



CITY OF ANNA AGENDA NOTICE – CITY COUNCIL REGULAR MEETING

September 13, 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., September 13, 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.*

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 August 23, 2011 Regular Meeting.
 - b. Approve a Resolution regarding an Interlocal Agreement with the City of Fort Worth regarding contracting and purchasing. (Clayton Fulton)
6. Public Hearing: (1st)
For City Council to hear public Comments regarding the 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 the CR 418 and adjacent to the city limits, and containing 10.4 acres more or less. (Maurice Schwanke)
7. Consider/Discuss/Action regarding a Resolution approving a Special Event Permit for Glowfest sponsored by the GACC. (Maurice Schwanke)
8. Consider/Discuss/Action adopting an Ordinance amending the City of Anna, Fiscal Year 2011-2012 budget (Philip Sanders)
9. Consider/Discuss/Action regarding adopting an Ordinance setting the ad valorem tax rate per \$100 valuation for Fiscal Year 2011-2012 for the City of Anna, Texas. (Philip Sanders)
10. Consider/Discuss/Action regarding a resolution to ratify the property tax revenue increase reflected in the City of Anna Fiscal Year 2011-2012 Budget and acknowledging that the Fiscal Year 2011-2012 ad valorem tax rate will raise more revenue from property taxes than the previous year. (Philip Sanders)
11. Consider/Discuss/Action approving a Resolution to nominate persons to serve on the Central Appraisal District of Collin County Board of Directors. (Philip Sanders)
12. CLOSED SESSION (EXCEPTIONS): Under Tex. Gov't Code Chapter 551, the City Council may enter into closed session to discuss any items listed or referenced on this agenda under the following exceptions:
 - a. consult with legal counsel regarding pending or contemplated litigation and/or on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Government Code (Tex. Gov't Code §551.071).

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.

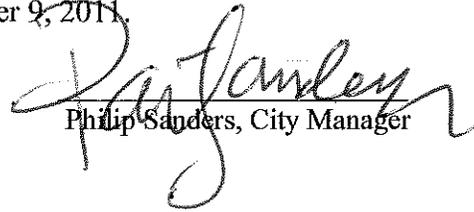
3. Persons with a disability who want to attend this meeting who may need assistance should contact the City Secretary at 972 924-3325 two working days prior to the meeting so that appropriate arrangements can be made.

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.

13. Consider/Discuss/Action on any items listed on any closed session occurring during this Regular Meeting, as necessary.

14. Adjourn.

This is to certify that I, Philip Sanders, City Manager, 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., September 9, 2011.



Philip Sanders, City Manager

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: September 13, 2011

Staff Contact: Philip Sanders

Account Code #: N/A

Date Prepared: 9/08/11

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 August 23, 2011 Regular Meeting.
- b. Approve a Resolution regarding an Interlocal Agreement with the City of Fort Worth regarding contracting and purchasing. (Clayton Fulton)

SUMMARY:

RECOMMENDATION: Staff recommends of the consent items.

MINUTES OF

CITY OF ANNA AGENDA NOTICE – CITY COUNCIL WORKSHOP

August 23, 2011

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

The City Council of the City of Anna met in Workshop Session at 6:30 p.m., August 23, 2011, at the Anna City Hall Administration Building, located at 111 North Powell Parkway (Hwy 5), regarding the following items.

1. Call to Order.

Mayor Darren R. Driskell called the meeting to order at 6:32 p.m.

2. Roll Call and Establishment of Quorum.

A quorum was established. Mayor Darren R. Driskell and Council Members Mike Crist, Kevin Anderson, John Geren and Becky Glover were present. Council Members Keith Green and Marc Hendricks were absent.

3. Discussion regarding TxDOT City Pride sign

City Manager, Philip Sanders presented this item to council and answered questions.

Council Member Crist made the motion to go into closed session at 6:46 p.m. Council Member Geren seconded the motion. Motion passes.

AYE 5 NAY 0 ABSTAIN 0

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); *Powell v. City of Anna*, Cause No. 401-03815-2009 in the 401st District Court of Collin County, Texas; *William Austin Gant and Paul Eugene Gant v. City of Anna*, Cause No. 380-02370-2011 in the 380th District Court of Collin County, Texas; anticipated litigation involving street right of way over former CR 366; legal consultation regarding municipal and extraterritorial boundaries on eastern and western areas of City**

- b. **Discuss or deliberate the purchase, exchange, lease, or value of real property (Tex. Gov't Code §551.072); property on S. Powell Parkway.**
- c. **Deliberation Regarding Economic Development Negotiations: (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1) (Tex. Gov't Code §551.087); technology based businesses**

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.

Mayor Darren Driskell returned to open session at 7:30 p.m. and went to item number five (5).

- 5. **Discussion regarding any item on the City Council's August 23, 2011 Regular Meeting Agenda Notice, which was posted at the same date, time and place of this Workshop Agenda Notice.**

None

- 6. **Adjourn.**

Council Member Crist made the motion to adjourn at 7:29 p.m. Council Member Geren seconded the motion. Motion passes.

AYE 5 NAY 0 ABSTAIN 0

ATTEST:

APPROVED:

Clayton Fulton, Acting City Secretary

Mayor, Darren R. Driskell,

MINUTES OF

CITY OF ANNA AGENDA NOTICE – CITY COUNCIL REGULAR MEETING

August 23, 2011

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

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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.

Mayor Darren R. Driskell called the meeting to order at 7:30 p.m.

2. Invocation and Pledge of Allegiance.

Mayor Driskell gave the invocation.

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.*

None

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.*

City Manger, Philip Sanders reminded the Council of the September 11th Memorial Service” at Slayter Creek Park, September 11, 2011.

- 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 Special Meeting August 2, 2011.

b. Approve City Council Minutes for Regular Meeting August 9, 2011.

Council Member Geren made the motion to approve. Council Member Crist seconded the motion. Motion passes

AYE 5 NAY 0 ABSTAIN 0

- 6. Consider/Discuss/Action regarding electing a Mayor Pro Tem. (City Council)**

Council Member Glover made a motion to nominate Mike Crist to serve as Mayor Pro Tem. Council Member Geren seconded the motion. Motion passes.

AYE 5 NAY 0 ABSTAIN 0

- 7. Consider/Discuss/Action regarding electing a Deputy Mayor Pro Tem. (City Council)**

Mayor Driskell made a motion to nominate Kevin Anderson to serve as Deputy Mayor Pro Tem. Council Member Geren seconded the motion. Motion passes.

AYE 5 NAY 0 ABSTAIN 0

- 8. Hold a public hearing regarding the proposed Annual Budget for the 2011-2012 fiscal year.**

The Public Hearing opened at 7:37 p.m. There were no comments. The Public Hearing closed at 7:38 p.m.

- 9. Consider/Discuss/Action regarding a Resolution receiving the final report of the Charter Review Commission and ordering publication of said report.**

City Manager, Philip Sanders presented this item to council and answered questions. Council Member Anderson made the motion to approve. Council Member Crist seconded the motion. Motion passes.

