



CITY OF ANNA AGENDA NOTICE – CITY COUNCIL WORKSHOP

April 14, 2015

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., April 14, 2015 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. **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**); acquisition of right-of-way, easements, and land for municipal facilities;
 - c. 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 residential and retail developments;
 - d. discuss or deliberate personnel matters: City Secretary Update; City Attorney annual review. (**Tex. Gov't Code §551.074**).

1. The Council may vote and/or act upon each of the items listed in this agenda.

2. The Council reserves the right to retire into executive session concerning any of the items listed on this agenda, whenever it is considered necessary and legally justified under the Open Meeting Act.

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

The council further reserves the right to enter into executive session at any time throughout any duly noticed meeting under any applicable exception to the Open Meetings Act.

4. Consider/Discuss/Action on any items listed on posted agenda for April 14, 2015 City of Anna City Council Regular Meeting or any Closed Session occurring during this Workshop, as necessary.
5. 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., April 10, 2015.

Natha Wilkison

Natha Wilkison, City Secretary

1. The Council may vote and/or act upon each of the items listed in this agenda.
2. The Council reserves the right to retire into executive session concerning any of the items listed on this agenda, whenever it is considered necessary and legally justified under the Open Meeting Act.
3. Persons with a disability who want to attend this meeting who may need assistance should contact the City Secretary at 972 924-3325 two working days prior to the meeting so that appropriate arrangements can be made.



CITY OF ANNA AGENDA NOTICE – CITY COUNCIL REGULAR MEETING

April 14, 2015

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., April 14, 2015, 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 March 18, 2015. (City Council)
 - b. Approve the “Garcia” Development Plat. (Maurice Schwanke)
 - c. Approve a resolution regarding the City’s vote for the re-election of nominees to the Build America Mutual Assurance Company’s Board of Directors. (Clayton Fulton)
 - d. Approve resolution approving a Professional Services Agreement with Randall Scott Architects for architectural services. (City Manager)
6. Consider/Discuss/Action regarding a resolution approving a project and related incentive agreement for new economic development with Q Seminole Anna Town Center L.P., the Anna Economic Development Corporation and the Anna Community Development Corporation. (Jessica Perkins)
7. Consider/Discuss/Action approving an ordinance regarding the annexation of a tract of land in the Hiram Brinlee Survey, ABS 0030 generally located north of Foster Crossing Blvd. and on both sides of County Road 419 and adjacent to the city limits, containing approximately 65.2 acres of land more or less. (Maurice Schwanke)
8. Consider/Discuss/Action regarding resolution approving an amendment to an Interlocal Agreement with the City of Melissa for the Clemmons Creek Sewer Line. (City Manager)
9. Consider/Discus/Action regarding a resolution approving a Public Road Crossing License Agreement with Dallas Area Rapid Transit. (City Manager)
10. Consider/Discuss/Action regarding a resolution approving an Amended Subdivision Improvement Agreement with the owners of an approximate 634 acre tract of land located in the Grandison Stark Survey, Abstract No. 798. (City Manager)
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**);

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.

- b. discuss or deliberate the purchase, exchange, lease, or value of real property (**Tex. Gov't Code §551.072**); acquisition of right-of-way; easements; and land for municipal facilities;
- c. 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 residential and retail developments;
- d. discuss or deliberate personnel matters: City Secretary Update; City Attorney annual review. (**Tex. Gov't Code §551.074**).

The council further reserves the right to enter into executive session at any time throughout any duly noticed meeting under any applicable exception to the Open Meetings Act.

- 12. Consider/Discuss/Action on any items listed on posted agenda for April 14, 2015 Workshop Session or any closed session occurring during this Regular Meeting, as necessary.

- 13. Adjourn.

This is to certify that I, Natha Wilkison, City Secretary, posted this agenda at a place readily accessible to the public at the Anna City Hall and on the City Hall bulletin board at or before 5:00 p.m. April 10, 2015.

Natha Wilkison

Natha Wilkison, City Secretary

- 1. The Council may vote and/or act upon each of the items listed in this agenda.
- 2. The Council reserves the right to retire into executive session concerning any of the items listed on this agenda, whenever it is considered necessary and legally justified under the Open Meeting Act.
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City Council Agenda Staff Report

Date: April 14, 2015

Staff Contact: City Manager

Exhibits:

AGENDA SUBJECT: Consent Items.

These items consists of non-controversial or “housekeeping” items required by law. Items may be considered individually by any Council Member making such request prior to motion and vote on the Consent Items.

SUMMARY:

- a. Approve City Council Minutes for March 18, 2015. (City Council)
- b. Approve the “Garcia” Development Plat. (Maurice Schwanke)
- c. Approve a resolution regarding the City’s vote for the re-election of nominees to the Build America Mutual Assurance Company’s Board of Directors. (Clayton Fulton)
- d. Approve resolution approving a Professional Services Agreement with Randall Scott Architects for architectural services. (City Manager)

STAFF RECOMMENDATION:

Staff recommends approval of the consent items.



City Council Agenda Staff Report

Date: April 14, 2015

Staff Contact: Maurice Schwanke

Exhibits: Yes

AGENDA SUBJECT: Approve the "Garcia" Development Plat.

