



CITY OF ANNA AGENDA NOTICE – CITY COUNCIL REGULAR MEETING

December 10, 2013

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., December 10, 2013, 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 November 12, 2013 Regular Meeting.
 - b. Approve a Resolution approving the Quarterly Investment Report. (Clayton Fulton)
 - c. Approve a Resolution approving An Agreement for the Annual Audit. (Clayton Fulton)
 - d. Approve a Resolution approving ILA with Collin County for Animal Control Services amendment. (Chief Jenks)
 - e. Approve a Resolution approving ILA with Collin County for Animal Shelter Services amendment. (Chief Jenks)
 - f. Approve a Resolution regarding approval of “Dickschat Addition” Development Plat. (Maurice Schwanke)
 - g. Approve a Resolution regarding approval of “Martinez Addition” Final Plat. (Maurice Schwanke)
 - h. Approve a Resolution regarding approval of “Anna Crossing PH 1A & 1B” Preliminary Plat. (Maurice Schwanke)
 - i. Review P & Z Minutes of October 7, 2013 Regular Meeting.
 - j. Approve a Resolution authorizing approval of an Agreement with the Greater Anna Chamber of Commerce for the Anna Centennial Celebration. (City Manager)

6. Consider/Discuss/Action adopting a Resolution directing the publication of notice of intention to issue combination tax and revenue certificates of obligation for waterworks and sewer system improvements and resolving other matters relating to the subject. (Clayton Fulton)

7. Public Hearing: (2nd) For City Council to hear public comment regarding annexation of the following tract: A tract of land in the Thomas Ratton Survey, ABS A0782 generally located east of County Road 286, West of U.S. 75 and adjacent to the city limits, containing thirty-three acres of land more or less. (Maurice Schwanke)

8. (a) Public Hearing: To consider public comments on a request by Porter Cameron, owner of property, to changed zoning from Single Family Residential (SF1) to Restricted Commercial (C1) zoning to allow for commercial uses. The property is located at 811 N Powell Pkwy. (Maurice Schwanke)
 - (b) Consider/Discuss/Action regarding an ordinance, to change the zoning from Single Family Estates (SF-E) to Restricted Commercial (C1) to allow for commercial uses. The property is located at 811 N Powell Pkwy. (Maurice Schwanke)

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9. Consider/Discuss/Action regarding a Resolution establishing the dates, times, and places for public hearings for the annexation of a tract of land in the D.E.W. Babb Survey, ABS A33 generally located east of County Road 418, north of the Collin County Outer Loop and adjacent to the city limits, and containing 9.97 acres of land more or less. (Maurice Schwanke)
10. Consider/Discuss/Action regarding a Resolution approving an Economic Development Agreement with Empower Training Centre. (Jessica Perkins)
11. CLOSED SESSION (EXCEPTIONS): Under Tex. Gov't Code Chapter 551, the City Council may enter into closed session to discuss any items listed or referenced on this agenda under the following exceptions:
 - a. consult with legal counsel regarding pending or contemplated litigation and/or on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Government Code (**Tex. Gov't Code §551.071**);
 - b. discuss or deliberate the purchase, exchange, lease, or value of real property (**Tex. Gov't Code §551.072**); land on CR 427.
 - c. discuss or deliberate personnel matters: City Secretary Annual Review/Update; City Manager Annual Review. (**Tex. Gov't Code §551.074**).
 - d. discuss or deliberate Economic Development Negotiations: (1) To discuss or deliberate regarding commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay, or expand in or near the territory of the City of Anna and with which the City 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**); proposed mixed use development; education technology business.

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 December 10, 2013 Workshop Session or any closed session occurring during this Regular Meeting, as necessary.
13. Adjourn.

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

This is to certify that I, Natha Wilkison, City Secretary, posted this agenda at a place readily accessible to the public at the Anna City Hall and on the City Hall bulletin board at or before 5:00 p.m. December 6, 2013.