- 10(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 properties generally located west of Powell Parkway (State Highway 5) and generally known as State Farm Insurance and Affordable Self Storage. The City of Anna has initiated a**

zoning change on Lot 1 Block A of the Walnofer Addition from Single Family Estate (SF-E) to Restricted Commercial (C-1) and Lot 2 Block A within the Z. F. Lester Survey of the Walnofer Addition from Single Family Estate (SF-E) to Planned Development (PD) with C-1 uses. The property was recently annexed into the City and automatically placed in the temporary zoning category of "SF-E". This zoning request would change the status of the property from a legal non conforming status into conformity with the zoning ordinance.

Maurice Schwanke, Director of Planning & Development, presented this item to council. Mayor Driskell opened the public hearing at 8:06 p.m. There was no public comment. Mayor Driskell closed the public hearing at 8:06 p.m.

- 10(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 generally located west of Powell Parkway (State Highway 5) and generally known as State Farm Insurance and Affordable Self Storage. The City of Anna has initiated a zoning change on Lot 1 Block A of the Walnofer Addition from Single Family Estate (SF-E) to Restricted Commercial (C-1) and Lot 2 Block A within the Z. F. Lester Survey of the Walnofer Addition from Single Family Estate (SF-E) to Planned Development (PD) with C-1 uses. The property was recently annexed into the City and automatically placed in the temporary zoning category of "SF-E". This zoning request would change the status of the property from a legal non conforming status into conformity with the zoning ordinance.**

Mayor Driskell made the motion to approve. Council Member Crist seconded the motion. Motion passes.

AYE 5 NAY 0 ABSTAIN 0

- 11. Consider/Discuss/Action adopting an Ordinance regarding Moving, Relocation and Demolition of Structures.**

Clark McCoy, City Attorney, presented this item to council and answered questions. Council Member Crist made the motion to approve. Council Member Glover seconded the motion. Motion passes.

AYE 5 NAY 0 ABSTAIN 0

- 12. Consider/Discuss/Action regarding a Resolution authorizing the Anna Economic Development Corporation to: (1) pursue a project including the purchase/financing of the property located at 312 North Powell Parkway including costs of remodeling; and (2) refinance a loan related to EDC property located on CR 427.**

Jessica Perkins, Assistant to the City Manager, presented this item to council. Council Member Geron made the motion to approve. Council Member Crist seconded the motion. Motion passes.

AYE 5 NAY 0 ABSTAIN 0

- 13. Consider/Discuss/Action regarding a Resolution accepting a petition for annexation and establishing the dates, times, and places for public hearings for the annexation of property located south of CR 421 and east of the CR 418; 10.4 acres.**

Maurice Schwanke presented this item to council. Council Member Glover made the motion to approve. Council Member Crist seconded the motion. Motion passes.

AYE 5 Nay 0 ABSTAIN 0

- 14. Consider/Discuss/Action regarding a Resolution amending an Economic Development Agreement with Bloomfield Properties Inc.**

City Manager, Philip Sanders presented this item to council. Council Member Crist made the motion to approve. Mayor Driskell seconded the motion. Motion passes.

AYE 5 NAY 0 ABSTAIN 0

Council Member Crist made the motion to go into closed session at 8:10 p.m. Council Member Glover seconded the motion. Motion passes.

AYE 5 NAY 0 ABSTAIN 0

- 15. 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); *Powell v. City of Anna*, Cause No. 401-03815-2009 in the 401st District Court of Collin County, Texas; *William Austin Gant and Paul Eugene Gant v. City of Anna*, Cause No. 380-02370-2011 in the 380th District Court of Collin County, Texas; anticipated litigation involving street right of way over former CR 366; legal consultation regarding municipal and extraterritorial boundaries on eastern and western areas of City**

- b. Discuss or deliberate the purchase, exchange, lease, or value of real property (Tex. Gov't Code §551.072); property on S. Powell Parkway.
- c. **Deliberation Regarding Economic Development Negotiations: (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1) (Tex. Gov't Code §551.087); technology based businesses**

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.

Mayor Driskell returned to open session at 8:18 p.m. and went to item number sixteen (16).

16. **Consider/Discuss/Action on any items listed on posted agenda for August 23, 2011 City of Anna Workshop Session or any closed session occurring during this Regular Meeting, as necessary.**

No action was taken.

17. **Adjourn.**

Mayor Driskell made the motion to adjourn at 8:24 p.m. Council Member Crist seconded the motion. Motion passes.

AYE 5 NAY 0 ABSTAIN 0

Clayton Fulton, Acting City Secretary

Darren R. Driskell, Mayor



City of Anna City Council Agenda Staff Report

Council Meeting: September 13, 2011

Staff Contact: Clayton Fulton

Account Code #: N/A

Date Prepared: 9/7/11

Budgeted Amount: N/A

Exhibits: Yes No

AGENDA SUBJECT: Approve a resolution authorizing the City Manager to execute a Cooperative Purchasing Agreement with the City of Fort Worth for purchasing card services.

SUMMARY: To maintain our service with our current purchasing card provider, the City of Anna must enter into an ILA with the City of Fort Worth. Entering into an agreement with Fort Worth will allow city to maintain service and avoid costs associated with changing the purchasing card vendors. Currently our purchasing card is offered with no annual fee or spending limitations, the ILA with Fort Worth will allow this to continue.

RECOMMENDATION: Staff recommends that the Council approves a resolution authorizing the City Manager to execute a cooperative purchasing agreement with the City of Fort Worth.

CITY OF ANNA, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF ANNA, TEXAS REGARDING AN INTERLOCAL AGREEMENT FOR PURCHASING CARD SERVICES.

WHEREAS, both The City Anna ("Anna") and The City of Fort Worth ("Fort Worth") have each determined a need for a cooperative agreement to purchase like goods and services to avoid duplicate procurement efforts and obtain the benefits of volume purchasing;

WHEREAS, Anna and Fort Worth are authorized by Section 271.102 of the Local Government Code to pursue mutually beneficial and cooperative purchasing programs;

WHEREAS, Anna wishes to maintain current arrangements and accounts for purchasing card services;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS, THAT:

Section 1. Recitals Incorporated.

The recitals above are incorporated herein as if set forth in full for all purposes.

Section 2. Request for Funding from Collin County.

The City Council hereby directs the City Manager to execute an interlocal agreement with Fort Worth to engage in a cooperative purchasing contract for purchasing card service

PASSED by the City Council of the City of Anna, Texas, on this 13th day of September, 2011.

ATTEST:

APPROVED:

Natha Wilkison, City Secretary

Mayor, Darren R. Driskell

COOPERATIVE PURCHASING AGREEMENT

This Cooperative Purchasing Agreement (“Agreement”) is made and entered into as of the date written below between the City of Anna (“Anna”) and the City of Fort Worth, Texas (“Fort Worth”).