SUMMARY: The "Garcia Addition" development plat submitted for your review is located in the Anna's Extraterritorial Jurisdiction. The tract is in the W. E. Throckmorton Survey, Abstract No. A0899 and contains approximate 14.50 acres of land. The property is located at 2525 S Central Expressway. The owner(s) are proposing to build several new improvements to complement their existing house on the tract. Please note that a reservation of over 55 feet and a twenty (20) foot water line easement reservation along Hwy 75 have been shown on the plat. This Development Plat is being recommended by the staff for approval. The Planning and Zoning recommended approval of the development plat at their meeting April 6th, 2015. The vote was unanimous

STAFF RECOMMENDATION: Approval of the resolution



City Council Agenda Staff Report

Date: April 14, 2015
Staff Contact: Clayton Fulton
Exhibits: Yes

AGENDA SUBJECT:

Consider/Discuss/Action regarding the City's vote for the re-election of nominees to the Build America Mutual Assurance Company's Board of Directors

SUMMARY:

The Build America Mutual Assurance Company "BAM" insured the 2014 CO issued last year. As the City holds debt BAM insures, we are entitled to a vote for officers on their board of directors. On April 28, 2015 the BAM board will meet to fill 2 seats on their board. Both officers currently serve on the board and are nominated for re-election. Both nominees are unopposed.

The attached exhibit includes the letter addressed to the City Manager detailing the purpose of the meeting and how to cast our vote. Additionally, BAM's 2013 report and details of the meeting and nominees are included.

For ease of reference, the bios on each nominee are provided below:

Richard Ravitch, age 81, has been a director since July 2012. Mr. Ravitch is a lawyer, businessman and public official who has been engaged in both the private and public sectors for more than 50 years. He was a partner in Ravitch, Rice & Company, a management-consulting firm. He co-chaired the State Budget Crisis Task Force with former Chairman of the Federal Reserve Paul A. Volcker and has served as Lieutenant Governor of the State of the New York. Earlier he was the Chairman and Chief Executive Officer of HRH Construction Corporation; Chairman of the Metropolitan Transportation Authority; and Chairman of the New York State Urban Development Corporation. After his years of public service for the State of New York, he was Chairman and CEO of the Bowery Savings Bank. Additionally, in 1999, he was Co-Chair of the Millennial Housing Commission, created by Congress to examine the federal government's role in meeting the nation's growing affordable housing challenges, and in 1988, he was the Chairman

of the Charter Revision Commission of the City of New York. He holds a B.A. from Columbia College (Phi Beta Kappa) and an L.L.B. from Yale University School of Law.

Allan Lewis Waters, age 57, has been a director since July 2012. Mr. Waters was elected Director, President and CEO of Sirius International Insurance Group, Ltd. (formerly White Mountains Re) on March 6, 2007. Mr. Waters was a director of White Mountains Insurance Group, Ltd. ("WTM") from 2003 to 2004 and was re-elected as a director in November 2005. From 1998 to 2007, Mr. Waters was the founder and Managing Member of Mulhenin Capital Advisors, LLC. Mr. Waters formerly served as Senior Vice President and Chief Financial Officer of WTM from 1993 to 1998, as Vice President and Controller from 1990 to 1993, as Vice President of Finance from 1987 to 1990, and as Assistant Vice President of Finance from 1985 to 1987.

The City may cast a vote for each nominee in the following form:

- For
- Against
- Abstain

Given that both officers are up for re-election and are running unopposed, staff suggests the votes be cast for each candidate.

STAFF RECOMMENDATION:

Staff recommends that the City Council approve the resolution authorizing the City Manager to vote for Mr. Ravitch and Mr. Waters for the position on the BAM Board.



City Council Agenda Staff Report

Date: April 14, 2015
Staff Contact: City Manager
Exhibits: Yes

AGENDA SUBJECT:

Consider/Discuss/Action regarding a resolution approving a Professional Services Agreement with Randall Scott Architects for architectural services. (City Manager).

SUMMARY:

On March 24, the City Council authorized an agreement for pre-design architectural services with Randall Scott Architects. After the meeting, we noted a correction that needs to be made to Article 11, paragraph D of the Agreement to more accurately reflect the understanding of both parties with respect to the amount of professional liability insurance. The attached resolution would approve this Agreement in lieu of the one approved on March 24.

STAFF RECOMMENDATION:

Staff recommends approval of the attached resolution and Agreement.



City Council Agenda Staff Report

Date: April 14, 2015

Staff Contact: Jessica Perkins

Exhibits: yes

AGENDA SUBJECT:

Consider/Discuss/Action regarding passing a resolution approving a project and related incentive agreement for new economic development with Q Seminole Anna Town Center L.P., the Anna Economic Development Corporation, and the Anna Community Development Corporation.

