



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

**October 27, 2015**

**6:30 p.m. – Anna City Hall**

The City Council of the City of Anna will meet in Workshop Session at 6:30 p.m., on October 27, 2015 at Anna City Hall, 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 holiday meeting schedule. (Philip Sanders)
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**); acquisition of right-of-way, easements, and land for municipal facilities.

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 the City Council Work Session or any Closed Session occurring during this Workshop, as necessary.
6. Adjourn.

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.

This is to certify that I, Carrie L. Smith, 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. October 23, 2015.

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Carrie L. Smith, 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

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Date: October 27, 2015  
Staff Contact: City Manager  
Exhibits: None

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**AGENDA SUBJECT:**

Roll call and establishment of quorum.

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**SUMMARY:**

Mayor establishes a quorum

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**STAFF RECOMMENDATION:**



## City Council Agenda Staff Report

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Date: October 27, 2015

Staff Contact: City Manager

Exhibits:

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### **AGENDA SUBJECT:**

Discussion Regarding November and December City Council Meeting Dates.

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### **SUMMARY:**

In order to avoid potential scheduling conflicts, the City has typically elected not to place items on the City Council agendas for meetings scheduled on the Tuesdays immediately prior to the Thanksgiving and Christmas holidays. The second Council meeting in November is scheduled for November 24, two days prior to Thanksgiving Day. The second regular Council meeting in December is scheduled for December 22, a few days prior to Christmas Day. If no items are placed on the agenda, it will not be necessary for the Council to meet on November 24 and December 22.

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### **STAFF RECOMMENDATION:**



## City Council Agenda Staff Report

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Date: October 27, 2015  
Staff Contact: City Manager  
Exhibits: N/A

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### AGENDA SUBJECT:

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:

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### SUMMARY:

- 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.

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.

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### STAFF RECOMMENDATION:



## City Council Agenda Staff Report

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Date: October 27, 2015

Staff Contact: City Manager

Exhibits: N/A

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### **AGENDA SUBJECT:**

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

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### **SUMMARY:**

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### **STAFF RECOMMENDATION:**

[Click here to enter text.](#)



## City Council Agenda Staff Report

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Date: October 27, 2015  
Staff Contact: City Manager  
Exhibits: None

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**AGENDA SUBJECT:**

Adjourn

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**SUMMARY:**

Item to adjourn the meeting.

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**STAFF RECOMMENDATION:**

Staff recommends a motion to adjourn.



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

**October 27, 2015**

**7:30 p.m. – Anna City Hall**

The City Council of the City of Anna will meet in Regular Session at 7:30 p.m., on October 27, 2015, at the Anna City Hall, 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 three 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 the City Council Minutes for October 13, 2015. (Carrie Smith)
  - b. Approve an Ordinance approving the 2015 Tax Roll (Clayton Fulton)
  - c. Approve a Resolution setting date and time for a public hearing on the creation of the Villages of Hurricane Creek Tax Increment Reinvestment Zone. (Clayton Fulton)
6. Consider/Discuss/Action on a Resolution approving a Subdivision Improvement Agreement for Pecan Grove, Phase 1 Drainage Improvements. (Joseph Johnson)
7. a. Conduct a Public Hearing on a request by BP Products Corp. to change the zoning from Single Family Estate (SF-E) to Planned Development (PD), on a 42.553 acre tract of land located in the J C Neil Survey, A-0659, at SH 121 and CR 507. (Maurice Schwanke)
  - b. Consider/Discuss/Action regarding an Ordinance changing the zoning from Single Family Estate (SF-E) to Planned Development (PD), on a 42.553 acre tract of land located in the J C Neil Survey, A-0659 at SH 121 and CR 507. (Maurice Schwanke)
8. Consider/Discuss/Action on an Ordinance amending the 2015-16 fiscal year budget (Clayton Fulton)
9. Consider/Discuss/Action on a Resolution awarding a bid and approving a contract for the Hackberry Elevated Tower project. (Joseph Johnson)
10. Consider/Discuss/Action on a Resolution approving Change Order #1 for the Hackberry Elevated Tower project. (Joseph Johnson)
11. Consider/Discuss/Action on a Resolution authorizing the purchase of a vac-trailer. (Joseph Johnson)
12. Consider/Discuss/Action on a Resolution authorizing the City Manager to approve an Engineering Task Order for the Hackberry Lane Reconstruction project. (Joseph Johnson)

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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.

13. Consider/Discuss/Action on a Resolution regarding support for the proposed Palladium Anna project. (Philip Sanders)
14. Consider/Discuss/Action on a Resolution approving a request by Anna Crossing AMC, Ltd for a waiver of the requirements in Article 3, Section 1.03(d) regarding vehicular access to a 9.482 acre tract of land located in the Grandison Stark Survey, A-798 north and east of Finley Blvd. (Maurice Schwanke)
15. a. Conduct a Public Hearing on a request by Anna Crossing AMC, Ltd to amend the zoning and development standards in Ordinance No. 129-2004 for a 9.482 acre tract of land located in the Grandison Stark Survey, A-798 north and east of Finley Blvd. (Maurice Schwanke)  
  
b. Consider/Discuss/Action regarding an Ordinance amending the zoning and development standards in Ordinance No. 129-2004 for a 9.482 acre tract of land located in the Grandison Stark Survey, A-798 north and east of Finley Blvd. (Maurice Schwanke)
16. a. Conduct a Public Hearing on a recommendation to amend the Comprehensive Plan and Thoroughfare Master Plan for Foster Crossing Blvd., Ferguson Pkwy., Taylor Blvd., and Finley Blvd. (Maurice Schwanke)  
  
b. Consider/Discuss/Action on an Ordinance amending the Comprehensive Plan and Thoroughfare Master Plan for Foster Crossing Blvd., Ferguson Pkwy., Taylor Blvd., and Finley Blvd. (Maurice Schwanke)
17. a. Conduct a Public Hearing on a request by Foster Crossing Ltd to amend the zoning and development standards in Ordinance No. 2002-27A, for a 63.867 acre tract of land located in the R C Ingraham Survey, A-0464 north of Foster Crossing Blvd. (Maurice Schwanke)  
  
b. Consider/Discuss/Action regarding an Ordinance amending the zoning and development standards in Ordinance No. 2002-27A for a 63.867 acre tract of land located in the R C Ingraham Survey, A-0464 north of Foster Crossing Blvd. (Maurice Schwanke)
18. 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

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

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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.

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.

19. Consider/Discuss/Action on any items listed on the posted agenda or any closed session occurring during this meeting, as necessary.

20. Adjourn.

This is to certify that I, Carrie L. Smith, 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. October 23, 2015.

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Carrie L. Smith, City Secretary

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

## ANNA CITY COUNCIL

**MINUTES**  
WORKSHOP SESSION

October 13, 2015

The City Council of the City of Anna met in Workshop Session on the above date at Anna City Hall, located at 111 N. Powell Parkway (Hwy 5), regarding the following items:

## 1. Call to Order.

Mayor Crist called the meeting to order at 6:30 pm.

## 2. Roll Call and Establishment of Quorum.

Mayor Mike Crist and Council Members Justin Burr, John Beazley, Chad Barnes, and Dick Dowd were present.

## 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**); conflict of interest disclosure.
- 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**); discuss proposed residential and mixed-use development.
- d. discuss or deliberate personnel matters (**Tex. Gov't Code §551.074**); members of City boards and commissions.

