



CITY OF ANNA AGENDA NOTICE – CITY COUNCIL WORKSHOP

January 25, 2011

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

The City Council of the City of Anna will meet in Workshop Session at 6:30 p.m., January 25, 2011, at the Anna City Hall Administration Building, located at 111 North Powell Parkway (Hwy 5), regarding the following items.

1. Call to Order
2. Roll Call and Establishment of Quorum.
3. Discussion regarding an operations agreement with the South Grayson Water Supply Corporation. (Philip Sanders)
4. Discussion regarding the purchase of a fire engine. (Philip Sanders/Chief Newton)
5. Discussion regarding Mayor Driskell's schedule for City Council meetings. (Mayor Driskell)
6. Discussion regarding median breaks on FM 455 (Philip Sanders)
7. Discussion regarding the agenda for the February 5, 2011 Town Hall City Council meeting. (Philip Sanders)
8. **CLOSED SESSION (EXCEPTIONS):** Under Tex. Gov't Code Chapter 551, the City Council may enter into closed session to discuss any items listed or referenced on this agenda under the following exceptions:

a. consult with legal counsel regarding pending or contemplated litigation and/or on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Government Code (Tex. Gov't Code §551.071); *Powell v. City of Anna*, Cause No. 401-03815-2009 in the 401st District Court of Collin County, Texas; *Texas Star Bank*

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.

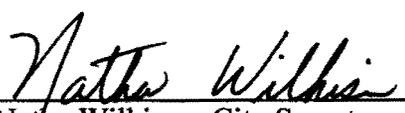
v. *City of Anna*, Cause No. 380-04163-2009 in the 380th District Court of Collin County, Texas;

b. Discuss or deliberate Economic Development Negotiations: (1) To discuss or deliberate regarding commercial or financial information that the City Council has received from a business prospect that the City Council seeks to have locate, stay, or expand in or near the territory of the City of Anna and with which the City Council 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); Discussion regarding the Mantua Development.

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.

9. Discussion regarding any item on the City Council's January 25, 2011 Regular Meeting Agenda Notice, which was posted at the same date, time and place of this Workshop Agenda Notice.
10. Adjourn.

This is to certify that I, Natha Wilkison, City Secretary, posted this agenda at a place readily accessible to the public at the Anna City Hall and on the City Hall bulletin board at or before 5:00 p.m., January 21, 2011.


Natha Wilkison, City Secretary

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



CITY OF ANNA AGENDA NOTICE – CITY COUNCIL REGULAR MEETING

January 25, 2011

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

The City Council of the City of Anna will meet in Regular Session at 7:30 p.m., January 25, 2011, at the Anna City Hall Administration Building, located at 111 North Powell Parkway (Hwy 5), to consider the following items.

Welcome to the City Council Meeting. Please sign the Sign-In-Sheet as a record of attendance. If you wish to speak on an open-session agenda item please fill out the Opinion/Speaker Registration Form and turn it in to the City Secretary before the meeting starts.

1. Call to Order.
2. Invocation and Pledge of Allegiance.
3. Citizen comments. *Citizens are allowed 3 minutes to speak. The Council is unable to respond to or discuss any issues that are brought up during this section that are not on the agenda, other than to make statements of specific factual information in response to a citizen's inquiry or to recite existing policy in response to the inquiry.*
- 4a. 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 salutory 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.*
- 4b. Presentation of donation to the Anna Fire Rescue Auxiliary Association.

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5. **Consent Items.** *These items consist of non-controversial or “housekeeping” items required by law. Items may be considered individually by any Council member making such request prior to a motion and vote on the Consent Items.*
- a. Approve City Council Regular minutes for December 14, 2010.
 - b. Approve City Council Special minutes for December 8, 2010.
 - c. Approve a Resolution supporting the preservation of funds allocated for north Texas RTR projects.
 - d. Approve a Resolution awarding the bid for HVAC equipment and system installation at the new public works building.
 - e. Approve “Lester Addition” Development Plat.
 - f. Review Anna EDC Regular minutes for August 5, 2010.
 - g. Review Anna CDC Regular minutes for August 5, 2010.
 - h. Review P & Z Regular minutes for November 1, 2010.
 - i. Review P & Z Regular minutes for December 6, 2010.
 - j. Review P & Z and City Council Special Joint Workshop for December 6, 2010.
 - k. Approve a Professional Service Agreement between the Anna Economic Development Corporation and Tom Terrell, Jr.
 - l. Approve a Resolution approving an amended concept plan for Natural Springs Park.
 - m. Approve a Resolution regarding the acquisition of a utility easement.
 - n. Approve a resolution adopting an amendment to the development agreement between the City of Anna and Bo Peep Crossen and Jan Marie Swalwell, and authorizing the City Manager to execute same on behalf of the City.
 - o. Approve a resolution adopting an amendment to the development agreement between the City of Anna and Kenneth and Carol Matuszak, and authorizing the City Manager to execute same on behalf of the City.