WHEREAS, both Anna and Fort Worth have each determined a need for a cooperative agreement to purchase like goods and services to avoid duplicate procurement efforts and obtain the benefits of volume purchasing; and

WHEREAS, Anna and Fort Worth are authorized by Section 271.102 of the Local Government Code to pursue mutually beneficial and cooperative purchasing programs.

NOW, THEREFORE, for and in consideration of the mutual obligations and benefits contained herein, Anna and Fort Worth agree as follows:

SECTION 1. The purpose of this Agreement is to provide Anna and Fort Worth with additional purchasing options by satisfying the provisions of Section 271.102 of the Local Government Code.

SECTION 2. The parties agree that each of the parties shall respectively designate a person to act under the direction of, and on behalf of, the designating party (the “Designated Representative”).

SECTION 3. At the request of the other party, a party that enters into a contract with a vendor for goods or services (the “First Purchasing Party”) shall attempt to obtain the vendor’s agreement to offer those goods and services to the other party (the “Second Purchasing Party”) for the same price and on the same terms and conditions as have been offered to the First Purchasing Party. If the vendor so agrees, and if the Second Purchasing Party is agreeable to such terms and conditions, the Second Purchasing Party may enter into its own separate contract with the vendor for the purchase of such goods or services.

SECTION 4. Unless otherwise agreed between the Designated Representatives, payments for a purchase made by the Second Purchasing Party shall be paid directly to the vendor and not to the First Purchasing Party. The Second Purchasing Party shall have the responsibility of determining whether the vendor has complied with any provisions in its contract with the vendor, including but not limited to those relating to the quality of items and terms of delivery, and shall be responsible for enforcement of its contract against the vendor, including all cost of enforcement.

SECTION 5. This Agreement will be subject to all applicable federal, state and local laws, ordinances, rules and regulations.

City of Fort Worth & City of Anna
Cooperative Purchasing Agreement

SECTION 6. This Agreement may be terminated by either party, without cause or penalty, upon not less than thirty days written notice to the other party.

SECTION 7. The parties acknowledge that each party and, if it so chooses, its counsel have reviewed and revised this Agreement and that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party must not be employed in the interpretation of this Agreement or any amendments or exhibits hereto.

SECTION 8. If any action, whether real or asserted, at law or in equity, arises on the basis of any provision of this Agreement, venue for such action shall lie in state courts located in Tarrant County, Texas or the United States District Court for the Northern District of Texas – Fort Worth Division. This Agreement shall be construed in accordance with the laws of the State of Texas.

SECTION 9. If any term or provision of this Agreement is held to be illegal, invalid or unenforceable, the legality, validity or enforceability of the remaining terms or provisions of this Agreement shall not be affected thereby, and in lieu of each such illegal, invalid or unenforceable term or provision, the parties shall endeavor to agree to a legal, valid or enforceable term or provision as similar as possible to the term or provision declared illegal, invalid or unenforceable.

SECTION 10. Execution of this Agreement does not obligate Anna or Fort Worth to make any purchase, to pay any membership fee or to otherwise or in any manner incur any cost or obligation.

SECTION 11. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, and all of which shall constitute but one and the same instrument.

SECTION 12. The undersigned officers and/or agents are properly authorized to execute this Agreement on behalf of the parties hereto and each party hereby certifies to the other that any necessary actions extending such authority have been duly passed and are now in full force and effect.

SECTION 13. All notices, requests, demands, and other communications which are required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been duly given upon the delivery or receipt thereof, as the case may be, if delivered personally or sent by registered or certified mail, return receipt requested, postage prepaid, to the respective city representative set out below, or his/her designee.

City of Fort Worth & City of Anna
Cooperative Purchasing Agreement

EXECUTED this _____ day of _____, 2011.

CITY OF FORT WORTH
1000 Throckmorton Street
Fort Worth, Texas 76102

CITY OF ANNA
101 North Powell Parkway
Anna, Texas 75409

By: _____
Karen L. Montgomery

By: _____
Philip Sanders

Title: Assistant City Manager

Title: City Manager

**APPROVED AS TO
FORM AND LEGALITY:**

Assistant City Attorney

City Attorney

Contract Authorization

Marty Hendrix, City Secretary

Natha Wilkison, City Secretary

Date

Date



City of Anna City Council Agenda Staff Report

Council Meeting: September 13, 2011

Staff Contact: Maurice Schwanke

Account Code #: N/A

Date Prepared: 9/08/11

Budgeted Amount: N/A

Exhibits: Yes No

AGENDA SUBJECT: Public Hearing: (1st)

For City Council to hear public comments regarding a request by Oncor Electric Delivery Company, owner(s) of property 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.

Prior to the establishment of a use, the property needs to be annexed and zoned appropriately for the proposed use. A request for an SUP in a "SF-E" district has been submitted.

PLANNING AND ZONING ACTION: A recommendation will be forthcoming from the Planning and Zoning Commission prior to the City Council Meeting.

RECOMMENDED ACTION: Hold the Public Hearing.

RECOMMENDATION:

INSTRUCTIONS TO NEWSPAPER: Please publish this Public Hearing notice at the next available date. Please bill the City of Anna.

**CITY OF ANNA
FIRST PUBLIC HEARING
ANNEXATION OF TERRITORY**

The City of Anna will hold a first public hearing on Tuesday, September 13, 2011, at 7:30 p.m. at the Community Room of the Anna City Hall Administration Building located at 111 North Powell Parkway (Hwy 5) regarding annexation of the following tract:

A tract of land in the D E W Babb Survey, Abstract No. A0033 generally located south of CR 421 and east of CR 418 and adjacent to the city limits, containing 10.4 acres more or less, property being owned by Oncor Electric Delivery Company.

The annexation is being undertaken as a result of petition of the property owner.

Additional information regarding the annexation can be secured from the office of the Planning and Development Department, City of Anna, by phone at 972-924-3325, by mail at P. O. Box 776, Anna, TX 75409, or by personal inquiry at the Anna City Hall, 101 N. Powell Parkway, Anna, TX 75409.

These public hearings are an opportunity for citizens of Anna to comment on the proposed annexation. Persons unable to attend the hearings may submit their comments in writing to the Planning and Development Department, P. O. Box 776, Anna, TX 75409 or through personal deliver at the Anna City Hall, 101 N. Powell Parkway, Anna, TX 75409.

Darren R. Driskell
Mayor



418

SITE

421

419

COLLIER COUNTY OUTER LOOP



City of Anna City Council Agenda Staff Report

Council Meeting: September 13, 2011

Staff Contact: Maurice. Schwanke

Account Code #: N/A

Date Prepared: 09-08-11

Budgeted Amount: N/A

Exhibits: Yes No

AGENDA SUBJECT: Consider/Discuss/Action regarding a Resolution approving a Special Event Permit for Glowfest on Saturday, October 29th at Slayter Creek Park sponsored by the Greater Anna Chamber of Commerce. The event will include a children's area with bounce houses, games and carnival rides, vendors, dog show, dj plus live music with stage, and Hot air balloons. The ability to serve alcohol has also being requested.