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.

**MOTION:** Council Member Burr moved to adjourn to closed session at 6:32 p.m. Council Member Barnes seconded. Motion carried 5-0.

Mayor Crist reconvened the meeting at 7:42 p.m.

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

No action taken.

5. Adjourn.

Council Member Barnes moved to adjourn at 7:32 pm. Council Member Burr seconded. Motion carried 5-0.

**Approved** on the \_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST:

\_\_\_\_\_  
City Secretary Carrie L. Smith

\_\_\_\_\_  
Mayor Mike Crist

ANNA CITY COUNCIL

**MINUTES**  
REGULAR SESSION

October 13, 2015

The City Council of the City of Anna met in Regular Session on the above date at Anna City Hall, located at 111 North Powell Parkway (Hwy 5), to consider the following items.

**1. Call to Order.**

Mayor Crist called the meeting to order at 7:32 pm.

Mayor Mike Crist and Council Members Justin Burr, John Beazley, Chad Barnes, and Dick Dowd were present.

Council Members Nathan Bryan and Lauren Lovato were absent.

**2. Invocation and Pledge of Allegiance.**

Mayor Crist led the 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.*

No public comments.

**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.*

No reports.

**5. Proclamation regarding Municipal Court Week (Clayton Fulton)**

Mayor Crist proclaimed the week of November 2 - November 6, 2015, as Municipal Court Week, and further extended appreciation to all Municipal Judges and court support personnel for the vital services they perform and their exemplary dedication to our community.

**6. Consent Items.** *These items consist of non-controversial or "housekeeping" items required by law. Items may be considered individually by any Council Member making such request prior to a motion and vote on the Consent Items.*

- a. Approve the City Council Minutes Work and Regular Session for September 22, 2015. (Carrie Smith)**
- b. Approve the Planning and Zoning Commission Minutes for September 14, 2015. (Maurice Schwanke)**
- c. Approve a Resolution on Anna Crossing, Phase 3A final plat. (Maurice Schwanke)**

**RESOLUTION 2015-09-100:** A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING THE "ANNA CROSSING PH 3A FINAL PLAT" GENERALLY LOCATED IN ANNA'S CITY LIMITS LOCATED EAST OF LEONARD AVENUE AND NORTH OF SHARP STREET AND IS SUBJECT TO THE SUBDIVISION RULES AND REGULATIONS AS SET FORTH IN THIS RESOLUTION.

- d. Approve a Resolution setting date and time for a public hearing on the creation of the Villages of Hurricane Creek TIRZ. (Clayton Fulton)**

**RESOLUTION 2015-10-101:** A RESOLUTION SETTING A PUBLIC HEARING UNDER SECTION 311.003 OF THE TEXAS TAX CODE FOR THE CREATION OF A TAX INCREMENT REINVESTMENT ZONE WITHIN THE CITY OF ANNA, TEXAS; AUTHORIZING THE ISSUANCE OF NOTICE BY THE CITY SECRETARY OF ANNA, TEXAS REGARDING THE PUBLIC HEARING; AND DIRECTING THE CITY TO PREPARE A PRELIMINARY REINVESTMENT ZONE FINANCING PLAN.

- e. Approve a Resolution on Munger Development Plat (Maurice Schwanke)**

**RESOLUTION 2015-10-102:** A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING THE "MUNGER DEVELOPMENT PLAT" GENERALLY LOCATED IN ANNA'S EXTRATERRITORIAL JURISDICTION LOCATED AT 10236 COUNTY ROAD 289 AND IS SUBJECT TO THE SUBDIVISION RULES AND REGULATIONS AS SET FORTH IN THIS RESOLUTION.

- f. **Approve a Resolution on Richardson Development Plat (Maurice Schwanke)**

**RESOLUTION 2015-10-103:** A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING THE "RICHARDSON DEVELOPMENT PLAT" GENERALLY LOCATED IN ANNA'S EXTRATERRITORIAL JURISDICTION LOCATED AT 9183 COUNTY ROAD 285 AND IS SUBJECT TO THE SUBDIVISION RULES AND REGULATIONS AS SET FORTH IN THIS RESOLUTION.

- g. **Approve a Resolution on Robertson Addition Development Plat (Maurice Schwanke)**

**RESOLUTION 2015-10-104:** A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING THE "ROBERTSON ADDITION DEVELOPMENT PLAT" GENERALLY LOCATED IN ANNA'S EXTRATERRITORIAL JURISDICTION LOCATED AT 12144 COUNTY ROAD 509 AND IS SUBJECT TO THE SUBDIVISION RULES AND REGULATIONS AS SET FORTH IN THIS RESOLUTION.

**MOTION:** Council Member Barnes moved to approve consent items. Council Member Dowd seconded. Motion carried 5-0.

7. **Consider/Discuss/Action regarding a Resolution approving a Subdivision Improvement Agreement for Anna Crossing Phase 3A. (Maurice Schwanke)**

**RESOLUTION 2015-10-105:** A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A SUBDIVISION AGREEMENT FOR ANNA CROSSING, PHASE 3A.

**MOTION:** Council Member Barnes moved to approve. Council Member Burr seconded. Motion carried 5-0.

8. **Consider/Discuss/Action regarding a Resolution finding a public necessity and authorizing the City Staff to use lawful means, including negotiations and if necessary proceedings in eminent domain, to acquire an easement on private property owned by Hector Bernal and Janice Bernal. (Joseph Johnson)**

**RESOLUTION 2015-10-106** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS, FINDING THAT A PUBLIC NECESSITY EXISTS FOR ACQUISITION OF A PERMANENT SANITARY SEWER EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT PROVIDING LIMITED RIGHTS ON AND UNDER 0.127 ACRES OF REAL PROPERTY, MORE OR LESS, AND 0.243 ACRES OF REAL PROPERTY, MORE OR LESS; AUTHORIZING THE CITY MANAGER, STAFF, CONTRACTORS, AND THE CITY'S ATTORNEYS TO ACQUIRE SAID EASEMENTS BY ANY LAWFUL MEANS, INCLUDING BUT NOT LIMITED TO NEGOTIATIONS, AND, IF NECESSARY, PROCEEDINGS IN EMINENT DOMAIN; PROVIDING AN EFFECTIVE DATE.

**MOTION:** Mayor Crist moved that the City of Anna, Texas authorize the use of the power of eminent domain to acquire 0.127 acres of land, more or less, for a permanent sanitary sewer easement, and 0.243 acres of land, more or less, for a temporary construction easement, said tracts located in the Robert A. Johnson Survey, Abstract No. 479, Collin County, Texas, and described in a deed to Hector Bernal and Janice Bernal, recorded in Instrument Number 20060703000907110 of the Deed Records of Collin County, Texas (D.R.C.C.T.), said 0.127 acres and 0.243 acres being more particularly described by the metes and bounds description set forth in Exhibit "A" to this resolution, which I incorporate in full into my motion. Council Member Barnes seconded. Motion carried 5-0.