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- p. Approve a resolution adopting an amendment to the development agreement between the City of Anna and Helen Luscombe, and authorizing the City Manager to execute same on behalf of the City.
- q. Approve a resolution adopting an amendment to the development agreement between the City of Anna and Clinton Van Lawrence, and authorizing the City Manager to execute same on behalf of the City.
- r. Approve a resolution adopting an amendment to the development agreement between the City of Anna and Sherley Partners, LTD, and authorizing the City Manager to execute same on behalf of the City.
- s. Approve a resolution adopting an amendment to the development agreement between the City of Anna and Robert and Kelly Burgess, and authorizing the City Manager to execute same on behalf of the City.
- t. Approve a resolution adopting an amendment to the development agreement between the City of Anna and Michael Burnside, and authorizing the City Manager to execute same on behalf of the City.
- u. Approve a resolution adopting a development agreement and an amendment to the development agreement between the City of Anna and Jeffery and Michelle Wickliffe, and authorizing the City Manager to execute same on behalf of the City.
- v. Approve a resolution adopting a development agreement and an amendment to the development agreement between the City of Anna and Dennis and Carolyn Gidney, and authorizing the City Manager to execute same on behalf of the City.
- w. Approve a resolution adopting a development agreement and an amendment to the development agreement between the City of Anna and John Gidney, and authorizing the City Manager to execute same on behalf of the City.
- x. Approve a resolution adopting an amendment to the development agreement between the City of Anna and Michael and Cynthia Foster, and authorizing the City Manager to execute same on behalf of the City.
- y. Approve a resolution adopting an amendment to the development agreement between the City of Anna and Chapel Hill Investments LTD. and authorizing the City Manager to execute same on behalf of the City.

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

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6. Consider/Discuss/Action regarding scheduling joint meetings with City boards and commissions. (Philip Sanders)
7. Consider/Discuss/Action regarding a resolution authorizing the Texas Coalition for Affordable Power (TCAP) to negotiate an extension to the current electric supply and necessary related services agreement for a fixed price per kwh that is lower than contract rates for 2011-2013; and authorizing the City Manager to sign a contract with TCAP for the city's electricity needs for the period beginning January 1, 2011 or as soon after finalization of a contract as possible and extending up to December 31, 2018 (Philip Sanders)
8. Consider/Discuss/Action regarding a Resolution approving a developer agreement with Viola Lordsmeer, L.P. (Philip Sanders)
9. Consider/Discuss/Action regarding a Resolution approving a Restated Certificate of Formation for Anna Economic Development Corporation. (Jessica Perkins)
10. Consider/Discuss/Action regarding a Resolution approving a Restated Certificate of Formation for Anna Community Development Corporation. (Jessica Perkins)
11. Consider/Discuss/Action regarding an Ordinance amending the Anna City Code of Ordinances, Part II by adding new Article 50, Management of Public Rights-of-way; Amending Part IV, Article 5 by adding new Section 12 Right-of-Way Construction Permit Fee, and new Section 13 Permit Fee for Driveways and Other Private Improvements in Public Rights-of-Way. (Philip Sanders)
12. Consider/Discuss/Action regarding appointing persons to the Anna Fire and Rescue Auxillary Association, Inc. Board of Directors. (Chief Newton)
13. Consider/Discuss/Action regarding pre-annexation developer agreements. (Council Member Geren)
14. Consider/Discuss/Action regarding placing the following on a future City Council agenda:
 - a) Call an election to amend the Charter to change:
 - i. the length of terms to which Council members are elected (Council Member Geren)
 - ii. the voting privileges of the office of Mayor (Council Member Geren)

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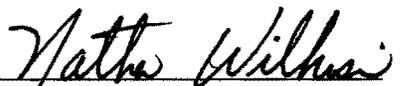
b. Discuss or deliberate Economic Development Negotiations: (1) To discuss or deliberate regarding commercial or financial information that the City Council has received from a business prospect that the City Council seeks to have locate, stay, or expand in or near the territory of the City of Anna and with which the City Council 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); Discussion regarding the Mantua Development.