PARK BOARD ACTION: The Park Board recommended approval of the proposed special event at their meeting August 15, 2011.

RECOMMENDED ACTION: Approval of event and Resolution of Agreement subject to obtaining appropriate insurances, approval of TABC and remittance of fees.

CITY OF ANNA, TEXAS

RESOLUTION NO. _____

RESOLUTION REGARDING THE APPROVAL OF A SPECIAL EVENT PERMIT AND AUTHORITY TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF ANNA AND THE GREATER ANNA CHAMBER OF COMMERCE FOR SPECIAL FALL EVENT "GLOW FEST" AT SLAYTER CREEK PARK

WHEREAS, the Greater Anna Chamber of Commerce (the "GACC") has submitted a Special Event Permit application to conduct a community event known as "Glow Fest" at Slayter Creek Park on Saturday, October 29th; and

WHEREAS, the City of Anna Parks Board has reviewed the application and is recommending that the City Council of the City of Anna, Texas (the "City Council") approve the Special Event Permit; and

WHEREAS, according to Anna City Code of Ordinances, Part II, Article 47, the City shall enter into a Special Event Agreement (the "Agreement") incorporating the terms and conditions of said permit;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS THAT:

Section 1. Recitals Incorporated

The recitals set forth above are incorporated herein for all purposes as if set forth in full.

Section 2. The City Council hereby approves the Special Event Permit and authorizes the City Manager to execute and sign the Special Event Agreement attached hereto as Exhibit 1.

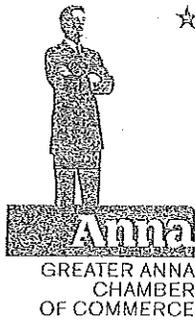
PASSED by the City Council of the City of Anna, Texas, on this 13th day of September, 2011.

ATTEST:

APPROVED:

Natha Wilkison, City Secretary

Mayor, Darren R. Driskell



Greater Anna Chamber of Commerce
807 South Interurban Street
Anna, Texas 75409
www.GreaterAnnaChamber.com
972-924-8533

COPY

July 20, 2011

City Council
City of Anna, TX
111 North Powell Pkwy.
Anna, TX 75409

Dear Council Members,

Glowfest 2011 has been scheduled for Saturday, October 29 at Slayter Creek Park with a possible Car Show located at The Malt Shop. I am submitting a Special Event Permit Application along with this request for the sales and consumption of alcohol at Slayter Creek Park.

Based on past Glowfest attendance and the line up of events we estimate a crowd of 2,000 people. We will be collecting guest demographic information at the entrance to assist the EDC/CDC with future planning and prospects.

Thank you for your consideration.

Sincerely,

Sara Cox
GACC Director

SPECIAL EVENT PERMIT APPLICATION



Public Works Department
3223 N. Powell Pkwy
Anna, TX 75409
972-924-4510

APPLICANT INFORMATION			
Type of Event: <input type="checkbox"/> Carnival <input type="checkbox"/> Circus <input checked="" type="checkbox"/> Festival <input type="checkbox"/> Parade <input type="checkbox"/> Tent <input type="checkbox"/> Other			
Applicant Name: <i>Greater Anna Chamber of Commerce - GACC</i>			
Address: <i>807 S. Interurban St</i>			
City: <i>Anna</i>	State: <i>TX</i>	Zip Code: <i>75409</i>	
Phone#: <i>972-924-8533</i>			
Email: <i>Sara @ greaterannachamber.com</i>			
Date: <i>7-20-11</i>		*Note: Applications must be filed at least 30 days in advance.	

APPLICATION FEE AND DEPOSIT REFUND INFORMATION			
Application Fee \$50 (non-refundable)		Deposit \$300 (refundable)	
<input checked="" type="checkbox"/> Same Information As Above (if not the same, complete the next two lines)			
Issue Deposit Refund To:			
Address:	City:	State:	Zip Code

ACTIVITY INFORMATION
Date(s) of Activity: <i>Saturday, October 29 2011</i>
Reservation Time Block: <i>Set up Friday at noon through Saturday evening at 11 pm</i>
Type of Activity (explain purpose of activity): <i>Hot Air Balloon / Fall Festival</i>
Estimated Number of People Attending Activity: <i>2,000</i>
Reservation Location: <i>Slayter Creek Park and Pavillion</i>
Will Food and/or Beverages be on-site for the activity? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Will Alcohol be served or sold? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (if yes, include request letter)
If yes, please indicate who the vendors are (food and drinks): <i>A list will be e-mailed a week prior to the event.</i>
Please identify all other activities & structures (bounce house, tents, music, sports, games, etc): <i>Childrens Area with Bounce Houses, Games and Carnival Rides, Vendors, Dog show, DJ plus Live Music with stage, Hot Air Balloons</i>

Also- Fencing will surround the parameter of the park so admission can be charged and guest demographic information can be obtained for the Anna CDC and EDC.

Applicant agrees that this indemnity agreement is intended to be as broad and inclusive as is permitted by the laws of the state of Texas, and that if any portion is held invalid, then it is agreed that the balance shall, notwithstanding, continue in full legal force and effect.

Signatures:

I do solemnly swear (or affirm) that all the answers given and statements made on this application and supporting documents are full, true, and correct to the best of my knowledge and beliefs. I have been given a copy of the Anna City Code ordinance Part II, Article 47 and have read the provisions contained therein and agree to abide by them.

Applicant Name: Sara Cox, Director of GACC
 Signature: Sara Cox
 Date: 7-20-11

Submittal Requirements:

Submittal Requirements:

1. Completed application with signatures and contact information.
2. Submit application fee (\$50) and deposit (\$300). (*Ord. No. 410-2008; Checks payable to the City of Anna*)
3. Map of Event area.
4. List of food and beverage vendors and/or copy of current license from vendor.
5. Statement of Intent to obtain Insurance and/or Proof of Insurance. (A copy of the Certificate of Insurance is due a *minimum of one week before event start date*)
6. Letter of request if alcohol is desired.

For Office Use Only:

Date Application & Deposit Received (\$300): <u>7/20/11</u>		Date Application Fee Received (\$50): <u>7/20/11</u>	
Received By: <u>J. Richardson</u>		Received By: <u>J. Richardson</u>	
Cash or Check# <u>1381</u>		Cash or Check# <u>1381</u>	
Receipt #: <u>1253</u>		Receipt #: <u>1253</u>	
Required Documents Rec'd:			
<input type="checkbox"/> Completed Application <input type="checkbox"/> Insurance <input type="checkbox"/> Food Vendor List <input type="checkbox"/> Sound System <input type="checkbox"/> Map			
<input type="checkbox"/> Alcohol Request (optional)			
<input type="checkbox"/> Other: _____			
<input type="checkbox"/> Other: _____			
<input type="checkbox"/> Approved by: _____		<input type="checkbox"/> Permit Issued Date: _____	
Assign Date of Parks Board Review of Application: _____ (put date in blank) and notify Applicant.			