9. **Consider/Discuss/Action regarding a Resolution finding a public necessity and authorizing the City Staff to use lawful means, including negotiations and if necessary proceedings in eminent domain, to acquire an easement on private property owned by Gerald Ray Davidson. (Joseph Johnson)**

**RESOLUTION 2015-10-107:** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS, FINDING THAT A PUBLIC NECESSITY EXISTS FOR ACQUISITION OF A TEMPORARY CONSTRUCTION EASEMENT PROVIDING LIMITED RIGHTS ON AND UNDER 0.147 ACRES OF REAL PROPERTY, MORE OR LESS; AUTHORIZING THE CITY MANAGER, STAFF, CONTRACTORS, AND THE CITY'S ATTORNEYS TO ACQUIRE SAID EASEMENT BY ANY LAWFUL MEANS, INCLUDING BUT NOT LIMITED TO NEGOTIATIONS, AND, IF NECESSARY, PROCEEDINGS IN EMINENT DOMAIN; PROVIDING AN EFFECTIVE DATE.

**MOTION:** Mayor Crist moved that the City of Anna, Texas authorize the use of the power of eminent domain to acquire 0.147 acres of land, more or less, for a temporary construction easement, said tract located in the Robert A. Johnson Survey, Abstract No. 479, and the Ezra Shelby Survey, Abstract No. 839, Collin County, Texas, and described in a deed to Gerald Ray Davidson, recorded in Instrument Number

20020405000502240 of the Deed Records of Collin County, Texas (D.R.C.C.T.), said 0.147 acres being more particularly described by the metes and bounds description set forth in Exhibit "A" to this resolution, which I incorporate in full into my motion. Council Member Barnes seconded. Motion carried 5-0.

- 10. Consider/Discuss/Action regarding a Resolution finding a public necessity and authorizing the City Staff to use lawful means, including negotiations and if necessary proceedings in eminent domain, to acquire an easement on private property owned by Jon Michael Petersen and Laura Jean Petersen. (Joseph Johnson)**

***RESOLUTION 2015-10-108:*** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS, FINDING THAT A PUBLIC NECESSITY EXISTS FOR ACQUISITION OF A PERMANENT SANITARY SEWER EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT PROVIDING LIMITED RIGHTS ON AND UNDER 0.150 ACRES OF REAL PROPERTY, MORE OR LESS, AND 0.241 ACRES OF REAL PROPERTY, MORE OR LESS; AUTHORIZING THE CITY MANAGER, STAFF, CONTRACTORS, AND THE CITY'S ATTORNEYS TO ACQUIRE SAID EASEMENTS BY ANY LAWFUL MEANS, INCLUDING BUT NOT LIMITED TO NEGOTIATIONS, AND, IF NECESSARY, PROCEEDINGS IN EMINENT DOMAIN; PROVIDING AN EFFECTIVE DATE.

**MOTION:** Mayor Crist moved that the City of Anna, Texas authorize the use of the power of eminent domain to acquire 0.150 acres of land, more or less, for a permanent sanitary sewer easement, and 0.241 acres of land, more or less, for a temporary construction easement, said tracts located in the Robert A. Johnson Survey, Abstract No. 479, and the Ezra Shelby Survey, Abstract No. 839, Collin County, Texas, and described in a deed to Jon Michael Petersen and wife Laura Jean Petersen, recorded in Instrument Number 199990730000955880 of the Deed Records of Collin County, Texas (D.R.C.C.T.), said 0.150 acres and 0.241 acres being more particularly described by the metes and bounds description set forth in Exhibit "A" to this resolution, which I incorporate in full into my motion. Council Member Barnes seconded. Motion carried 5-0.

- 11. Consider/Discuss/Action regarding a Resolution finding a public necessity and authorizing the City Staff to use lawful means, including negotiations and if necessary proceedings in eminent domain, to acquire an easement (Tract 1) on private property owned by Chris Plumlee and Lisa Plumlee. (Joseph Johnson)**

***RESOLUTION 2015-10-109:*** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS, FINDING THAT A PUBLIC NECESSITY EXISTS FOR ACQUISITION OF A

*PERMANENT SANITARY SEWER EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT PROVIDING LIMITED RIGHTS ON AND UNDER 0.155 ACRES OF REAL PROPERTY, MORE OR LESS, AND 0.226 ACRES OF REAL PROPERTY, MORE OR LESS; AUTHORIZING THE CITY MANAGER, STAFF, CONTRACTORS, AND THE CITY'S ATTORNEYS TO ACQUIRE SAID EASEMENTS BY ANY LAWFUL MEANS, INCLUDING BUT NOT LIMITED TO NEGOTIATIONS, AND, IF NECESSARY, PROCEEDINGS IN EMINENT DOMAIN; PROVIDING AN EFFECTIVE DATE.*

**MOTION:** Mayor Crist moved that the City of Anna, Texas authorize the use of the power of eminent domain to acquire 0.155 acres of land, more or less, for a permanent sanitary sewer easement, and 0.226 acres of land, more or less, for a temporary construction easement, said tracts located in the Robert A. Johnson Survey, Abstract No. 479, Collin County, Texas, and described in a deed to Chris Plumlee and Lisa Plumlee, recorded in Instrument Number 20100624000646560 of the Deed Records of Collin County, Texas (D.R.C.C.T.), said 0.155 acres and 0.226 acres being more particularly described by the metes and bounds description as Tract 1 set forth in Exhibit "A" to this resolution, which I incorporate in full into my motion. Council Member Barnes seconded. Motion carried 5-0.

**12. Consider/Discuss/Action regarding a Resolution finding a public necessity and authorizing the City Staff to use lawful means, including negotiations and if necessary proceedings in eminent domain, to acquire an easement (Tract 2) on private property owned by Chris Plumlee and Lisa Plumlee. (Joseph Johnson)**

**RESOLUTION 2015-10-110:** *A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS, FINDING THAT A PUBLIC NECESSITY EXISTS FOR ACQUISITION OF A PERMANENT SANITARY SEWER EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT PROVIDING LIMITED RIGHTS ON AND UNDER 0.024 ACRES OF REAL PROPERTY, MORE OR LESS, AND 0.014 ACRES OF REAL PROPERTY, MORE OR LESS; AUTHORIZING THE CITY MANAGER, STAFF, CONTRACTORS, AND THE CITY'S ATTORNEYS TO ACQUIRE SAID EASEMENTS BY ANY LAWFUL MEANS, INCLUDING BUT NOT LIMITED TO NEGOTIATIONS, AND, IF NECESSARY, PROCEEDINGS IN EMINENT DOMAIN; PROVIDING AN EFFECTIVE DATE.*

**MOTION:** Mayor Crist moved that the City of Anna, Texas authorize the use of the power of eminent domain to acquire 0.024 acres of land, more or less, for a permanent sanitary sewer easement, and 0.014 acres of land, more or less, for a temporary construction easement, said tracts

located in the Robert A. Johnson Survey, Abstract No. 479, Collin County, Texas, and described in a deed to Chris Plumlee and Lisa Plumlee, recorded in Instrument Number 20100624000646560 of the Deed Records of Collin County, Texas (D.R.C.C.T.), said 0.024 acres and 0.014 acres being more particularly described by the metes and bounds description as Tract 2 set forth in Exhibit "A" to this resolution, which I incorporate in full into my motion. Council Member Barnes seconded. Motion carried 5-0.

