



CITY OF ANNA AGENDA NOTICE – CITY COUNCIL- WORK SESSION

March 22, 2016

6:30 p.m. – Anna City Hall

The City Council of the City of Anna will meet in Work Session at 6:30 p.m., on March 22, 2016 at Anna City Hall, located at 111 N. Powell Parkway (Hwy 5), regarding the following items:

1. Call to Order, Roll Call and Establishment of Quorum.
2. 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 personnel matters (**Tex. Gov't Code §551.074**); City Attorney annual review.

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

3. Consider/Discuss/Action on any items listed on the posted agenda or any closed session occurring during this meeting, as necessary.
4. 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. March 18, 2016.

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

Meeting Date: March 22, 2016
Staff Contact: City Administrator
Exhibits: No

AGENDA SUBJECT:

Call to Order, Roll Call and Establishment of Quorum.

SUMMARY:

STAFF RECOMMENDATION:



City Council Agenda Staff Report

Date: March 22, 2016
Staff Contact: City Manager
Exhibits: N/A

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:

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.
- c. discuss or deliberate personnel matters (Tex. Gov't Code §551.074); City Attorney annual review.

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STAFF RECOMMENDATION:



City Council Agenda Staff Report

Date: March 22, 2016
Staff Contact: City Manager
Exhibits: N/A

AGENDA SUBJECT:

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

SUMMARY:

STAFF RECOMMENDATION:



City Council Agenda Staff Report

Date: March 22, 2016
Staff Contact: City Manager
Exhibits: None

AGENDA SUBJECT:

Adjourn

SUMMARY:

Item to adjourn the meeting.

STAFF RECOMMENDATION:

Staff recommends a motion to adjourn.



CITY OF ANNA AGENDA NOTICE – CITY COUNCIL – REGULAR SESSION

March 22, 2016

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 March 22, 2016, 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, Roll Call and Establishment of Quorum.
2. Invocation and Pledge of Allegiance.
3. Citizen comments. *Citizens are allowed three minutes to speak to Council. 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.
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5. Proclamations
 - a. Vietnam Veterans Day – March 29, 2016
 - b. Collin McKinney Day – April 17, 2016

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 for March 8, 2016. (Carrie Smith)
 - b. Approve Resolution approving amendments to the City’s Investment Policy (Clayton Fulton)
 - c. Review EDC January Meeting Minutes (Jessica Perkins)
 - d. Review CDC January Meeting Minutes (Jessica Perkins)

7. Presentation by Anna ISD with regards to the School Bond Election (Bradley Duncan)

8. Conduct a Public Hearing (1st) on the voluntary annexation of a 75.97 acre tract of land located in the Joseph Schluter Survey, Abstract No. 856; a 32.84 acre tract of land in the Henry Smith Survey, Abstract 822; a 73.47 acre tract of land in the Zach Roberts Survey, Abstract 760; a 20.7 acre tract of land in the P Burns Survey, Abstract 100; and a 60.04 acre tract of land in the Jonas Whitaker Survey, Abstract 98. (Maurice Schwanke)

9. Consider/Discuss/Action on a Resolution instituting Annexation proceedings and setting the dates, times and places for public hearings for the annexation of a 32.295 acre tract of land located in the Henry Smith Survey, Abstract No. 0823. (Maurice Schwanke)

10. Consider/Discuss/Action regarding a Resolution approving the First Agreement Amending the Subdivision Improvement Agreement for Anna Crossing Phase 1A. (Maurice Schwanke)

11. Consider/Discuss/Action regarding an Ordinance adding a new Section 7 to Part II, Article 29 of the Anna City Code of Ordinances; and Amending Part III-D (Sign Regulations) of the Anna City Code of Ordinances, Section 12 “Political Signs”. (City Attorney)

12. Consider/Discuss/Action regarding an Ordinance adopting a Hotel Occupancy Tax (Clayton Fulton)

13. Briefing regarding Fire Department Assistance to Firefighters SAFER Grant Application. (Chief Gothard)

1. The Council may vote and/or act upon each of the items listed in this agenda.
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14. CLOSED SESSION (EXCEPTIONS): Under Tex. Gov't Code Chapter 551, the City Council may enter into closed session to discuss any items listed or referenced on this agenda under the following exceptions:

- a. 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 personnel matters (**Tex. Gov't Code §551.074**); City Attorney annual review.

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

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

16. 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. March 18, 2016.

Carrie L. Smith, City Secretary

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

Date: March 22, 2016
Staff Contact: City Manager
Exhibits: None

AGENDA SUBJECT:

Call to Order, Roll Call and Establishment of Quorum.