SUMMARY:

The City's Economic Development Corporations have negotiated an economic development agreement with the owner of a large retail tract located at the NW corner of FM 455 and US Hwy 75. It is anticipated that a new Walmart store will be located on a portion of this property. The economic development agreement requires the owner of the property to construct significant infrastructure improvements (i.e. roads, water lines, sewer lines, etc.) that are necessary to develop Phase 1 of the property which is approximately 28 acres. The owner will also donate a 1.809 acre tract to the City to be used for an elevated water storage tank site, along with an additional 3.6 acres of utility and access easements that will be necessary for the elevated tower project.

In consideration of the owner's faithful performance of its obligations, the Economic Development Corporations will assist the owner with a portion of the owner's development costs. The assistance provided by the Corporations will come from a portion of the future sales tax revenue paid to the Corporations and generated solely by new retail stores constructed within the Phase 1 development. Sales tax revenue paid to the City's general fund will not be used to support this agreement.

The financial assistance provided by the Corporations will be capped at 60% of the aforementioned sales tax revenue for a period of 15 years or until the total payments to the owner equal the maximum amount prescribed in the agreement, whichever comes first. All payments to the owner are conditional on the performance of the owner's obligations which include construction of a new Walmart store within the Phase 1 development.

STAFF RECOMMENDATION:

Staff recommends you approve the resolution.



City Council Agenda Staff Report

Date: April 14, 2015

Staff Contact: Maurice Schwanke

Exhibits: Yes

AGENDA SUBJECT: Consider/Discuss/Action approving an ordinance regarding the annexation of a tract of land in the Hiram Brinlee Survey, ABS 0030 generally located north of Foster Crossing Blvd. and on both sides of County Road 419 and adjacent to the city limits, containing approximately 65.2 acres of land more or less.

SUMMARY: The mandatory two public hearings have been held by the City Council regarding the annexation of the 65.2 acres described above located north of Foster Crossing Blvd. on both sides of County Road 419. The land is currently used for agricultural purposes, A GCEC Electrical power substation, an industrial site with large pipe and pole storage and construction staging uses, the area is adjacent to the city limits on the west. Approximately 28 acres of the proposed annexation is slated to become a concrete batch plant owned by Tricycle Lane Texas LLC. This owner is also known as Burnco which has an approved Development Plat for their facility.

STAFF RECOMMENDATION: Approval of ordinance



City Council Agenda Staff Report

Date: April 14, 2015
Staff Contact: City Manager
Exhibits: Yes

AGENDA SUBJECT:

Consider/Discuss/Action regarding resolution approving an amendment to an Interlocal Agreement with the City of Melissa for the Clemmons Creek Sewer Line. (City Manager).

SUMMARY:

In 2004, the cities of Anna and Melissa approved an Interlocal Agreement to cooperatively fund and construct a sewer line that would serve the Clemmons Creek sewer basin in both cities. That Agreement authorized the City to connect to a manhole on the Clemmons Creek Sewer line located within the city limits of Melissa. The new Anna Town Square development is constructing the sewer line that will make that connection. Since a portion of the sewer line being constructed will be located within the city limits of Melissa, we are recommending approval of an amendment to the 2004 Agreement that would; 1) authorize the City of Anna to construct a sewer line within an easement owned by the City of Melissa; and 2) authorize the City of Anna to flow wastewater through the new section of sewer line located in Melissa consistent with our 2004 Agreement.

STAFF RECOMMENDATION:

Staff recommends approval of the attached resolution and Agreement.



City Council Agenda Staff Report

Date: April 14, 2015
Staff Contact: City Manager
Exhibits: Yes

AGENDA SUBJECT:

Consider/Discuss/Action regarding a Resolution approving a Public Road Crossing License Agreement with Dallas Area Rapid Transit.

SUMMARY:

As part of the Subdivision Improvement Agreement associated with the Anna Town Square development, the developer (Skorburg Company) is required to make certain improvements to County Road 422 (Finley Drive) at the rail road crossing owned by Dallas Area Rapid Transit (DART). Prior to making those improvements, the City will need to execute the attached Public Road Crossing License Agreement with DART. The License Agreement outlines the terms, conditions, and construction standards that must be followed for roadway construction within the DART right-of-way. The developer is required to observe all of these requirements as part of their construction.

After construction is complete, the new rail road crossing will be a 4-lane divided street section with active warning devices in accordance with DART's standards. The City will be responsible for paying for the maintenance of said facilities in the future.

STAFF RECOMMENDATION:

Staff recommends approval of the attached Resolution and Agreement.



City Council Agenda Staff Report

Date: April 14, 2015
Staff Contact: City Manager
Exhibits: Yes

AGENDA SUBJECT:

Consider/Discuss/Action regarding a Resolution approving an Amended Subdivision Improvement Agreement with the Owners of an approximate 634 acre tract of land located in the Grandison Stark Survey, Abstract No. 798. (City Manager).

SUMMARY:

On February 11, 2014 the City Council approved a Subdivision Improvement Agreement with the owners of a 634 acre tract of land located east of State Highway 5 and primarily north of CR 422. The attached amendment defines the maximum reimbursable amount for a parcel of land that will become part of the right-of-way for CR 422 (Finley Drive). It also authorizes reimbursement for a portion of the DART license fee for the railroad crossing.

STAFF RECOMMENDATION:

Staff recommends approval of the attached Resolution and Agreement.