**13. Consider/Discuss/Action regarding a Resolution finding a public necessity and authorizing the City Staff to use lawful means, including negotiations and if necessary proceedings in eminent domain, to acquire an easement on private property owned by Shane Spencer and Crystal Spencer. (Joseph Johnson)**

***RESOLUTION 2015-10-111:*** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS, FINDING THAT A PUBLIC NECESSITY EXISTS FOR ACQUISITION OF A PERMANENT SANITARY SEWER EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT PROVIDING LIMITED RIGHTS ON AND UNDER 0.151 ACRES OF REAL PROPERTY, MORE OR LESS, AND 0.213 ACRES OF REAL PROPERTY, MORE OR LESS; AUTHORIZING THE CITY MANAGER, STAFF, CONTRACTORS, AND THE CITY'S ATTORNEYS TO ACQUIRE SAID EASEMENTS BY ANY LAWFUL MEANS, INCLUDING BUT NOT LIMITED TO NEGOTIATIONS, AND, IF NECESSARY, PROCEEDINGS IN EMINENT DOMAIN; PROVIDING AN EFFECTIVE DATE.

**MOTION:** Mayor Crist moved that the City of Anna, Texas authorize the use of the power of eminent domain to acquire 0.151 acres of land, more or less, for a permanent sanitary sewer easement, and 0.213 acres of land, more or less, for a temporary construction easement, said tracts located in the Robert A. Johnson Survey, Abstract No. 479, and the Ezra Shelby Survey, Abstract No. 839, Collin County, Texas, and described in a deed to Shane Spencer and Crystal Spencer, recorded in Instrument Number 20120727000917890 of the Deed Records of Collin County, Texas (D.R.C.C.T.), said 0.151 acres and 0.213 acres being more particularly described by the metes and bounds description set forth in Exhibit "A" to this resolution, which I incorporate in full into my motion. Council Member Barnes seconded. Motion carried 5-0.

**14. Consider/Discuss/Action regarding a Resolution finding a public necessity and authorizing the City Staff to use lawful means, including negotiations and if necessary proceedings in eminent domain, to acquire an easement on private property owned by Kerry B. Tubbs and Gwendolyn M. Iselt-Tubbs. (Joseph Johnson)**

**RESOLUTION 2015-10-112:** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS, FINDING THAT A PUBLIC NECESSITY EXISTS FOR ACQUISITION OF A PERMANENT SANITARY SEWER EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT PROVIDING LIMITED RIGHTS ON AND UNDER 0.064 ACRES OF REAL PROPERTY, MORE OR LESS, AND 0.166 ACRES OF REAL PROPERTY, MORE OR LESS; AUTHORIZING THE CITY MANAGER, STAFF, CONTRACTORS, AND THE CITY'S ATTORNEYS TO ACQUIRE SAID EASEMENTS BY ANY LAWFUL MEANS, INCLUDING BUT NOT LIMITED TO NEGOTIATIONS, AND, IF NECESSARY, PROCEEDINGS IN EMINENT DOMAIN; PROVIDING AN EFFECTIVE DATE.

**MOTION:** Mayor Crist moved that the City of Anna, Texas authorize the use of the power of eminent domain to acquire 0.064 acres of land, more or less, for a permanent sanitary sewer easement, and 0.166 acres of land, more or less, for a temporary construction easement, said tracts located in the Robert A. Johnson Survey, Abstract No. 479, Collin County, Texas, and described in a deed to Kerry B. Tubbs and wife Gwendolyn M. Iselt-Tubbs, recorded in Instrument Number 20050620000814000 (also recorded in Vol. 5943, Page 1524) of the Deed Records of Collin County, Texas (D.R.C.C.T.), said 0.064 acres and 0.166 acres being more particularly described by the metes and bounds description set forth in Exhibit "A" to this resolution, which I incorporate in full into my motion. Council Member Barnes seconded. Motion carried 5-0.

- 15. Consider/Discuss/Action regarding a Resolution finding a public necessity and authorizing the City Staff to use lawful means, including negotiations and if necessary proceedings in eminent domain, to acquire an easement on private property owned by Gary K. Verner and Ronna Walker Verner. (Joseph Johnson)**

**RESOLUTION 2015-10-113:** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS, FINDING THAT A PUBLIC NECESSITY EXISTS FOR ACQUISITION OF A PERMANENT SANITARY SEWER EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT PROVIDING LIMITED RIGHTS ON AND UNDER 0.157 ACRES OF REAL PROPERTY, MORE OR LESS, AND 0.225 ACRES OF REAL PROPERTY, MORE OR LESS; AUTHORIZING THE CITY MANAGER, STAFF, CONTRACTORS, AND THE CITY'S ATTORNEYS TO ACQUIRE SAID EASEMENTS BY ANY LAWFUL MEANS, INCLUDING BUT NOT LIMITED TO NEGOTIATIONS, AND, IF NECESSARY, PROCEEDINGS IN EMINENT DOMAIN; PROVIDING AN EFFECTIVE DATE.

**MOTION:** Mayor Crist moved that the City of Anna, Texas authorize the use of the power of eminent domain to acquire 0.157 acres of land, more or less, for a permanent sanitary sewer easement, and 0.225 acres of land, more or less, for a temporary construction easement, said tracts located in the Robert A. Johnson Survey, Abstract No. 479, Collin County, Texas, and described in a deed to Gary K. Verner and wife, Ronna Walker Verner, recorded in Instrument Number 19971124001000720 of the Deed Records of Collin County, Texas (D.R.C.C.T.), said 0.157 acres and 0.225 acres being more particularly described by the metes and bounds description set forth in Exhibit "A" to this resolution, which I incorporate in full into my motion. Council Member Barnes seconded. Motion carried 5-0.

**16. Consider/Discuss/Action regarding a Resolution awarding a bid and approving a contract for the Hackberry Waterline Project. (Joseph Johnson)**

**RESOLUTION 2015-10-114:** A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH W. BROWN ENTERPRISES, INC. FOR THE HACKBERRY ELEVATED STORAGE TANK OFFSITE WATER LINE PROJECT.

**MOTION:** Council Member Barnes moved to approve. Mayor Crist seconded. Motion carried 5-0.

**17. Consider/Discuss/Action regarding a Resolution awarding a bid and approving a contract for the 2014 TxCDBG Sewer Line Project. (Joseph Johnson)**

**RESOLUTION 2015-10-115:** A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH A&M CONSTRUCTION & UTILITIES, INC. FOR THE 2014 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT SEWER REPLACEMENTS PROJECT.

**MOTION:** Council Member Burr moved to approve. Council Member Barnes seconded. Motion carried 5-0.

**18. Consider/Discuss/Action regarding a Resolution authorizing the City Manager to negotiate non-annexation agreements with the owners of certain properties located in the city's extra-territorial jurisdiction. (Philip Sanders)**

**RESOLUTION 2015-10-116:** A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH A&M CONSTRUCTION & UTILITIES, INC. FOR THE 2014 TEXAS

COMMUNITY DEVELOPMENT BLOCK GRANT SEWER REPLACEMENTS PROJECT.

**MOTION:** Councilmember Dowd moved to approve. Mayor Crist seconded. Council Member Beazley opposed. Motion carried 4-1.

**19. 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;

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.

**MOTION:** Council Member Barnes moved to enter into closed session at 8:38 p.m. Council Member Dowd seconded. Motion carried 5-0.

Mayor Crist reconvened the regular meeting at 9:06 p.m.

**20. Consider/Discuss/Action on any items listed on posted agenda Workshop Session or any closed session occurring during this Regular Meeting, as necessary.**

No action taken.