10-500-2038 - \$360 / 10-555-5326 - \$50

CITY OF ANNA
PO Box 776
ANNA, TX 75409
972-924-3325
1253

RECEIVED FROM Greater Anna Chamber \$ 350.00
DATE 7/20/11

Three hundred fifty dollars 190 -
FOR SEP rental #308 - Bank of America \$50

AMOUNT OF ACCOUNT DEPOSIT \$ 350.00
AMOUNT PAID 0.00
BALANCE DUE 0.00 BY Markus
DATE 7/20/11

Thank you!

Greater Anna Chamber
of Commerce
807 South Interurban Street
Anna, TX 75409
972-924-8533

7-20-11
Date

1381
89-576/1119

Pay to the Order of

City of Anna \$ 350.00
Three hundred fifty dollars

Texas Star Bank
PO Box 97
Anna, TX 75409

For Blanket Permit

Sara Lee
MP

⑆111905764⑆ ⑆02 0550 8⑆1381



SPECIAL EVENT RULES

Booths, Tents, or Canopies:

If your event will include any tents or canopies, please provide a copy of the "Certificate of Fire Retardant" for each such device when submitting the permit application. All booths that will be cooking on-site, must meet all applicable fire codes for the City of Anna. Fire extinguishers must be supplied and are required for entry.

Food and Beverages:

All vendors must be in compliance with all state and local laws. A copy of appropriate licenses should be on site during the event. The Applicant shall provide with this application a list of all food and beverage vendors participating in the event so that the vendors can be pre-approved through the County Health Department.

Alcoholic Beverages:

Alcohol consumption or sales is prohibited on City property including parks, a public street, sidewalk or parking area adjacent to a public park, unless expressly authorized by the written permission of the City Council authorizing consumption of alcohol in a City Park in connection with an approved Special Event.

Security, Crowd Control, and Traffic Control:

The applicant may be required to provide police officers for security, crowd control, and traffic control at the Special Event. Expenses for the Officers will be paid by the event organizers. The total number of police officers working the Special Event is determined by the City of Anna Police Chief. Planning variables include: the estimated number of people, the availability of alcoholic beverages, topography and size of the event, weather conditions, the time of day during which the Special Event is held, the need for street closures or re-routing of vehicular or pedestrian traffic, and the history of the Special Event.

Insurance:

Insurance is required for all special events at which the attendance is estimated at over 250 people. It may be required for events with fewer people if food or alcohol is sold or given away or activities are of a physical nature that would warrant insurance. The City reserves the right to review and determine amount of coverage required based on level of activity at the Special Event.

Each policy will name the City of Anna as an additional insured and a copy of the Certificate of Insurance will be submitted to City Hall one week before the event start date.

Indemnity Agreement:

As a condition of the Special Event Permit being issued, the Applicant acknowledges that he/she has voluntarily applied for a Special Event Permit that in consideration of the privileges associated therewith, Applicant agrees to PROTECT, DEFEND, INDEMNIFY, and HOLD HARMLESS, the City of Anna, its officers, agents, and employees, from and against any claim, proceeding, cause of action, judgment, penalty, or any other cost or expense arising or growing out of, associated or in connection to the Special Event. The indemnification includes, but is not limited to, losses, damage, or liability on account of injury, death or otherwise, to any person or damage to any property, arising from any negligent act, error or omission of the undersigned, its officers, employees or agents, arising out of, resulting from, or caused by any act occurring as a result of the exercise of the privileges granted by this permit.

AGREEMENT FOR SPECIAL EVENT

This Agreement For Special Event ("Agreement") is made by and between the City of Anna ("City"), and the Greater Anna Chamber of Commerce ("GACC") entered into on this 13th day September, 2011.

Section 1. Scope

According to Anna City Code Ordinances, Part II, Article 47, the City enters into this Agreement with GACC for use of Public Park Property for the Anna Glow Fest.

Section 2. Definitions

Meanings. For purposes of this Agreement, the following meanings shall apply:

- (1) City shall mean the City of Anna, Texas.
- (2) GACC shall mean the Greater Anna Chamber of Commerce of the City of Anna, Texas.
- (3) Anna Glow Fest shall mean the community event sponsored by the GACC and associated events and activities to take place in Anna, Texas on October 29, 2011.
- (4) Public Park Property shall mean the pavilion, parking lot and surrounding property of Slayter Creek Park.
- (5) Special Event means any event that operates wholly or partially within the incorporated City limits and may require the use of or assistance from any department or employee of the City, or the use of any City property.

Section 3. General Requirements

3.01 Terms of Special Event Agreement

- (1) The GACC has submitted a Special Event Permit application and sought authorization for the special event from the City of Anna Parks Board subject to entering into this agreement with the City. Said application is attached hereto as Exhibit A.
- (2) The Council authorizes the Special Event, subject to the following restrictions:

Parking Restrictions:

All parking for the event will be conducted on premises designed or adapted for parking. Parking is to be prohibited on all public rights of way (shoulders, grass areas directly

adjoining roadways, etc.). Event staff, signage, barricades, or a combination thereof, must be utilized to keep patrons from parking in rights of way.

If parking areas are full, Event staff must be in place to direct vehicles to open parking areas.

Vehicles on Park Property:

Except for designated parking areas and other designated areas approved by the Director of Public Works, motor vehicles are prohibited from driving on Park property. At the discretion of the Director of Public Works Motor vehicles may be allowed on some turf areas to deliver equipment but must be immediately removed when the delivery is complete. The City may prohibit any vehicle or trailer from driving on turf areas if in the opinion of the Director of Public Works the ground is too wet to support the weight of the vehicle. Except for small utility vehicles approved by the Director of Public Works, all motor vehicles are expressly prohibited from driving on or crossing the concrete walking trails.

The applicant will ensure that all event participants observe these rules and will be responsible for paying for any damages to park property caused by vehicles driven by participants of this event.

Vendors and other Participants:

Vendors and other persons or businesses providing entertainment or activities for the event may only locate on designated areas of the park that have been approved by the Director of Public Works.

Section 4. Fees

GACC represents that it has submitted a nonrefundable permit application fee in the amount fifty (\$50.00) dollars, a refundable three hundred (\$300.00) dollar deposit, and will pay for any additional actual costs incurred by the City of Anna in reviewing such application that exceeds said amount.

Section 5. Licenses and Permits

The GACC shall obtain and pay for any and all permits, licenses, disposal fees, or any other costs required for the Anna Glow Fest and to fulfill this Agreement.

The GACC must comply with all federal and state laws, and local ordinances while organizing and participating in the Anna Glow Fest.