Natha Wilkison

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: December 10, 2013

Staff Contact: Jessica Perkins

Account Code #: N/A

Date Prepared: 12-5-13

Budgeted Amount: N/A

Exhibits: Yes No

AGENDA SUBJECT: Briefing/Discussion regarding Residential Certification of Occupancy regulations. (City Manager)

SUMMARY:

RECOMMENDATION:



CITY OF ANNA AGENDA NOTICE – CITY COUNCIL WORKSHOP

December 10, 2013

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., December 10, 2013, at the Anna City Hall Administration Building, located at 111 N. Powell Parkway (Hwy 5), regarding the following items:

1. Call to Order.
2. Roll Call and Establishment of Quorum.
3. Briefing/Discussion regarding Residential Certificate of Occupancy regulations. (City Manager)
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**);
 - b. discuss or deliberate the purchase, exchange, lease, or value of real property (**Tex. Gov't Code §551.072**); land on CR 427.
 - c. discuss or deliberate personnel matters: City Secretary Annual Review/Update; City Manager Annual Review. (**Tex. Gov't Code §551.074**).
 - d. discuss or deliberate Economic Development Negotiations: (1) To discuss or deliberate regarding commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay, or expand in or near the territory of the City of

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Anna and with which the City 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)**; proposed mixed use development; education technology business.

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. Consider/Discuss/Action on any items listed on posted agenda for December 10, 2013 City of Anna City Council Regular Meeting or any Closed Session occurring during this Workshop, as necessary.
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., December 6, 2013.

Natha Wilkison

Natha Wilkison, City Secretary

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City of Anna City Council Agenda Staff Report

Council Meeting: December 10, 2013

Staff Contact: Philip Sanders

Account Code #: N/A

Date Prepared: 12-5-13

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 November 12, 2013 Regular Meeting.
- b. Approve a Resolution approving the Quarterly Investment Report. (Clayton Fulton)
- c. Approve a Resolution approving An Agreement for the Annual Audit. (Clayton Fulton)
- d. Approve a Resolution approving ILA with Collin County for Animal Control Services amendment. (Chief Jenks)
- e. Approve a Resolution approving ILA with Collin County for Animal Shelter Services amendment. (Chief Jenks)
- f. Approve a Resolution regarding approval of "Dickschat Addition" Development Plat. (Maurice Schwanke)
- g. Approve a Resolution regarding approval of "Martinez Addition" Final Plat. (Maurice Schwanke)
- h. Approve a Resolution regarding approval of "Anna Crossing PH 1A & 1B" Preliminary Plat. (Maurice Schwanke)
- i. Review P & Z Minutes of October 7, 2013 Regular Meeting.
- j. Approve a Resolution authorizing approval of an Agreement with the Greater Anna Chamber of Commerce for the Anna Centennial Celebration. (City Manager)

RECOMMENDATION: Staff recommends approval of the consent items.



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

Council Meeting: December 10, 2013

Staff Contact: Clayton Fulton

Account Code #: N/A

Date Prepared: 12/03/13

Budgeted Amount: N/A

Exhibits: Yes No

AGENDA SUBJECT: Presentation of the Quarterly Investment report

SUMMARY: In accordance with the Public Funds Investment Act, the City is required to submit a quarterly report on the investment of all Public Funds held by the City.

The attached report has been developed by our investment advisors, Valley View Consulting, LLC. The report will review the following:

- Review of economic conditions
- Review of the City's holdings
- Comparison of book vs. market value
- Allocation information
- Other information related to the PFIA

RECOMMENDATION: None, no action is required.



City of Anna City Council Agenda Staff Report

Council Meeting: December 10, 2013

Staff Contact: Clayton Fulton

Account Code #: N/A

Date Prepared: 12/03/2013

Budgeted Amount: N/A

Exhibits: Yes No

AGENDA SUBJECT: Approve a Resolution approving an Agreement for the Annual Audit

SUMMARY: In August of 2011 the City Council authorized a 3 year agreement with our auditors LaFollett & Company PLLC to perform the financial audit of the City of Anna. This agreement included a 2 year option for 2014 and 2015.

Since the original agreement was signed LaFollett & Company has become LaFollett and Abbott PLLC. They have also updated their agreement to be consistent with updated governmental auditing and accounting standards.

The attached agreement reflects the updates and exercises the option for the final 2 years on the agreement.