**21. Adjourn.**

**MOTION:** Council Member Barnes moved to adjourn at 9:07 p.m. Council Member Dowd seconded. Motion carried 5-0.

**Approved** on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST:

\_\_\_\_\_  
City Secretary Carrie L. Smith

\_\_\_\_\_  
Mayor Mike Crist



## City Council Agenda Staff Report

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Date: 10/27/2015  
Staff Contact: Clayton Fulton  
Exhibits: 2015 Tax Roll  
Summary

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### **AGENDA SUBJECT:**

Approve an Ordinance approving the 2015 Tax Roll

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### **SUMMARY:**

The Collin County Tax Assessor Collector recently submitted the Tax Roll summary for the City of Anna. The report from the county is attached. Texas Property Tax Code, section 26.09, requires cities to pass an ordinance approving the 2015 Tax Roll.

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### **STAFF RECOMMENDATION:**

Staff recommends that the City Council adopt the attached Ordinance approving the 2015 Tax Roll for the City of Anna



## City Council Agenda Staff Report

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Date: 10/27/2015  
Staff Contact: Clayton Fulton  
Exhibits: Yes

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### **AGENDA SUBJECT:**

Approve a Resolution setting date and time for a public hearing on the creation of the Villages of Hurricane Creek Tax Increment Reinvestment Zone

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### **SUMMARY:**

The resolution approved at the October 13<sup>th</sup> council meeting calling for the public hearing to be held today was erroneously presented and subsequently published with the wrong address.

The attached resolution contains the correct address and calls for the public hearing to be held on November 10<sup>th</sup>, 2015. In order to create the Tax Increment Reinvestment Zone (TIRZ) associated with the Hurricane Creek Development, the City needs to call for a public hearing before the zone can be created. The attached resolution authorizes the public hearing but does not create the TIRZ.

It is anticipated the TIRZ will be created following the public hearing.

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### **STAFF RECOMMENDATION:**

Approve the resolution authorizing the public hearing on the TIRZ.

**CITY OF ANNA, TEXAS**

**RESOLUTION NO. 2015-10-117**

*(Tax Increment Reinvestment Zone-Villages of Hurricane Creek)*

**A RESOLUTION SETTING A PUBLIC HEARING UNDER SECTION 311.003 OF THE TEXAS TAX CODE FOR THE CREATION OF A TAX INCREMENT REINVESTMENT ZONE WITHIN THE CITY OF ANNA, TEXAS; AUTHORIZING THE ISSUANCE OF NOTICE BY THE CITY SECRETARY OF ANNA, TEXAS REGARDING THE PUBLIC HEARING; AND DIRECTING THE CITY TO PREPARE A PRELIMINARY REINVESTMENT ZONE FINANCING PLAN.**

**WHEREAS**, the City of Anna, Texas (the "City"), is authorized under Chapter 311 of the Texas Tax Code, as amended (the "Act"), to create a tax increment reinvestment zone within its city limits;

**WHEREAS**, the City Council of the City (the "City Council") wishes to hold a public hearing in accordance with Section 311.003 of the Act regarding the establishment of a tax increment reinvestment zone in the City (the "Zone") with the boundaries being described in the metes and bounds attached as **Exhibit A**; and

**WHEREAS**, in order to hold a public hearing for the creation of the Zone, notice must be given in a newspaper of general circulation in the City no later than the 7<sup>th</sup> day before the date of the hearing in accordance with Section 311.003 of the Act; and

**WHEREAS**, the City Council has determined to hold a public hearing on November 10, 2015 on the creation of the Zone.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL:**

Section 1. That a public hearing is hereby called for November 10, 2015, at 7:30 p.m. at City Council Chambers, 111 N. Powell Parkway (HWY 5), Anna, Texas 75409, for the purpose of hearing any interested person speak for or against the inclusion of property in the proposed Zone, the creation of the Zone, its boundaries, or the concept of tax increment financing with respect to the creation of the Zone.

Section 2. At such time and place the City Council will hear testimony regarding the creation of the Zone and will provide a reasonable opportunity for the owner of any property within the proposed Zone to protest the inclusion of their property within the Zone. Upon closing the public hearing, the City Council may consider the adoption of an ordinance authorizing the creation of the Zone.

Section 3. Attached hereto as **Exhibit B** is a form of the Notice of Public Hearing, the form and substance of which is hereby adopted and approved.

Section 4. The City Secretary is hereby authorized and directed to cause said notice to be published in substantially the form attached hereto in a newspaper of general circulation in the City no later than the 7<sup>th</sup> day before the date of the hearing.

Section 5. Before the November 10, 2015, hearing concerning the Zone, the City shall prepare a preliminary reinvestment zone financing plan.

Section 6. This resolution shall be in full force and effect from and after its passage and it is accordingly so resolved.

**PASSED ON THIS 27th DAY OF OCTOBER, 2015.**

APPROVED:

\_\_\_\_\_  
Mike Crist, Mayor

ATTEST:

\_\_\_\_\_  
Carrie L. Smith, City Secretary



## City Council Agenda Staff Report

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Date: October 27, 2015

Staff Contact: Joseph Johnson

Exhibits: Yes

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### **AGENDA SUBJECT:**

Consider/Discuss/Action on a Resolution approving a Subdivision Improvement Agreement for Pecan Grove, Phase 1 Drainage Improvements.

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### **SUMMARY:**

As a result of heavy rains earlier this year, Staff became aware of a significant drainage concern affecting some of the property owners in the Pecan Grove, Phase 1 subdivision. For the past several months, Staff has worked with DR Horton (one of the primary builders in the subdivision) and an adjacent property owner (Foster Crossing LTD) on a plan to mitigate the drainage concerns. After developing and reviewing a number of alternatives, all parties have agreed on a plan to intercept the off-site storm water before it crosses the affected lots located east of Pecan Grove Dr. and south of Burl Ln. The cost of the improvements would be shared equally between DR Horton, Foster Crossing LTD, and the City. The City's participation would be in the form of future impact fee credits to DR. Horton who will construct the drainage improvements.

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### **STAFF RECOMMENDATION:**

Staff recommends approval of the attached Resolution and Agreement. The draft Agreement is still under review by the respective parties. We anticipate that some changes will be made prior to the City Council meeting on October 27<sup>th</sup>.



## City Council Agenda Staff Report

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Date: 10/27/15

Staff Contact: Maurice Schwanke

Exhibits: Yes

**AGENDA SUBJECT:** (a) Conduct a Public Hearing on a request to change the zoning from Single Family Estate (SF-E) to Planned Development (PD) on a 42.553 acre tract of land located in the J C Neil Survey, A-0659. at SH 121 and CR 507.

(b) Consider/Discuss/Action regarding an Ordinance changing the zoning from Single Family Estate (SF-E) to Planned Development (PD), on a 42.553 acre tract of land located in the J C Neil Survey, A-0659 at SH 121 and CR 507.

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**SUMMARY:** The zoning request is for C-1 zoning with the addition of mini storage and RV storage. This tract of land is within the Thoroughfare Overlay District which has a higher standard than most commercial areas. This applicant is asking for less than 100 percent masonry which is required. According to the Comprehensive plan this area is shown as a future commercial district. The staff is in strong opposition to the request of less than 100 percent masonry. We have received two letters stating that they are opposed to lessening the masonry requirements. It should be noted that this area is not served by water from the City or sewer service. As development occurs adequately sized water lines with fire hydrant will be required for fire protection as well as sewer service.