Section 6. Independent Contractor Status/ Liability/ Indemnity

It is expressly understood and agreed that the City has no right of control, supervision, or direction over any work performed by the GACC relating in any way to the GACC's undertaking, promoting, operating, and performance of any other activity related to the

Anna Glow Fest (the "Work"), including but not limited to its employees or its subcontractors, nor does the City have any control, supervision or direction of the means, methods, sequences, procedures, and techniques utilized to complete any the Work. There shall be no joint control over the Work. The GACC agrees to fully defend, indemnify and hold harmless the City from any claim, proceeding, cause of action, judgment, penalty, or any other cost or expense arising or growing out of, associated or in connection with the Work. The indemnification includes, but is not limited to, attorney fees incurred by the City in defending itself or in enforcing this Agreement. By entering into this Agreement, GACC waives all rights and remedies in law or in equity except to seek enforcement of specific performance of the obligations under this Agreement. This provision is not intended to and does not waive any of the City's governmental immunities, including immunity from suit and liability.

Section 7. Insurance

GACC shall procure and maintain for the duration of the contract insurance to cover claims for injuries to persons or damages to property, which may arise from or in conjunction with the performance of the Work or in any way related to the GACC's undertakings performed in connection with the Anna Glow Fest, including but not limited to coverage for GACC, its agents, representatives, employees, or subcontractors and Special Event participants, attendees and spectators. The insurance policy must be a Commercial General Liability Insurance Policy with combined single limits of liability for bodily injury and property damage of not less than \$500,000 for each occurrence if the estimated attendance of the Special Event is up to a total of 4,999 persons, and \$1,000,000 for each occurrence if the estimated attendance is a total of 5,000 persons or more. Failure of the GACC to maintain the required coverage is a breach of this contract and shall not relieve the GACC of any other contractual responsibility or obligation. Each policy shall name the City as an additional insured and provide that there will be no alteration or modification which reduces coverage in any way prior to 30 days written notice being given to the City. A copy of a certificate of insurance shall be filed with the City's Secretary.

Section 8. Amendment; Termination

This Agreement may not be amended or terminated except pursuant to a written instrument signed by both parties.

Section 9. Notice

Notice as required by this Agreement shall be in writing delivered to the parties via U.S. certified mail, return receipt requested, at the addresses listed below:

City of Anna

Natha Wilkison, City Secretary
City of Anna
111 N. Powell Parkway
Anna, Texas 75409

GACC

Sara Cox, GACC President
807 Interurban Street
Anna, Texas 75409

Each party shall notify the other in writing within 10 days of any change in the information listed in this section.

Section 10. No Waiver of Immunity

Nothing in this Agreement waives any governmental immunity available to the City under Texas law. The provisions of this paragraph are solely for the benefit of the parties hereto and are not intended to create or grant any rights, contractual or otherwise, to any other person or entity.

Section 11. Entire Agreement

This Agreement represents the entire and integrated Agreement between the City and GACC and supersedes all prior negotiations, representations and/or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both parties.

Section 12. Governing Law and Venue

This Agreement shall be governed by the laws of the State of Texas as to interpretation and performance. Any and all legal action necessary to enforce this Agreement shall be brought in a court of competent jurisdiction in Collin County, Texas or in the United States District Court for the Eastern District of Texas, Sherman Division.

Section 13. Severability

The provisions of this Agreement are severable. In the event that any paragraph, section, subdivision, sentence, clause, or phrase of this Agreement shall be found to be

contrary to the law, or contrary to any rule or regulation having the force and effect of the law, such decisions shall not affect the remaining portions of this Agreement.

Section 14. Contract Interpretation

This Agreement is the result of negotiation between the parties, and shall, in the event of any dispute over the meaning or application of any portion thereof, be interpreted fairly and reasonably, and not to be more strictly construed against one party than another, regardless of which party originally drafted the section in dispute.

Section 15. Force Majeure

If a party is prevented or delayed from performing any of its obligations hereunder due to a natural or manmade event or condition not caused by such party and beyond such party's reasonable control, then such party's performance of those obligations shall be suspended until such time as the event or condition no longer prevents or delays performance. If any event or condition results in the creation of amounts of refuse in excess of ordinary amounts, then the parties shall discuss, but shall not be bound to conclude, terms and conditions for collection of those excess amounts.

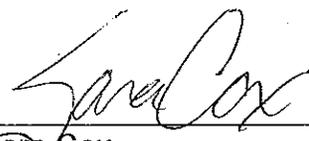
Section 16. Assignment

It is understood and agreed that GACC shall not assign, sublet, or transfer any of the rights and duties under the terms of this Agreement without the prior written approval of the City.

Section 17. Effective Date

This Agreement shall be effective upon the date first stated herein, and performance of such Agreement shall begin as soon thereafter as practicable.

IN WITNESS WHEREOF, City of Anna and GACC have executed this Agreement.

By: 
Sara Cox
Greater Anna Chamber of Commerce

Philip Sanders
City Manager



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

Council Meeting: September 13, 2011

Staff Contact: Philip Sanders

Account Code #: _____

Budgeted Amount: _____

Exhibits: Yes No

AGENDA SUBJECT: Consider/Discuss/Action adopting an Ordinance amending the City of Anna, Fiscal Year 2011-2012 budget

SUMMARY: Section 102.009 of the Texas Local Government Code states that the governing body of a municipality may levy taxes only in accordance with the budget. This section implies that the tax rate approved by the City Council must correlate to the estimated tax revenue in the adopted budget. If the Council intends to adopt the effective tax rate, then it must first approve the attached budget amendment which increases the estimated tax revenue in the General Fund by a total of \$67,916.

RECOMMENDATION: Staff has previously recommended the adoption of a tax rate equal to the current fiscal year tax rate. However, if the Council intends to adopt the effective tax rate, the attached Ordinance amending the previously adopted budget should be approved first.

CITY OF ANNA, TEXAS

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. _____ AMENDING THE 2011-2012 FISCAL YEAR BUDGET; PROVIDING FOR SAVINGS, SEVERABILITY, AND REPEALING CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on September 6, 2011, the City Council of the City of Anna, Texas ("City Council"), after a duly noticed public hearing as required under Texas Local Gov't Code §102.106, and in accordance with applicable provisions of the City of Anna, Texas Home-Rule Charter ("Charter"), adopted a budget of all municipal appropriations and expenditures for the 2011-2012 fiscal year; and

WHEREAS, the City is authorized to make this budget amendment by majority vote of the City Council under Section 7.09 of the Charter;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS THAT:

SECTION 1. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council with respect to the budget amendments described herein.

SECTION 2. The City Council of the City officially finds, determines, and declares that the City of Anna 2011-2012 fiscal year budget is hereby amended with respect to its General Fund (Fund No. 10) as set forth in the original budget adopted under Ordinance No. _____ by replacing the information regarding said fund with the information relating to said fund set forth in the attached Exhibit A, incorporated herein for all purposes.

SECTION 3. The City Manager is hereby directed and authorized to make any other changes to the Budget document that are required or made necessary by the budget amendment set forth in the attached Exhibit A.