SUMMARY:

Mayor establishes a quorum

STAFF RECOMMENDATION:

Item No. 2

City Secretary's use only



City Council Agenda Staff Report

Date: March 22, 2016

Staff Contact: City Manager

Exhibits: N/A

AGENDA SUBJECT:

Invocation and Pledge of Allegiance.

SUMMARY:

STAFF RECOMMENDATION:



City Council Agenda Staff Report

Date: March 22, 2016
Staff Contact: City Manager
Exhibits: N/A

AGENDA SUBJECT:

Citizen comments.

SUMMARY:

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.

STAFF RECOMMENDATION:



City Council Agenda Staff Report

Date: March 22, 2016
Staff Contact: City Manager
Exhibits: N/A

AGENDA SUBJECT:

Receive reports from Staff or the City Council about items of community interest.

SUMMARY:

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.

STAFF RECOMMENDATION:



City Council Agenda Staff Report

Date: March 22, 2016
Staff Contact: City Manager
Exhibits: Attached

AGENDA SUBJECT:

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 the City Council Minutes for March 8, 2016. (Carrie Smith)
- b. Approve Resolution approving amendments to the City’s Investment Policy (Clayton Fulton)
- c. Review EDC January Meeting Minutes (Jessica Perkins)
- d. Review CDC January Meeting Minutes (Jessica Perkins)

STAFF RECOMMENDATION:

Staff recommends approval of the consent items.



City Council Agenda Staff Report

Meeting Date: March 22, 2016

Staff Contact: Clayton Fulton

Exhibits: Yes

AGENDA SUBJECT: Approve a resolution reviewing and amending the City's Investment Policy

SUMMARY: The Public Funds Investment Act (PFIA) states that “the governing body of an investing entity shall review its investment policy and investment strategies not less than annually”. To maintain compliance with the PFIA the Council must pass an ordinance or resolution stating they have reviewed the investment policy for the City of Anna.

Among other things, the investment policy stipulates investment objectives in rank order as follows:

1. Preservation and safety of principal
2. Liquidity
3. Public Trust
4. Yield

Staff reviewed the City's investment policy along with Valley View Consultants, investment advisors. Changes include the following:

- Updating the requirement for ongoing training related to the public funds investment act
- Stating that the City may utilize depository institutions other than our primary depository bank for specialty services (such as authorized investments)

No other changes have been made to the policy.

STAFF RECOMMENDATION: Approve the resolution reviewing and amending the City's investment policy.

Item No. 7
City Secretary's use only



City Council Agenda Staff Report

Date: March 22, 2016
Staff Contact: Philip Sanders
Exhibits: Yes.

AGENDA SUBJECT: Briefing regarding AISD Bond Election.

SUMMARY: Dr. Bradley Duncan with Anna ISD has asked for time to share with the Council information about the AISD Bond election in May, and answer any questions the Council may have about the bond program.



City Council Agenda Staff Report

Date: March 22, 2016
Staff Contact: Maurice Schwanke
Exhibits: Yes.

AGENDA SUBJECT: Conduct a Public Hearing (1st) on the voluntary annexation of a 75.97 acre tract of land located in the Joseph Schluter Survey, Abstract No. 856; a 32.84 acre tract of land in the Henry Smith Survey, Abstract 822; a 73.47 acre tract of land in the Zach Roberts Survey, Abstract 760; a 20.7 acre tract of land in the P Burns Survey, Abstract 100; and a 60.04 acre tract of land in the Jonas Whitaker Survey, Abstract 98.

SUMMARY: In December of 2012 the City Council accepted and approved non-annexation development agreements with a term of three years for property owners in the area commonly known as the Slayter Creek Addition which included ten properties. Additionally, in December of 2010 the City Council accepted and approved a non-annexation agreement with a term of 5 years for the property commonly known as the Hurricane Creek Country Club located west of U.S. 75 and north of S.H. 455.

These non-annexation agreements expired in December of last year. Per the terms of the agreements, the respective owners are deemed to have properly filed with the City a petition consenting to voluntary annexation of the respective properties to be completed upon or after the end of the term.

STAFF RECOMMENDATION:
Hold First Public Hearing



City Council Agenda Staff Report

Meeting Date: March 22, 2016
Staff Contact: Maurice Schwanke
Exhibits: Yes

AGENDA SUBJECT: Consider/Discuss/Action on a Resolution instituting Annexation proceedings and setting the dates, times and places for public hearings for the annexation of a 32.295 acre tract of land located in the Henry Smith Survey, Abstract No. 0823.

SUMMARY: This proposed annexation involves approximately 32.295 acres of land. The area contains 5 parcels of property with 5 single family homes and is bounded on three sides by neighborhoods that are inside the city limits. All five properties currently have City water service.