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.

16. Consider/Discuss/Action on any items listed on posted agenda for January 25, 2011 City of Anna Workshop Session or any closed session occurring during this Regular Meeting, as necessary.

17. Adjourn.

This is to certify that I, Natha Wilkison, City Secretary, posted this agenda at a place readily accessible to the public at the Anna City Hall and on the City Hall bulletin board at or before 5:00 p.m., January 21, 2011.


Natha Wilkison, City Secretary

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City of Anna City Council Agenda Staff Report

Council Meeting: January 25, 2011

Staff Contact: Philip Sanders

Account Code #: _____

Budgeted Amount: _____

Exhibits: Yes No

AGENDA SUBJECT: Discussion regarding an operations agreement with the South Grayson Water Supply Corporation.

SUMMARY: In 2006, the City of Anna purchased a large portion of the South Grayson Water Supply Corporation system that was located in the Anna ETJ. In order to obtain approval of the purchase from the Texas Commission on Environmental Quality (TCEQ), the final agreement excluded certain water customers that are within South Grayson's CCN (service area) and that are outside the City's ETJ. As a result of the sale about 20 water customers located south of the Anna/Melissa ETJ boundary were cut-off from the remainder of the South Grayson water system. In order to continue to serve these customers, South Grayson buys water from the City of Anna at a wholesale rate and then charges these customers the normal South Grayson water rate.

Because these customers are located so far away from the remainder of the South Grayson system, they have requested that the City of Anna enter into an Operations Agreement whereby we would operate the portion of their system that supports these 20 customers on behalf of South Grayson. As an operator, we would bill these customers on behalf of South Grayson but keep the revenue collected. We would also be responsible for maintaining the infrastructure that serves the new customers.



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

Council Meeting: January 25, 2011

Staff Contact: Philip Sanders

Account Code #: _____

Budgeted Amount: _____

Exhibits: Yes No

AGENDA SUBJECT: Discussion regarding the purchase of a fire engine.

SUMMARY: Chief Newton and I will be discussing with the Council some concerns the Chief has about the condition of our current fire engine, and some options regarding the purchase of a replacement.



City of Anna City Council Agenda Staff Report

Council Meeting: January 25, 2011

Staff Contact: Philip Sanders

Account Code #: _____

Budgeted Amount: _____

Exhibits: Yes No

AGENDA SUBJECT: Discussion regarding median breaks on FM 455

SUMMARY: In addition to median breaks for several public streets that intersect FM 455, the Texas Department of Transportation (TxDOT) has indicated that it will also allow several median breaks to provide access to adjacent private property. Funding for all such “private” median breaks must be provided by the owners of the adjacent properties.

Both Texas Star Bank and Bronco Mfg. have requested separate median breaks for their properties. Because of the close proximity of their private driveways, TxDOT is unwilling to allow a median break for both. TxDOT has instead suggested the construction of a common driveway and median break that would serve both properties.



City of Anna City Council Agenda Staff Report

Council Meeting: January 25, 2011

Staff Contact: Philip Sanders

Account Code #: _____

Budgeted Amount: _____

Exhibits: Yes No

AGENDA SUBJECT: Discussion regarding the agenda for the February 5, 2011 town hall City Council meeting

SUMMARY: Attached is a draft agenda for the February 5 Town Hall City Council Meeting for review and comment.



City of Anna City Council Agenda Staff Report

Council Meeting: January 25, 2011

Staff Contact: Philip Sanders

Account Code #: _____

Budgeted Amount: _____

Exhibits: Yes No

AGENDA SUBJECT: Approve a resolution requesting that the State Highway 121 regional toll revenue funds held in the Dallas-Fort Worth sub-account within Fund 6 be held in reserve for north Texas transportation projects.

SUMMARY: The reconstruction of FM 455 is being funded from the State Highway 121 Project proceeds that are administered by the Regional Transportation Council (RTC). Currently all the proceeds from this project are held in the TxDOT general transportation fund in Austin (Fund 6). The region has received previous assurances that the project proceeds will only be used to fund the RTC projects in north Texas. However, we are concerned that the State may see the S.H. 121 project funds as an easy way to help close the State's anticipated \$20 billion deficit. The attached resolution requests that the State Legislature and TxDOT continue to hold in reserve all proceeds, including interest from the State Highway 121 Project Agreement between NTTA and TxDOT for the transportation projects in north Texas identified by the RTC to be funded by regional toll revenue funds, including the reconstruction of FM 455 in the City of Anna.