SECTION 4. Upon adoption and execution of this ordinance, the City Secretary is directed to attach same and its exhibits to the original City of Anna 2011-2012 fiscal year budget in all places where said budget is filed as of public record or posted for public inspection.

SECTION 5. If any provision of this ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this ordinance would have been enacted without such invalid provision.

SECTION 6. It is officially found, determined, and declared that the meeting at which this ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

PASSED, APPROVED, AND ADOPTED on first and final reading on this 13th day of September, 2011.

ATTESTED:

APPROVED:

City Secretary, Natha Wilkison

Mayor, Darren R. Driskell

EXHIBIT A**Proposed FY 2012 General Fund Budget Amendment**

Department	Account Name	Account Number	FY 2012 Adopted Budget	Proposed Budget Increase/Decrease	Proposed FY 2012 Amended Budget
Administration	Property Tax - Current	10-400-5100	\$1,973,300	\$ 66,009	\$ 2,039,309
Administration	Property Tax Revenue - Delinquent	10-400-5102	\$41,535	\$ 1,389	\$ 42,924
Administration	Property Tax Penalty & Interest	10-400-5103	\$15,500	\$ 518	\$ 16,018



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

Council Meeting: September 13, 2011

Staff Contact: Philip Sanders

Account Code #: _____

Budgeted Amount: _____

Exhibits: Yes No

AGENDA SUBJECT: Consider/Discuss/Action regarding adopting an Ordinance setting the ad valorem tax rate per \$100 valuation for Fiscal Year 2011-2012 for the City of Anna, Texas.

SUMMARY: In spite of the loss of over \$10 million in value to existing properties, the adopted budget can be funded by adopting a tax rate of \$0.650332 cents per \$100 valuation which is identical to the tax rate adopted last year. The effective tax rate which is a calculated rate that would provide the City with about the same amount of revenue it received last year on properties taxed in both years is \$0.669035. By adopting the same tax rate as last year, property taxes due on the average residential homestead will decline by \$20.39. Of the total tax rate, \$0.559376 cents are dedicated to general fund maintenance and operations and \$0.090956 cents are dedicated to the payment of our debt obligations.

If the Council desires to adopt a the effective tax rate of \$0.669035, then the tax rate for maintenance and operations will increase to \$0.578079 as shown it the attached alternate Ordinance

RECOMMENDATION: Staff recommends approval of the attached Ordinance which adopts a tax rate of \$0.650332 cents per \$100 valuation for the 2011-2012 fiscal year.

CITY OF ANNA, TEXAS

Ordinance No. _____

Ordinance Setting the Tax Rate for the Next Fiscal Year

AN ORDINANCE LEVYING PROPERTY TAXES FOR USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF ANNA FOR THE 2011-2012 FISCAL YEAR; PROVIDING FOR AN INTEREST AND SINKING FUND FOR ALL OUTSTANDING DEBT OF THE CITY OF ANNA; PROVIDING FOR APPORTIONING EACH LEVY FOR THE SPECIFIC PURPOSES; AND, PROVIDING WHEN TAXES SHALL BECOME DUE AND WHEN SAME SHALL BECOME DELINQUENT IF NOT PAID.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS.

SECTION 1. That there is hereby levied and there shall be collected for the use and support of the municipal government of the City of Anna, and to provide an Interest and Sinking fund for the 2011-2012 fiscal year, upon all property, real, personal and mixed, within the corporate limits of said City subject to taxation, a tax of \$0.650332 on each \$100.00 valuation of property, said tax being so levied and apportioned to the specific purposes here set forth:

- a. For the maintenance and support of the general government (General Fund), \$0.559376 on each \$100.00 valuation of property.
- b. For the purpose of creating an Interest and Sinking fund to pay the interest and principal maturities of all outstanding debt of the City of Anna, not otherwise provided for, a tax of \$.090956 on each \$100 valuation of property.

SECTION 2. That taxes levied under ordinance shall be due October 1, 2011 and if not paid on or before January 31, 2012 shall immediately become delinquent.

SECTION 3. All taxes shall become a lien upon the property against which assessed, and the city assessor and collector of the City of Anna is hereby authorized and empowered to enforce the collection of such taxes according to the Constitution and laws of the State of Texas and ordinances of the City of Anna shall, by virtue of the tax rolls, fix and establish a lien by levying upon such property, whether real or personal, for the payment of said taxes, penalty and interest, and, the interest and penalty collected from such delinquent taxes shall be apportioned to the general funds of the City of Anna. All delinquent taxes shall bear interest from date of delinquency at the rate as prescribed by state law.

SECTION 4. THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

SECTION 5. That this ordinance shall take effect and be in force from and after its passage.

PASSED AND APPROVED by record roll call vote on this, the 13th day of September, 2011.

Ayes _____ Nays _____ Abstained _____

ATTESTED:

APPROVED:

City Secretary, Natha Wilkison

Mayor, Darren R. Driskell

(ALTERNATE TAX RATE ORDINANCE)

CITY OF ANNA, TEXAS

Ordinance No. _____

Ordinance Setting the Tax Rate for the Next Fiscal Year

AN ORDINANCE LEVYING PROPERTY TAXES FOR USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF ANNA FOR THE 2011-2012 FISCAL YEAR; PROVIDING FOR AN INTEREST AND SINKING FUND FOR ALL OUTSTANDING DEBT OF THE CITY OF ANNA; PROVIDING FOR APPORTIONING EACH LEVY FOR THE SPECIFIC PURPOSES; AND, PROVIDING WHEN TAXES SHALL BECOME DUE AND WHEN SAME SHALL BECOME DELINQUENT IF NOT PAID.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS.

SECTION 1. That there is hereby levied and there shall be collected for the use and support of the municipal government of the City of Anna, and to provide an Interest and Sinking fund for the 2011-2012 fiscal year, upon all property, real, personal and mixed, within the corporate limits of said City subject to taxation, a tax of \$0.669035 on each \$100.00 valuation of property, said tax being so levied and apportioned to the specific purposes here set forth:

- a. For the maintenance and support of the general government (General Fund), \$0.578079 on each \$100.00 valuation of property.
- b. For the purpose of creating an Interest and Sinking fund to pay the interest and principal maturities of all outstanding debt of the City of Anna, not otherwise provided for, a tax of \$.090956 on each \$100 valuation of property.

SECTION 2. That taxes levied under ordinance shall be due October 1, 2011 and if not paid on or before January 31, 2012 shall immediately become delinquent.

SECTION 3. All taxes shall become a lien upon the property against which assessed, and the city assessor and collector of the City of Anna is hereby authorized and empowered to enforce the collection of such taxes according to the Constitution and laws of the State of Texas and ordinances of the City of Anna shall, by virtue of the tax rolls, fix and establish a lien by levying upon such property, whether real or personal, for the payment of said taxes, penalty and interest, and, the interest and penalty collected from such delinquent taxes shall be apportioned to the general funds of the City of Anna. All delinquent taxes shall bear interest from date of delinquency at the rate as prescribed by state law.