The Resolution (if approved) would initiate or begin annexation proceedings of the area shown on the attached Exhibit. If the Resolution is adopted, the City will schedule two public hearings that will be held during the regular City Council Meetings on May 10th and May 24th. During the first public hearing, Staff will present a plan that will explain how the city will fulfill its obligation to extend full municipal services to the properties being annexed. A final vote on the annexation would be scheduled on June 21st.

Prior to annexing properties that are appraised for property tax purposes as land for agricultural, wildlife management use, or as timber land (as defined in Subchapter C, D, or E Chapter 23, Tax Code) the City is required to offer to make a development agreement with the landowner. Such a development agreement would:

- 1) guarantee the continuation of the extraterritorial (outside the city limits) status of the property for a period of time; and
- 2) authorize the enforcement of all regulations and planning authority of the city that do not interfere with the use of the property for agriculture, wildlife management, or timber.

The City could elect to proceed with annexation of property with a qualifying tax exemption if the owner declines a development agreement offer extended by the City. The Council may elect to extend the same development agreement offer to the owners of properties that do not have a qualifying tax exemption.

The attached Resolution directs the City Manager offer the Development Agreement referenced in the Resolution as Exhibit B to all the property owners within the area proposed for annexation regardless of whether their property has a qualifying tax exemption. The proposed Development Agreement (if executed by the property owner & approved by the Council) would guarantee that the property would remain outside the city limits for three (3) years. At the conclusion of the three-year period, the property owner would consent to voluntary annexation in 2019.

STAFF RECOMMENDATION: The City's Comprehensive Plan includes a chapter on Growth Management (Chapter 4) that outlines policies and strategies for managing the growth of the City. The Comprehensive Plan suggests that the City proactively annex land within its ETJ that becomes attractive for development due to availability of municipal utilities, and other locations that are in close proximity to areas being subdivided and developed. Proper management of development in the urbanizing areas depends upon annexation and the application of zoning regulations that support the City's Future Land Use Plan. Staff recommends approval of the attached Resolution.



City Council Agenda Staff Report

Date: March 22, 2016
Staff Contact: Maurice Schwanke
Exhibits: Yes.

AGENDA SUBJECT: A Resolution approving the First Agreement Amending the Subdivision Improvement Agreement for Anna Crossing Phase 1A.

SUMMARY: In February of 2015, the City Council approved an Agreement that provided for the future dedication of a 3.5 acre tract of land to be developed as a neighborhood park within the Anna Town Square (Anna Crossing) development. The attached First Amendment to this Agreement would remove the requirement for the owner to dedicate the 3.5 acre tract to the City. In lieu of the land dedication, the amended agreement would require the Owner (within 6 months) to either:

1. provide a payment to the City equal to \$250 for each dwelling unit located within the Anna Town Square development for which a building permit was issued prior to the Effective Date of this First Amendment; or
2. solely at the option of the City and only upon written approval by the City Council, donate a tract of land 3.5 acres or larger to the City. The City is not obligated to accept any tract of land offered by the Owner under this First Amendment.

Staff has advised the Owner that the City is interested in acquiring 40 to 50 acres or more for a community park in this area.

STAFF RECOMMENDATION: Staff recommends approval of the attached Resolution and Agreement.



City Council Agenda Staff Report

Meeting Date: March 22, 2016

Staff Contact: City Attorney

Exhibits: Ordinance

AGENDA SUBJECT: Consider/Discuss/Action regarding an ordinance amending the Anna City Code of Ordinances regulating electioneering and signs.

SUMMARY:

Staff requested an amendment to the City's regulations governing electioneering. The attached ordinance is consistent with the Texas Elections Code and Texas Local Government Code with respect to restrictions on electioneering at polling places during election periods. The ordinance also amends sections of the City's sign regulations that deal with political signs.

STAFF RECOMMENDATION:

Approve attached ordinance.



City Council Agenda Staff Report

Meeting Date: March 22, 2016
Staff Contact: Finance Director
Exhibits: Yes

AGENDA SUBJECT: Consider/Discuss/Take Action regarding an ordinance adopting a Hotel Occupancy Tax

SUMMARY: During the City Council Workshop held on March 8, 2016 staff and council discussed the adoption of a hotel occupancy tax (HOT tax). While there is no specific hotel project proposed at this time, staff believes there will be interest in the future from the private market for the development of a hotel in Anna.