The staff is in support of the proposal with 100 percent masonry and appropriate screening. The recommendation is to approve the C-1 uses with mini-Storage with no outside storage other than the storage of operable vehicles, recreational vehicles, utility trailers, and boats. Masonry Screening to be provided on all sides with the allowance of decorative steel screening in the front. The Planning and Zoning Commission recommended approval of the zoning request with the conditions of no exception to the Masonry Requirement at their meeting October 5th, 2015. The vote was unanimous.

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**STAFF RECOMMENDATION:** Approval of ordinance.



## City Council Agenda Staff Report

Date: 10/27/2015

Staff Contact: Clayton Fulton

Exhibits: Yes

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### AGENDA SUBJECT:

Consider/Discuss/Action regarding an ordinance amending the 2015-2016 Fiscal Year Budget

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### SUMMARY:

The proposed amendment includes funding for three distinct requests. The request includes the addition of 2 FTE's and the use of water impact fees to support the construction of the Hackberry Elevated Storage Tank. The table below summarizes the revenues and expenditures associated with each request. Details on each request are included following the table.

DEPT.	REQUEST	COST	REVENUE
PD	School Resource Officer	\$ 99,671	\$ 99,671
UF – Admin	Construction Inspector	\$ 80,083	\$ 80,083
UF – Impact Fees	Elevated Storage Tank	\$ 91,199	
<b>Total</b>		<b>\$ 270,953</b>	<b>\$ 179,754</b>

#### School Resource Officer:

This request is for an additional FTE in the Police Department for a total cost of \$99,671. The request is fully funded through a grant award.

During the preparation of the FY 16 budget, staff discussed the possibility of a grant award for an additional SRO beyond the SRO included in the FY 16 budget. The Police Department's application was ultimately awarded for a three year grant with no more than \$99,671 authorized in each year.

The grant funds will be expended as approved in the award to support one SRO position and the associated costs to recruit, equip, and train the officer. Detailed costs are included in the attached exhibit.

Construction Inspector:

This request is for an additional FTE in the UF Admin Department for a total cost of \$80,083. The request would be fully funded through anticipated construction inspection revenue.

The FY 15 budget authorized a new construction inspector position in the Utility Fund. This position was responsible to review and inspect infrastructure projects occurring within the City. Previously, the City contracted with Bureau Veritas for the inspection services. The fees previously paid to BV are now kept by the City to pay for this position.

There are a growing number of public improvements occurring throughout the City. Both City funded projects and developer funded public improvements are increasing the work load to a point that necessitates an additional inspector.

The FY 16 budget included inspection fees of \$125,000 to cover the costs of the existing inspector plus replacement of the inspector's vehicle. The City has already received in excess of \$100,000 of inspection revenue for the month of Oct. Conservative estimates for inspection revenue for FY 16 are in excess of \$500,000. Staff is confident inspection fee revenue will provide for the budgeted amount of \$125,000 plus an additional \$80,083 for the new position. The new position would use vehicle used previously by the current inspector. This vehicle is a retired police cruiser, while not ideal, it can be used for the new inspector. Detailed costs are included in the attached exhibit.

Elevated Storage Tank:

Staff received bids for the Hackberry Elevated Storage Tank that exceeded the engineer's opinion of probable cost. Further, the bids included an alternate to upsize the tank from 750,000 gallons to 1,000,000 gallons. When evaluating the bids, we found a 10.5% increase in costs would produce a 33.3% increase in capacity.

Some bond funded projects have provided cost savings over the engineer's opinion of probable cost which mitigates the increased budget for the elevated storage tank; however, to fund the 1 million gallon tank an additional \$91,199 is needed. In order to take advantage of the increased capacity, staff recommends the use of water impact fees to fully fund the elevated storage tank. As of 9/30/2015 just over \$820,000 in water impact fees is available.

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**STAFF RECOMMENDATION:**

Approve the attached ordinance amending the FY 16 budget.



## City Council Agenda Staff Report

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Date: October 27, 2015

Staff Contact: Joseph Johnson

Exhibits: Attached.

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### **AGENDA SUBJECT:**

Authorize the City Manager to execute a contract with Landmark Structures, Inc. for the construction of the Hackberry Elevated Storage Tank (EST) Project.

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### **SUMMARY:**

On September 29, 2015 at 2:30 PM sealed bids were opened for this project. Landmark Structures, Inc. was the apparent low bidder with a base bid of \$2,517,000 for the 750,000 gallon tank. Landmark also submitted the low bid for Alternate No. 1 for the 1 Million Gallon (MG) EST of \$2,786,000. The City's consulting engineer has reviewed Landmark's statement of qualification and references and finds that they meet the experience qualifications of the bid package and have a record of satisfactorily completing projects similar to the Hackberry Towner project. Funds are available for this project in the 2012 and 2014 Certificates of Obligation.

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### **STAFF RECOMMENDATION:**

Staff recommends approval of the attached Resolution which authorizes a contract with Landmark Structures, Inc. for the Alternate No. 1 bid of \$2,786,000 for the construction of a 1 million gallon elevated water storage tank. Landmark also submitted bids for Additive Alternate No. 2 (tank lighting) and Additive Alternate No. 3 of (telemetry) which we are not recommending funding under this contract.

When the tank bid pricing is combined with telemetry costs and additional engineering expenses expected for the project there is a funding shortfall. This shortfall will be mitigated through a deductive change order in the amount of \$157,809.20 (next item on this agenda) and additional funding from water impact fees in the amount of \$91,200.



## City Council Agenda Staff Report

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Date: October 27, 2015

Staff Contact: Joseph Johnson

Exhibits: Attached.

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### **AGENDA SUBJECT:**

Authorize the City Manager to execute a deductive change order with Landmark Structures, Inc. related to the construction of the Hackberry Elevated Storage Tank (EST) Project.

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### **SUMMARY:**

On September 29, 2015 at 2:30 PM sealed bids were opened for Hackberry EST project. Landmark Structures, Inc. was the apparent low bidder with a base bid of \$2,517,000. Landmark also submitted the low bid for Alternate No. 1 for the 1 Million Gallon (MG) EST of \$2,786,000. Additionally, Landmark submitted Additive Alternate No. 2 of \$125,000 for tank lighting and Additive Alternate No. 3 of \$28,000 for telemetry.

Due to bids received being higher than expected there is a funding shortfall. To mitigate the shortfall to the extent possible staff met with our consulting engineer to review items that could be removed from the project that would result in savings without compromising the quality or functionality of the project. The items represented in the attached change order would reduce the project cost by \$157,809.20. The remaining shortfall of \$91,200 would be funded through impact fees.

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### **STAFF RECOMMENDATION:**

Staff recommends approval of this item which would authorize the City Manager to execute a deductive change order with Landmark Structures, Inc. in the amount of \$157,809.20.



## City Council Agenda Staff Report

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Date: October 27, 2015

Staff Contact: Joseph Johnson

Exhibits: Attached

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### **AGENDA SUBJECT:**

Consider/Discuss/Action regarding a Resolution authorizing the City Manager to execute a contract for the purchase of a new Vac-Trailer from Vermeer using the Buy Board Cooperative Purchasing program.

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### **SUMMARY:**

The purchase of a vac-trailer will allow City staff to perform maintenance of sewer lines, manholes and lift stations which would lower the possibility of a sanitary sewer overflow. Additionally this item will be used to assist us with our ongoing Inflow and Infiltration (I&I) repair project.