SECTION 4. THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

THE TAX RATE WILL EFFECTIVELY BE RAISED BY 1.39 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$23.85.

SECTION 5. That this ordinance shall take effect and be in force from and after its passage.

PASSED AND APPROVED by record roll call vote on this, the 13th day of September, 2011.

Ayes _____ Nays _____ Abstained _____

ATTESTED:

APPROVED:

City Secretary, Natha Wilkison

Mayor, Darren R. Driskell



City of Anna City Council Agenda Staff Report

Council Meeting: September 13, 2011

Staff Contact: Philip Sanders

Account Code #: _____

Budgeted Amount: _____

Exhibits: Yes No

AGENDA SUBJECT: Consider/Discuss/Action regarding a resolution to ratify the property tax revenue increase reflected in the City of Anna Fiscal Year 2011-2012 Budget and acknowledging that the Fiscal Year 2011-2012 ad valorem tax rate will raise more revenue from property taxes than the previous year.

SUMMARY: A separate vote of the City Council is required to ratify that the adoption of the 2011-2012 Annual Operating Budget (as amended) if the Budget will require raising more revenue from property taxes than the previous year. If the Council adopts the effective tax rate, the total amount of revenue generated from property taxes will increase by \$53,903 over last year as a result of new properties that have been added to the tax roll during the current year.

RECOMMENDATION: If the City Council adopts the effective tax rate, Staff recommends approval of the attached Resolution. No action is required if the Council adopts the tax rate recommended in the proposed budget

CITY OF ANNA, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF ANNA, TEXAS ACKNOWLEDGING AND RATIFYING THAT THE ADOPTION OF THE 2011-2012 ANNUAL BUDGET WILL REQUIRE RAISING MORE REVENUE FROM PROPERTY TAXES THAN IN THE PREVIOUS YEAR

WHEREAS, the Legislature of the State of Texas has amended Section 102.007 of the Local Government Code; and

WHEREAS, a separate vote of the City Council of the City of Anna, Texas is required to ratify that the adoption of the 2011-2012 Annual Operating Plan will require raising more revenue from property taxes than the previous year; and,

WHEREAS, this resolution satisfies the aforementioned requirement;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS, THAT:

Section 1. Recitals Incorporated.

The facts and recitals above are incorporated herein as if set forth in full for all purposes.

Section 2. Acknowledgement and Ratification of

The 2011-2012 fiscal year budget will require more total property tax revenue than last year's budget by \$53,903, which is 2.27% and of that amount \$55,407.90 is tax revenue to be raised from new property added to the tax roll this year.

PASSED AND APPROVED by the City Council of the City of Anna, Texas this the 13th day of September, 2011.

ATTESTED:

APPROVED:

City Secretary, Natha Wilkison

Mayor, Darren R. Driskell



City of Anna City Council Agenda Staff Report

Council Meeting: September 13, 2011

Staff Contact: Philip Sanders

Account Code #: _____

Budgeted Amount: _____

Exhibits: Yes No

AGENDA SUBJECT: Consider/Discuss/Action regarding a Resolution of the City Council of the City of Anna, Texas nominating a candidate or candidates for the Board of Directors for the Central Appraisal District of Collin County.

SUMMARY: The City of Anna has eight votes to cast in the election of the Board of Director for the Central Appraisal District of Collin County. Although each voting unit may nominate up to five candidates, the Council typically uses all of its votes on one candidate and therefore normally only nominates one candidate. Once the Appraisal District receives all the nominations, they will send us a ballot. The Council will have eight votes in the election.

RECOMMENDATION: Staff recommends that the Council nominate a member of the City Council or another qualified individual to represent the City's interests on the Board of Directors for the Central Appraisal District of Collin County.

CITY OF ANNA, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS, NOMINATING A CANDIDATE OR CANDIDATES FOR THE BOARD OF DIRECTORS FOR THE CENTRAL APPRAISAL DISTRICT OF COLLIN COUNTY ELECTION.

WHEREAS, The City of Anna, Texas has eight votes to cast in the election of the Board of Directors for the Central Appraisal District of Collin County; and

WHEREAS, The City Council may nominate one to five candidates;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS THAT:

Section 1. Recitals Incorporated

The recitals set forth above are incorporated herein for all purposes as if set forth in full.

Section 2. The City Council of the City of Anna, Texas nominates the following candidate(s) to the Collin Central Appraisal District Board of Directors:

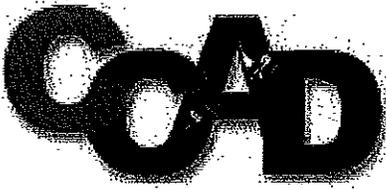
PASSED by the City Council of the City of Anna, Texas, on this 13th day of September, 2011.

ATTEST:

APPROVED:

Natha Wilkison, City Secretary

Mayor, Darren R. Driskell



Collin Central Appraisal District

August 15, 2011

Darren Driskell, Mayor
City of Anna
P. O. Box 776
Anna, TX 75409

RE: Election of Central Appraisal District of Collin County Board of Directors.

Dear Mayor Driskell:

Please be advised that the City of Anna will have 8 votes to cast in the election of the Board of Directors for the Central Appraisal District of Collin County. The terms will be for two years beginning January 1, 2012.

Each voting unit may nominate one to five candidates. Nominations must be made in an open meeting.

A written resolution from the presiding officer should include the name and address of each candidate nominated. The resolution must be delivered to the Chief Appraiser before October 15, 2011.

Sincerely,

Bo Daffin
Chief Appraiser

Enclosure

RECEIVED
CITY OF ANNA
AUG 16 2011

BY: _____

DIRECTOR QUALIFICATIONS

An appraisal district director must reside in the appraisal district for at least two years immediately preceding the date he or she takes office.

A person may serve on the governing body of a taxing unit in the appraisal district that is; a city councilman, school board trustee, county commissioner, or other board member, and still be eligible to serve as a director. The common-law doctrine of incompatibility (holding offices that have conflicting demands on the holder) does not prohibit the same person from holding both offices. There is no limit to the number of elected officials that may serve on the board.

An employee of a taxing unit within the appraisal district may not serve as a director. The only time that a taxing unit's employee may serve is if that employee is also an elected official or member of the governing body. For example, a city councilman who is employed as the school business manager may serve as a director.

A person may not serve as a director if he or she is related to someone who appraises property for use in proceedings before the appraisal review board or in subsequent court proceedings, or represents property owners in such proceedings.

A person may not serve on the board of directors if that person has a substantial interest in a business entity which has a contract with the appraisal district or, in the case of a taxing unit, has a contract related to the performance of an activity governed by the Tax Code. (Example- a partner in a law firm engaged in collecting delinquent taxes for a taxing unit.)

In considering individuals to serve as directors, taxing units should look for expertise in such areas as accounting, finance, management, personnel administration, contracts, computers, real estate, or taxation.