RECOMMENDATION: Staff recommends approval of the attached Resolution.



City of Anna City Council Agenda Staff Report

Council Meeting: January 25, 2011

Staff Contact: Philip Sanders

Account Code #: 50-626 626

Budgeted Amount: \$30,000

Exhibits: Yes No

AGENDA SUBJECT: Consider/Discuss/Action regarding a resolution approving a contract and authorizing execution of same for Bid No. 11-02 PW, HVAC Equipment and System Installation.

SUMMARY: Staff has recently solicited proposal for the purchase of HVAC equipment and system installation for the new Public Works office/warehouse. Sealed bids were opened on Tuesday January 4. Koldaire Experts LLC submitted the only bid at \$9,850

RECOMMENDATION: Staff recommends that the Council approve the attached Resolution approving a contract with Koldaire Experts LLC for Bid No. 11-02 PW, HVAC Equipment and System Installation.



City of Anna City Council Agenda Staff Report

Council Meeting: January 25, 2011

Staff Contact: Maurice. Schwanke

Account Code #: N/A

Date Prepared: 01/05/11

Budgeted Amount: N/A

Exhibits: Yes No

AGENDA SUBJECT: Approve “Lester Addition” development plat.

SUMMARY: This development plat is located within the extraterritorial jurisdiction of the City. The proposed improvements to this tract is the placement of a mobile home. The property is located at 4633 FM 2862. The applicant has satisfied the City of Anna development plat requirements.

PLANNING AND ZONING ACTION: The Planning and Zoning Commission recommended approval of the “Lester Addition” development plat at their meeting January 3, 2011. The vote was unanimous.

RECOMMENDED ACTION: Approval



City of Anna City Council Agenda Staff Report

Council Meeting: January 25, 2011

Staff Contact: Jessica Perkins

Account Code #: _____

Budgeted Amount: _____

Exhibits: Yes No

CONSENT AGENDA SUBJECT: Approve a Professional Service Agreement with Tom Terrell. (Jessica Perkins)

SUMMARY: Tom Terrall, Jr is a retired EDC director for The Colony and now does consulting work. Tom is very knowledgeable and comes highly from area EDC directors, developers, and many others. The EDC would like to use Tom to promote and market the city as well as to expand our networking circle.

STAFF RECOMMENDATION: Staff recommends you approve the resolution.



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

Council Meeting: January 25, 2011

Staff Contact: Maurice. Schwanke

Account Code #: N/A

Date Prepared: 01/20/11

Budgeted Amount: N/A

Exhibits: Yes No

AGENDA SUBJECT: Approval of the Natural Springs Park Concept Plan.

SUMMARY: From the monies allocated and approved in the City Contract with Landscapes Unlimited for trail improvements an additional 900 feet can be built. Therefore we are recommending that two new trail sections be added the overall concept plan. The areas include a northern leg of the trail to provide for an additional walking option which will also help utilize the northern sector of the park. An additional leg will be from the gazebo area towards the pond. No additional funding is required for these trail improvements as shown.

PARKS BOARD: The Park Board recommended that the Natural Springs Park Concept Plan be amended at their meeting January 18, 2011. The vote was unanimous.

RECOMMENDED ACTION: Approval



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

Council Meeting: January 25, 2011

Staff Contact: Maurice. Schwanke

Account Code #: N/A

Date Prepared: 01/20/11

Budgeted Amount: N/A

Exhibits: Yes No

AGENDA SUBJECT: Utility Easement Acquisition.

SUMMARY: In the older part of Anna water lines and sewer line sometime exist without the benefit of an easement. When opportunities arise where the City can obtain easements covering existing lines the City tries to secure such. This is the case with this easement where we will be trading an application fee for platting issues for the attached easement. The value is \$330 worth of application fees.

RECOMMENDED ACTION: Approval



City of Anna City Council Agenda Staff Report

Council Meeting: January 25, 2011

Staff Contact: Philip Sanders

Account Code #: _____

Budgeted Amount: _____

Exhibits: Yes No

AGENDA SUBJECT: Approve resolutions adopting amendments to certain development agreements between the City of Anna and the owners or various properties located in the city's extra-territorial jurisdiction.