RECOMMENDATION: Staff recommends that the City Council approve a Resolution authorizing the City Manager to execute the attached agreement for the annual audit.



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

Council Meeting: December 10, 2013

Staff Contact: Chief Jenks

Account Code #: _____

Budgeted Amount: _____

Exhibits: Yes No

AGENDA SUBJECT: Consider/Discuss/Action approving a Resolution amending and extending the agreements with Collin County for Animal Control and Sheltering Services.

SUMMARY: The City's Animal Control and Sheltering Services occur through agreements with Collin County. It is currently the most cost effective means of providing Animal Services.

The cost for animal control is \$31,073.00 and animal shelter is \$25,090.00

These resolutions allow the agreements to be amended to extend the Animal Control and Animal Sheltering Services agreements through September 30, 2014.

STAFF RECOMMENDATION: Approve the resolutions amending/extending the Animal Services/Sheltering agreements with Collin County.



City of Anna City Council Agenda Staff Report

Council Meeting: December 10, 2013

Staff Contact: Maurice Schwanke

Account Code #: N/A

Date Prepared: 12/02/13

Budgeted Amount: N/A

Exhibits: Yes No

AGENDA SUBJECT: Approve a Resolution regarding the “Dickschat Addition” Development Plat.

SUMMARY: The development plat is located within the extraterritorial jurisdiction of the City. The tract is in the J. C. Neil Survey, Abstract No. 659 and contains 40.298 acres of land located at 11971 County Road 509 and north of Sam Rayburn Memorial Highway. Several proposed improvements are shown on the tract. The plat meets the City of Anna development plat requirements.

PLANNING AND ZONING ACTION: The Planning and Zoning Commission recommended approval of the development plat at their meeting December 2, 2013. The vote was unanimous.

RECOMMENDED ACTION: Approval of development plat



City of Anna City Council Agenda Staff Report

Council Meeting: December 10, 2013

Staff Contact: Maurice Schwanke

Account Code #: N/A

Date Prepared: 12/02/13

Budgeted Amount: N/A

Exhibits: Yes No

AGENDA SUBJECT: Approve a Resolution regarding the approval of the “Martinez Addition” Final Plat.

SUMMARY: A final plat has been received on approximately two acres of land located in the area generally known as East Fork Estate which has not been platted in the past. The subject property address is 9604 East Fork. The owner is proposing to build a new home which will also require a Collin County approved septic system. As such a variance to the Subdivision Rules and Regulations requiring the property be connected to the City’s wastewater collection system has been applied for as noted on the plat. The Staff is recommending approval of the final plat subject to this variance request.

PLANNING AND ZONING ACTION: The Planning and Zoning Commission recommended approval of the development plat at their meeting December 2, 2013. The vote was unanimous.

RECOMMENDED ACTION: Approval of final plat with variance regarding the use of a septic system.



City of Anna City Council Agenda Staff Report

Council Meeting: December 10, 2013

Staff Contact: Maurice Schwanke

Account Code #: N/A

Date Prepared: 12/02/13

Budgeted Amount: N/A

Exhibits: Yes No

AGENDA SUBJECT: Approve a Resolution regarding approval of “Anna Crossing PH 1A & 1B” Preliminary Plat.

SUMMARY: A final plat has been received on approximately 41.568 acres of land that is south of County Road Number 422 and east of State Highway Number 5. The owner, Anna Town Center No. 1/BRGT, LTD. is proposing 175 residential lots. A previous preliminary plat was approved; however, significant changes have been made. Therefore this new preliminary plat has been submitted. The developer has submitted detailed plans that are being reviewed by the Staff and the City Engineer. The detailed engineering comments for those plans are not part of the preliminary comments but are currently being reviewed and should not impact the face of the plat. The staff has several comments on the property as outlined below:

Staff Comments

1. A schedule of Development is needed.
2. Street names need to be provided.
3. An additional street stub needs to be provided to the east and the south.
4. Lot 37, Block A should not be a tract instead of a lot and shall be maintained by a HOA.
5. All common areas shall be maintained by an HOA including the island inside the right-of-way of Street C.
6. Label Temporary dead end streets.
7. Provide curvilinear street calculations.
8. The maximum block length is 800 feet. The staff would support a variance request on this requirement. A note needs to be added to the plat requesting this variance.
9. Barricades will be required at the end of all dead end/street stubs.
10. A masonry fence will be required along the northern property line.
11. A 10' utility easement is required along all street right-of-ways.
12. Include the proposed right-of-ways for all perimeter and offsite streets to be built with phase I.