The BuyBoard Cooperative Purchasing program ensures that we remain in compliance with state law as it relates to government purchases. Essentially the program has already administered the competitive bid process for us. The purchase of a vac-trailer was authorized in the 2016 Fiscal Year (FY 16) budget in the amount of \$72,000. The costs for this vac-trailer is \$75,600 which is slightly higher due to optional equipment that we are recommending. The additional cost would come from the services cost group of the Wastewater budget.

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### **STAFF RECOMMENDATION:**

Staff recommends approval of the proposed Resolution which authorizes the City Manager to execute a contract and other documents for the purchase of a Vermeer VX50-500 with boom from Vermeer Texas-Louisiana through the Buy Board Cooperative Purchasing program.



## City Council Agenda Staff Report

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Date: October 27, 2015

Staff Contact: Joseph Johnson

Exhibits: Attached

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### **AGENDA SUBJECT:**

Consider/Discuss/Action regarding a Resolution authorizing the City Manager to execute an engineering task order with Birkhoff, Hendricks, and Carter, LLP for the design of the Hackberry Drive Paving and Drainage Improvements – Slayter Creek to State Highway 5.

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### **SUMMARY:**

The Hackberry Drive improvements will be necessary in order to accommodate the steadily increasing traffic volume to the roadway. Extensions of Ferguson and Hackberry (in progress) to the west will only increase this volume. This project, when constructed, would upgrade the existing 18' asphalt section to a 25' concrete section the length of the project and add an additional 12.5' section of roadway near the State Highway 5 intersection.

The engineering services task order with Birkhoff, Hendricks, and Carter, LLP provides for design, bidding, and contract administration services for the project. The engineering consulting fee covering Basics Services (Parts I-III) for the project is for the lump sum amount of \$92,360 and the additional services (Part IV) for the project is for the amount of \$53,700, for a total not to exceed amount of \$146,060. The total estimated cost for the project including engineering and professional services is \$910,000.

Funds are allocated for this project in the 2016 Fiscal Year Streets Budget in the amount of \$87,000. Funds were allocated for the design portion only. This would mean that only Basic Service Part I: Design Phase (\$69,270) and Additional Service A: Design and Boundary Surveys (\$13,300) for a total of \$82,570 would be authorized for this budget year. The remaining parts would be authorized as funds are allocated in a future fiscal year.

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### **STAFF RECOMMENDATION:**

Staff recommends approval of the attached Resolution which authorizes the City Manager to execute a task order with Birkhoff, Hendricks, and Carter, LLP for Basic Service Part I and Additional Service A for the design of the Hackberry Paving and Drainage Improvements.



## 3. City Council Agenda Staff Report

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Date: October 27, 2015

Staff Contact: City Manager

Exhibits: Yes

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### **AGENDA SUBJECT:**

Consider/Discuss/Action on a Resolution regarding support for the proposed Palladium Anna project.

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### **SUMMARY:**

Palladium Anna, Ltd. has proposed the construction of a 180 unit multi-family development on property located on the east side of Highway 5 inside the Anna Town Square master planned community located approximately 4,000 feet south of the intersection of White Street (FM 455) and Powell Parkway (SH 5). Palladium Anna, Ltd. has advised that it intends to submit an application to the Texas Department of Housing and Community Affairs (TDHCA) for 2016 Competitive 9% Housing Tax Credits for the Palladium Anna project.

Earlier this year on January 27<sup>th</sup> and again on March 18<sup>th</sup> the City Council conducted public meetings to receive public comment on the proposed Palladium Anna project. Since then, Staff has work with the property owner to review and develop regulations and standards that would enhance the quality of the project. Although the property on which the Palladium Anna project is proposed was zoned to allow for multi-family use in 2004, the owner has submitted a zoning application that would substantially increase the development standards for a multi-family project constructed on this property

Outdoor amenities for the project include a community swimming pool, open space with walking trails and picnic areas, a playground, and sports courts. The development will also include an indoor amenity center and clubhouse with a business center, club room with event kitchen, and a fitness center.

Palladium Anna Ltd. will use an in-house management company to screen potential tenants. Part of the screening process includes a criminal background check that will

exclude felons, sex offenders, or other violent offenders from living in this development. Everyone living on the property will be screened and listed on the lease agreement.

As part of their application to TDHCA, Palladium Anna, Ltd has requested a resolution of support from the City. The owner of the Anna Town Square master planned community, of which the Palladium Anna project will be a part, has previously pledged his support for the this project.

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**STAFF RECOMMENDATION:**

The property on which the Palladium Anna project is proposed was zoned to allow for multi-family use in 2004. If approved, the development standards for the Palladium Anna project will be substantially higher than what the City could otherwise require on this property. Staff recommends approval of the attached resolution.



## City Council Agenda Staff Report

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Date: October 27, 2015

Staff Contact: Maurice Schwanke

Exhibits: Yes

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### **AGENDA SUBJECT:**

Consider/Discuss/Action on a Resolution approving a request by Anna Crossing AMC, Ltd for a waiver of the requirements in Article 3, Section 1.03(d) regarding vehicular access to a 9.482 acre tract of land located in the Grandison Stark Survey, A-798, and in the Anna Town Square development.

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### **SUMMARY:**

The Subdivision Ordinance allows the City Council to consider waivers or suspension of certain provisions of the Subdivision Regulations where the Council finds that undue hardships will result from strict compliance with certain provisions, or where the purposes of the City regulations may be served to a greater extent by an alternative proposal. (Article 1, Section 10). Any waiver or suspension must not have the effect of nullifying the intent and purpose of the Subdivision Regulations.

Article 3, Section 1.03(d) of the Subdivision Regulations require new subdivisions to have at least two points of vehicular access. It also requires subdivisions to be connected via improved Streets (Streets that meet the City Standards) to the City's improved Thoroughfare and Street system by one or more approach Streets. Access, may also be provided by a single, median-divided entrance from the City's improved thoroughfare system provided that the median extends unbroken at least 100 feet to an intersecting internal Street which provides at least two routes to the interior of the Subdivision. Primary access to the proposed Palladium Anna development will be provided from a two-lane extension of Finley Blvd. to a median divided entry road as shown on the attached concept plan.

Normally, the City would require the construction of an additional access point west to Powell Parkway (SH 5), or by an extension of Finley Blvd. and Leonard Blvd. as secondary access points. The most efficient secondary access would be west to Powell Parkway; however, the Dallas Area Rapid Transit (DART) will not permit an additional crossing of the railroad. Given this restriction and in lieu of constructing extensions of Finley Blvd. and Leonard Drive., the developer is requesting a waiver that would allow him to

construct a temporary emergency access road following the same route. This temporary road would serve as the secondary access point and allow emergency vehicles to access the development. A permanent public roadway would be constructed when development occurs adjacent to the temporary emergency access road.

The City Council may approve a waiver if it makes findings based upon the evidence presented to it in each specific case that:

(1) Granting the waiver/suspension will not be detrimental to the public safety, health or welfare, and will not be injurious to other property or to the owners of other property, and the waiver/suspension will not prevent the orderly Subdivision of other property in the vicinity;

(2) The conditions upon which the request for a waiver/suspension is based are unique to the property for which the waiver/suspension is sought, and are not applicable generally to other property;

(3) Because of the particular physical surroundings, shape and/or topographical conditions of the specific property involved, a particular undue hardship to the Property Owner would result, as distinguished from a mere inconvenience or increased expense, if the strict letter of these regulations is carried out;

(4) The waiver/suspension will not in any manner vary the provisions of the Zoning Ordinance, Comprehensive Plan (as amended), or any other adopted plan(s) or ordinance(s) of the City; and

(5) An alternate design will generally achieve the same result or intent as the standards and regulations prescribed in City's regulations.