Texas Tax Code 351.002 allows all incorporated Texas municipalities to enact a HOT tax within the city limits and the option for cities with a population of less than 35,000 to adopt the tax in its extra-territorial jurisdiction (ETJ). There are some variations in the code allowing for certain cities to adopt different tax rates based upon criteria related to population and geographic location; however, the City of Anna does not fall into any of these various categories and maximum allowed rate is 7%. The proposed ordinance would adopt a 7% Hotel Occupancy Tax within the city limits and within the extra-territorial jurisdiction (ETJ).

Staff have conducted a review of surrounding municipalities' respective HOT tax rates and found the cities of Frisco, Allen, McKinney, Plano, Little Elm, Fairview, Sherman, and Denison have all adopted a rate of 7%. The state HOT tax is 6% making the total HOT tax paid in these cities 13%.

The use of HOT tax revenue is highly regulated and must promote tourism and hotel and convention activity; however, in all cases, the revenue cannot support general fund operations. All HOT tax funds would be reserved in a special HOT tax fund to track all revenues and expenditures and ensure all expenditures are made according to the tax code. The only administrative costs allowed are the day-to-day operations, supplies, salaries, office rental, travel expenses, and "other administrative costs" only if costs are incurred directly in the promotion and servicing of expenditures authorized under section 351.101(a) of the Texas Tax Code.

There is no statutory formula for determining the level of impact an event must have to satisfy the requirement to directly promote tourism and hotel and convention activity. Communities with successful tourism promotion programs generally award the amount of the hotel occupancy tax by the proportionate impact on tourism and hotel activity incident to the funding request. Entities applying for hotel occupancy tax revenue funding indicate how they will market the event to attract tourists and hotel guests. If an entity does not adequately market its events to tourists and hotel guests, it is difficult to produce an event or facility that will effectively promote tourism and hotel activity.

The City will be required to manage the allocation of HOT tax revenue to eligible expenditures. To fulfill this obligation, the City may contract for the management or supervision of programs funded by the HOT tax.

STAFF RECOMMENDATION: Staff recommends approval of the attached hotel occupancy tax ordinance.



City Council Agenda Staff Report

Meeting Date: March 22, 2016

Staff Contact: Chief Gothard

Exhibits:

AGENDA SUBJECT: Briefing regarding Fire Department Assistance to Firefighters SAFER Grant Application.

SUMMARY: Each Fiscal Year, the Fire Department researches various grant funding mechanisms to determine if there are any state and/or federal grants available to the City. In FY 2015-2016, the City applied for three grants and received one that equipped the station with an exhaust removal system.

This AFG SAFER grant would provide for hiring two additional firefighters to work on shift assignments and assist with call loads during staffing shortages. The additional staffing will begin providing needed staffing levels for the future.

1. (2) Firefighter Positions: For a period of two-years, the AFG SAFER grant would fund the salary and benefits of two firefighters to work and provide firefighting job performance duties. If awarded this grant, the City will be responsible for funding uniforms and equipment necessary for the new firefighter positions (approx. \$9,000) out of the General Fund. Additional cost would be minimal for items such as replacement uniforms, training tuition, etc.

At the end of the two-year period, in FY 19 the Fire Department budget would need to include funding for the full-time positions at a budgeted amount of approximately \$132,926.

STAFF RECOMMENDATION:

This Grant would help the City provide an improved staffing level to our citizens without bearing the full costs. Further, it allows us to access federal tax dollars paid by our citizens and provide them with services that directly benefit them. If

this grant is something the Council would like to see come to fruition, the staff will pursue these funding opportunities enthusiastically.

Cost per Firefighter	
10-543-6101 Salaries	41,374
10-543-6102 Salaries - Overtime	6,000
10-543-6114 Payroll Taxes-City Part FICA	3,632
10-543-6121 Health Insurance	7,550
10-543-6125 TMRS Retirement	6,822
10-543-6126 Unemployment	200
10-543-6127 Worker's Compensation	785
10-543-6129 Miscellaneous Payroll	100
	66,463

FY 17 – Expense covered by Grant

FY 18- Expense covered by Grant

FY 19- Expense budgeted in City budget **(\$132,926)**



City Council Agenda Staff Report

Date: March 22, 2016
Staff Contact: City Manager
Exhibits: N/A

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:

SUMMARY:

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STAFF RECOMMENDATION:



Item No. 15
City Secretary's use only

City Council Agenda Staff Report

Date: March 22, 2016
Staff Contact: City Manager
Exhibits: N/A

AGENDA SUBJECT:

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

SUMMARY:

STAFF RECOMMENDATION:



City Council Agenda Staff Report

Date: March 22, 2016
Staff Contact: City Manager
Exhibits: None

AGENDA SUBJECT:

Adjourn

SUMMARY:

Item to adjourn the meeting.

STAFF RECOMMENDATION:

Staff recommends a motion to adjourn.