13. Remove the Typical Pavement Section detail from the face of the preliminary plat.
14. Additional right-of-way between the street shown and the Cunningham tract is needed.

Engineer Comments

1. Bearing and distances on the plat do not match the legal description. The acreage on the plat does not match the legal description.
2. Show typical utility easements along right-of-ways and between lots.

PLANNING AND ZONING ACTION: The Planning and Zoning Commission recommended approval of the preliminary plat at their meeting December 2, 2013 subject to all comments being met. The vote was unanimous.

RECOMMENDED ACTION: Approval of preliminary plat



City of Anna City Council Agenda Staff Report

Council Meeting: December 10, 2013
Account Code # General Fund Contingency
Amount: \$2,500

Staff Contact: City Manager

Exhibits: X Yes No

AGENDA SUBJECT: Approve a Resolution authorizing approval of an Agreement with the Greater Anna Chamber of Commerce for the Anna Centennial Celebration.

SUMMARY: The Greater Anna Chamber of Commerce has requested funding assistance from the City of Anna for the Anna Centennial Celebration. The funds would be used to pay for portable restrooms, basic supplies such as trash can liners, signage, DJ, marketing, photography, golf cart rental, and two-way radio rental. Funds are available in the General Fund contingency account subject to approval of the attached resolution.

RECOMMENDATION: Staff recommends approval of the attached Resolution.



City of Anna City Council Agenda Staff Report

Council Meeting: December 10, 2013

Staff Contact: Clayton Fulton

Account Code #: N/A

Date Prepared: 12/4/13

Budgeted Amount: N/A

Exhibits: Yes No

AGENDA SUBJECT: Consider/Discuss/Action adopting a resolution directing publication of notice of intention to issue combination tax and revenue certificates of obligation for waterworks and sewer system improvements; and resolving other matters relating to the subject.

SUMMARY: During the budget process and our workshop on our debt management plan, staff discussed the need to construct an additional elevated storage tank. In order to meet the required TCEQ standards to water capacity, this tower is critical. Our consulting engineer has reviewed preliminary designs for the water tower and any other pressing needs regarding our water system.

Engineers' estimates and financing costs have been evaluated and the estimated cost for these projects is approximately \$3.7 million including debt issuance costs. Our financial advisors will provide a final amount at or before the meeting.

While the amount we plan to issue exceeds the amount originally considered in our water rate model, the increase is not expected to have material affect upon our goal for 90 days of working capital.

The attached resolution does not authorize the issuance of debt; rather it is a required "notice of intent" to issue certificates of obligation. The amount contained in the notice is the maximum amount of debt the City will be able to issue for the water and waste water projects listed above.

By publishing the notice of intent in December, funds will available in mid February 2014 to begin the design phase of the project.

Staff from First Southwest will be in attendance to review any questions the council may have and discuss the final number to include in the notice. They will also present information on the planned refunding of General Obligation debt to coincide with the issuance of this new debt.

RECOMMENDATION: Staff recommends that the Council approve the resolution.



City of Anna City Council Agenda Staff Report

Council Meeting: December 10, 2013

Staff Contact: Maurice Schwanke

Account Code #: N/A

Date Prepared: 12/02/13

Budgeted Amount: N/A

Exhibits: Yes No

AGENDA SUBJECT: Public Hearing (2nd) For City Council to hear public comment regarding annexation of the following tract: A tract of land in the Thomas Ratton Survey, ABS A0782 generally located east of County Road 286, West of U.S. 75 and adjacent to the city limit, containing thirty-three acres of land more or less.

SUMMARY: This is the second of two public hearings on a tract of land that has a 43.035/212 development agreement with the Mixon Realty Company on 33 acres of Land.

It is the recommended of the Staff that the City act on this agreement to ensure protection of land uses adjacent to U.S. 75.