The Planning and Zoning Commission reviewed this request on October 5<sup>th</sup> and recommended approval subject to compliance with the specific conditions included in the attached Resolution.

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**STAFF RECOMMENDATION:**

Staff has no objection to this waiver request conditioned on compliance by the developer with the conditions stipulated by the Planning and Zoning Commission and included in the attached Resolution. The City's consulting engineer has reviewed the proposed extension of Finley Blvd. and has offered an opinion that it would provide adequate access to the Palladium development.



## City Council Agenda Staff Report

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Date: 10/27/15

Staff Contact: Maurice Schwanke

Exhibits: Yes

**AGENDA SUBJECT:** a. Conduct a Public Hearing on a request to amend the zoning and development standards in Ordinance No. 129-2004 for a 9.482 acre tract of land located in the Grandison Stark Survey, A-798, and in the Anna Town Square development.

(b) Consider/Discuss/Action regarding an Ordinance amending the zoning and development standards in Ordinance No. 129-2004 for a 9.482 acre tract of land located in the Grandison Stark Survey, A-798, and in the Anna Town Square development.

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**SUMMARY:** The request for zoning change contains 9.482 acres in the area commonly referred to as Anna Town Square. The property backs up to the Dart Rail to the west that creates some access difficulties since two points of improved access is required for all developments. Item 15 of this agenda provides an alternative to this situation that has been provided by the developer. This zoning request changes the existing entitlements for multi-family development to more enhanced standards than currently exist for this specific part of Anna Town Square. The staff has worked with the applicant to improve the requirements that are found in the attached ordinance.

Several items to note are as follows:

Masonry content – The current entitlements have the masonry content at 75 percent. The proposal is still 75; however, the standard is now 90 percent in new multi-family developments. With the elevations provided the staff believes that the result will be appropriate. If the elevations provided change then the standard would be increased to 90 percent.

Garages – Our current parking ordinance requires 75 percent of the parking be covered. However, the last PD had 36 percent garages as part of the 75 percent. This request provides 75 percent covered and 21 garage spaces. With affordable house free parking is required by the State. Normally, garage spaces cost additional funds. Within this development are 52 market rate apartments. 40 percent would require the placement of 21 garage units on the site.

Screen Wall- Within this ordinance it is allowable to use the 8' masonry wall as the back of garages instead of providing a wall then a setback and then a building which creates a no man land in between two walls. This allowance shows in the side and rear yard

requirements of the ordinance. The staff is recommending approval of this ordinance. The Planning and Zoning Commission recommended approval of the zoning request at their meeting September 14th, 2015. The vote was unanimous.

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**STAFF RECOMMENDATION:** Approval of ordinance.



## City Council Agenda Staff Report

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Date: 10//13/15

Staff Contact: Maurice Schwanke

Exhibits: Yes

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**AGENDA SUBJECT:** (a) Conduct a Public Hearing on a recommendation to amend the Comprehensive Plan and Thoroughfare Master Plan for Foster Crossing Blvd., Ferguson Pkwy., Taylor Blvd., and Finley Blvd

(b) Consider/Discuss/Action on an Ordinance amending the Comprehensive Plan and Thoroughfare Master Plan for Foster Crossing Blvd., Ferguson Pkwy., Taylor Blvd., and Finley Blvd

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**SUMMARY:** The staff has been examining the thoroughfares in the south center part of the city in relationship to Ferguson Blvd, Taylor Blvd., Foster Crossing Blvd and Finley for several months. The current alignments traverse an existing neighborhood and crosses Slayter Creek several times. These alignments would be difficult and very expensive to obtain right-of-way and to construct the required bridges. Therefore, we have asked our engineer to evaluate the thoroughfares and to provide a recommended alignment.

Exhibit A below shows the existing adopted thoroughfares while Exhibit B show the revised alignments.

EXHIBIT A



## City Council Agenda Staff Report

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Date: 10/27/15

Staff Contact: Maurice Schwanke

Exhibits: Yes

**AGENDA SUBJECT:** (a) Conduct a Public Hearing on a request to amend the zoning and development standards in Ordinance No. 2002-27A for a 63.867 acre tract of land located in the R C Ingraham Survey, A-0464

(b) Consider/Discuss/Action regarding an Ordinance amending the zoning and development standards in Ordinance No. 2002-27A for a 63.867 acre tract of land located in the R C Ingraham Survey, A-0464.

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**SUMMARY:** The property identified on the attached Exhibit A (proposed ordinance attached) is intended to accommodate residential development in the City of Anna. The existing zoning on the property consists of 6,000, 7,200, 8,400 square foot lots and a commercial tract. The developer is proposing to adjust the density by making the overall lot size scheme with a 7,200 minimum lot size with a minimum average 8,400 square feet lot size. Since the existing zoning has an area with 6,000 square feet lot size entitlement the developer is asking for 15 units with a minimum lot size of 6,600 square feet. The overall minimum average 8,400 square feet lot size will be maintained. The commercial element of the existing zoning that was based on a previous alignment of proposed Ferguson Road will be eliminated.

This zoning request was tabled at the September 14<sup>th</sup> meeting for further information concerning Foster Crossing Blvd. alignment based on a statement from Jim Luscombe concerning a commitment of the City to a certain future location of the roadway. This topic was discussed at a City Council meeting on June 8<sup>th</sup>, 2004. In that meeting, the minutes state that "Route 2 would be acceptable with donations of ROW and signed agreement of all parties and revision of Skorburg Plat". The "Route 2" is where the current Comprehensive Plan Map shows the thoroughfare in 120 feet of ROW. Since 2004 no signed agreements for ROW donations have been made and Staff is not aware of any plat submitted that would follow "Route 2". It is our understanding that the location of "Route 2" is opposed by the current owners of the land that the thoroughfare crosses as shown on the Comprehensive Plan Map. "Route 2" traverses through 5 different land owner's properties instead of following the existing street alignment.

Decisions by a previous City Council to adopt a roadway master plan do not prevent the current City Council from making amendments to the plan that are deemed appropriate. Changes to the Comprehensive Plan are at the discretion of the City Council.

It should be noted that the request at hand deals with the appropriateness of the land use and not the alignment of thoroughfares. The staff is in support of this zoning request and the intended land use and is recommending approval.

The Planning and Zoning Commission recommended approval of the zoning request at their meeting October 5th, 2015. The vote was unanimous.

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**STAFF RECOMMENDATION:** Approval of ordinance.



## City Council Agenda Staff Report

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Date: October 27, 2015  
Staff Contact: City Manager  
Exhibits: N/A

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### **AGENDA SUBJECT:**

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:

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### **SUMMARY:**

- 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.

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.

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### **STAFF RECOMMENDATION:**



## City Council Agenda Staff Report

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Date: October 27, 2015  
Staff Contact: City Manager  
Exhibits: N/A

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### **AGENDA SUBJECT:**

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

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### **SUMMARY:**

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### **STAFF RECOMMENDATION:**



## City Council Agenda Staff Report

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Date: October 27, 2015

Staff Contact: City Manager

Exhibits: None

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**AGENDA SUBJECT:**

Adjourn

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**SUMMARY:**

Item to adjourn the meeting.

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**STAFF RECOMMENDATION:**

Staff recommends a motion to adjourn.