SUMMARY: Last month the Council approved several pre-annexation developer agreements which guarantee that the affected properties will not be annexed by the city during the term of the agreements. The standard term offered by the City during the final days of negotiation was 5 years. During the December 14 City Council meeting, the Council agreed to extend the term of certain agreements to 8 years. Several Council members indicated that they would like to see the City offer similar terms to certain other property owners that did not speak at the meeting, and that were initially offered only a 5 year term during the final days of negotiation in December.

To that end, Staff has drafted amendments to the developer agreements approved by the City Council on December 8 and December 14 for properties located in areas "N" and "O". For properties located in area "N", the amendments extend the term of the agreements to 8 years. For property located in area "O", the amendments extend the initial term of the agreements to 8 years. The subsequent discretionary term remains at 5 years.

Three of the Resolutions - (m) Wickliffe, (n) DE Gidney, (o) John Gidney) – also approve agreements that were signed by the property owners prior to the December 14 meeting, but were not included on the agenda.

All amendments must be executed by the property owners and returned to the City within 10 business days. Failure to do so renders the amendments void.

RECOMMENDATION: Staff recommends approval of these Resolutions and Amendments.

Owner	Area Location	Term in Initial Agreement	Amended Term
Crossen/Swalwell	O	5 + 5	8+5
Luscombe	N	5	8
Matuszak	N	5	8
Lawrence	N	5	8
Sherely LTD	N	5	8
Burgess	O	5+5	8+5
Burnside	N	5	8
Wickliffe*	N	5	8
DE Gidney*	N	5	8
John Gidney*	N	5	8
Foster	O	6	8+5
Chapel Hill	O	5	8+5

*Initial agreement signed prior to December 14 but not included on the December 14 agenda.



City of Anna City Council Agenda Staff Report

Council Meeting: January 25, 2011

Staff Contact: Philip Sanders

Account Code #: _____

Budgeted Amount: _____

Exhibits: Yes No

AGENDA SUBJECT: Consider/Discuss/Action regarding scheduling joint meetings with Council appointed boards and commissions.

SUMMARY: The Council has previously requested semi-annual joint meetings with the Council appointed boards and commissions (Parks, P&Z, EDC, and CDC). The last meeting scheduled in August was not held due to a lack of a quorum. Staff is requesting the Council's direction on scheduling the next meeting.



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

Council Meeting: January 25, 2011

Staff Contact: Philip Sanders

Account Code #: _____

Budgeted Amount: _____

Exhibits: Yes No

AGENDA SUBJECT: Consider/Discuss/Action regarding a resolution authorizing the Texas Coalition for Affordable Power (TCAP) to negotiate an extension to the current electric supply and necessary related services agreement for a fixed price per kwh that is lower than contract rates for 2011-2013; and authorizing the City Manager to sign a contract with CAPP for the city's electricity needs for the period beginning January 1, 2011 or as soon after finalization of a contract as possible and extending up to December 31, 2018.

SUMMARY: In 2008 the City signed a five year contract with CAPP to purchase electricity for City facilities. CAPP (Cities Aggregation Power Project) is a coalition of over 100 Texas cities that have joined together to enable member municipalities to purchase electric power for their own needs at rates lower than they could obtain individually. CAPP recently merged with another municipal electric purchasing cooperative (the South Texas Aggregation Project or STAP) to form the Texas Coalition for Affordable Power (TCAP).

The TCAP member cities have been offered a unique opportunity to reduce their electricity prices during the next three years of the five-year contract and lock in electric rates at fixed prices for an additional five years through the year 2018. The revised contract (referred to as "blend and extend") is explained in the attached memo from the TCAP's legal council. The "blend and extend" contract will not be finalized unless the TCAP Board concludes that significant near-term savings and fixed prices for the member cities will result.

RECOMMENDATION: Staff would recommend approval of this Resolution only if we believe that the electricity pricing TCAP will be able to obtain through the "blend and extend" contract will be lower than what could be negotiated at the conclusion of the current contract in 2013. To pass on this offer to reduce current contract rates and achieve a fixed price guarantee for eight years, one has to count on gas prices continuing to decline and for electric generation supply to remain comfortably greater than peak demand at least through the end of 2013. An analysis of the future market risk is also included in the attached memo.



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

Council Meeting: January 25, 2011

Staff Contact: Philip Sanders

Account Code #: _____

Budgeted Amount: _____

Exhibits: Yes No

AGENDA SUBJECT: Approve a Resolution adopting a Development Agreement between the City of Anna and Vincent Viola.

