlement would fully resolve all matters pending between the City and the other parties with the City paying no funds to any of the named parties and the City being granted a full release and discharge from the dispute. As was the goal of this litigation filed by the City, the City would be protected from future claims by the parties regarding the development funds at issue.

**RECOMMENDED ACTION:**

Agreement be approved.



## City of Anna City Council Agenda Staff Report

Council Meeting: March 8, 2011

Staff Contact: Jessica Perkins

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

Budgeted Amount: n/a

Exhibits:  Yes       No

**AGENDA SUBJECT:** Consider/Discuss/Action regarding an appointment to fill a vacancy on the Anna Economic Development Corporation. (Jessica Perkins)

**SUMMARY:** Long time member Rob Simmons had to resign from the board due to a conflict with a new job. I was introduced to Jason by Dr. Braddock a chiropractor in Van Alstyne. Jason is Dr. Braddock brother-in-law. Jason stated that he was interested in getting involved in the city and is a business owner.

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



## City of Anna City Council Agenda Staff Report

Council Meeting: March 8, 2011

Staff Contact: Jessica Perkins

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

Budgeted Amount: n/a

Exhibits:  Yes       No

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



## City of Anna City Council Agenda Staff Report

Council Meeting: March 8, 2011

Staff Contact: Philip Sanders

Account Code #:

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

Exhibits:  Yes  No

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

**SUMMARY:** In accordance with Section 11.07, the City Council must appoint a Charter Review Commission at least once every six years. The Commission must consist of at least ten citizens of the City. All Commission members must be qualified voters in the City. The attached Resolution appoints the Commission members, and outlines the roles and responsibilities of the Commission. In adopting the Resolution, the Council will need to specifically name the ten persons appointed to serve on the Commission, and name a Chair and Vice Chair to serve as presiding officers.

**RECOMMENDATION:** Staff recommends approval of the attached Resolution.