RECOMMENDED ACTION: Hold Public Hearing



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

Council Meeting: December 10, 2013

Staff Contact: Maurice Schwanke

Account Code #: N/A

Date Prepared: 12/02/13

Budgeted Amount: N/A

Exhibits: Yes No

AGENDA SUBJECT: a) Public Hearing: To consider public comments on a request by Porter Cameron, owner of property, to changed zoning from Single Family Residential (SF1) to Restricted Commercial (C1) zoning to allow for commercial uses. The property is located at 811 N Powell Pkwy.

(b) Consider/Discuss/Act on recommendation regarding an ordinance, to change the zoning from Single Family Estates (SF-E) to Restricted Commercial (C1) to allow for commercial uses. The property is located at 811 N Powell Pkwy.

SUMMARY: The property is currently zoned as Single Family Residential (SF-1). The owner is requesting a zoning change to Restricted Commercial (C1) to allow for commercial uses. The property is located at 811 N Powell Pkwy. An Anna water storage tank with a well is located immediately to the north of the tract. No specific use has committed to the site at this time. The request is in keeping with the Anna Comprehensive Plan.

PLANNING AND ZONING ACTION: The Planning and Zoning Commission recommended approval of the zoning request at their meeting November 4, 2013. The vote was unanimous.

RECOMMENDED ACTION: Approval of Ordinance



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

Council Meeting: December 10, 2013

Staff Contact: Maurice Schwanke

Account Code #: N/A

Date Prepared: 12/02/13

Budgeted Amount: N/A

Exhibits: Yes No

AGENDA SUBJECT: Consider/Discuss/Action regarding a Resolution establishing the dates, times, and places for public hearings for the annexation of a tract of land in the D.E.W. Babb Survey, ABS A33 generally located east of County Road 418, north of the Collin County Outer Loop and adjacent to the city limits, and containing 9.97 acres of land more or less.

SUMMARY: This tract of land is in the southern sector of the City and adjacent to the City Limits. The tract is situated along the north side of the Collin County Outer Loop. A major thoroughfare shown on the City's Comprehensive Plan is planned to traverse the site as shown on the attached development plat that was recently approved.

Since this tract is on one of the major gateways through the City it is in the best interest of the City to maintain appearances through property maintenance and control land uses. As such these public hearings have been schedule to allow the City Council to review their options regarding annexation of the site.

RECOMMENDED ACTION: Set public hearing dates.



City of Anna City Council Agenda Staff Report

Council Meeting: December 10, 2013

Staff Contact: Jessica Perkins

Account Code #: _____

Budgeted Amount: _____

Exhibits: ___ Yes ___X___ No

AGENDA SUBJECT: Consider/Discuss/Action regarding a Resolution approving an Economic Development Agreement with Empowered Training Centre, LLC. (Jessica Perkins)

SUMMARY: Staff was introduced to Empowered Training Centre, LLC a couple weeks ago and the company has interest in locating in Anna. Since the presentation, Mubina Gillani has secured the location next to the donut shop on FM 455 as their office space. Ms. Gillani also presented her presentation to the members of the EDC board. The EDC board has reviewed and approved an incentive agreement. Execution of the agreement is contingent on approval by city council.

The total amount of the grant to be paid by the EDC is \$111,340. The grant proceeds must be used by the Company for costs that are necessary and incident to financing and placing Empowered Training Centre, LLC into operation in Anna. The amount of \$100,000 will be paid to the Company upon relocation to Anna to be used for the creation and retention of jobs. Empowered Training Centre, LLC has agreed to create and retain 10 primary jobs within 18 months at a minimum pay of \$24,000 with bonus options. The remaining grant proceeds, in the amount of \$11,340 will be paid to the Company in 6 consecutive monthly payments each totaling \$1890. Said monthly \$1890 payments shall be used by the Company during its 6 months of operations for all or a portion of its lease and maintenance costs for the Facility.

According to the terms of the agreement Empowered Training Centre, LLC will remain in Anna for 10 years. The failure of Empowered Training Centre, LLC to meet the terms of the agreement, would obligate them to repay full or portions of the grant amount depending on when the failure occurs.

STAFF RECOMMENDATION: Staff recommends you approve the resolution.