SUMMARY: The attached Development Agreement between the City and Vincent Viola establishes rules and regulations for the development of the Mantua property located in the City's extra-territorial jurisdiction. The Agreement includes the following terms:

1. City agrees to not institute involuntary annexation of the property during the term of the agreement.
2. City agrees to and adopts the Mantua land use plan and land use regulations. Owner agrees to develop the property consistent with this plan. All other City development regulations apply.
3. Owner agrees to limit the use of the property to agricultural uses until the property is developed.
4. Owner agrees to submit a voluntary petition for annexation concurrently with the submission of any plat or development permit application on the property. City agrees that the property will be zoned consistent with the Mantua development plan upon annexation into the City.
5. Owner agrees to accept and not contest any previous annexations performed by the City including those annexations that show a portion of the Owner's property inside the city limits.
6. Developer agrees to not seek approval of any type of special district without the express written consent of the City of Anna.
7. Term of the Agreement is for 15 years.

RECOMMENDATION: Staff recommends approval of the Resolution and Development Agreement.



City of Anna City Council Agenda Staff Report

Council Meeting: January 25, 2011
Account Code #: _____
Budgeted Amount: _____

Staff Contact: Jessica Perkins

Exhibits: Yes No

CONSENT AGENDA SUBJECT: Consider/Discuss/Action regarding a Resolution approving a Restated Certificate of Formation of Anna Economic Development Corporation. (Jessica Perkins)

SUMMARY: In February of 2010 staff submitted a tax exempt application to the IRS for the EDC to become a 501 (c) 3. Over the past couple of months staff has been responding to IRS inquiries to substantiate our application for tax exempt status. The IRS has requested that the EDC amend its Certificate of Formation (Articles of Incorporation) to reflect language in the tax code to support our claim as a tax exempt "charitable" organization. In order to move forward with the Restated Certificate of Formation the EDC will have to receive approval from the City Council.

STAFF RECOMMENDATION: Staff recommends you approve the resolution.



City of Anna City Council Agenda Staff Report

Council Meeting: January 25, 2011
Account Code #: _____
Budgeted Amount: _____

Staff Contact: Jessica Perkins

Exhibits: Yes No

CONSENT AGENDA SUBJECT: Consider/Discuss/Action regarding a Resolution approving a Restated Certificate of Formation of Anna Community Development Corporation. (Jessica Perkins)

SUMMARY: In February of 2010 staff submitted a tax exempt application to the IRS for the CDC to become a 501 (c) 3. Over the past couple of months staff has been responding to IRS inquiries to substantiate our application for tax exempt status. The IRS has requested that the CDC amend its Certificate of Formation (Articles of Incorporation) to reflect language in the tax code to support our claim as a tax exempt "charitable" organization. In order to move forward with the Restated Certificate of Formation, the CDC will have to receive approval from the City Council.

STAFF RECOMMENDATION: Staff recommends you approve the resolution.



City of Anna City Council Agenda Staff Report

Council Meeting: January 25, 2011

Staff Contact: Philip Sanders

Account Code #: _____

Budgeted Amount: _____

Exhibits: Yes No

AGENDA SUBJECT: Consider/Discuss/Action regarding an Ordinance amending the Anna City Code of Ordinances, adding Article 50, Management of Public Rights-of-Way

SUMMARY: The City of Anna is charged with maintaining control of and access to the public rights-of-way in order to protect the health, safety and welfare of its citizens. In addition to their use as streets, public rights-of-way are also used by several utility companies to provide service to their customers within our community. It is important for the City to protect, preserve, and manage the use of these rights for the benefit of the public. In order to more effectively do this Staff has developed the attached Ordinance which lays out a registration and permitting program for utility companies that use the City's rights-of-way and easements.

The Ordinance will help minimize the impact of construction on neighborhood residents and businesses by enforcing cleanliness and safety standards for construction sites, imposing timelines for construction, and requiring utility owners to comply with standards and requirements for compaction, backfill and pavement restoration and resurfacing that ensure the best possible restoration of the paved surface over and adjacent to construction area within the right-of-way. The program will assist Staff in keeping track of the different entities using the Rights-of-Way to prevent interference between them.

The Ordinance also clarifies the requirements for the construction of driveways and other private improvements located in the public rights-of-way.

The Ordinance is patterned after similar regulations used effectively in the City of Allen.

RECOMMENDATION: Staff recommends approval of the attached Ordinance.



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

Council Meeting: January 25, 2011

Staff Contact: Danny Newton

Account Code #: N/A

Date Prepared: 1/05/11

Budgeted Amount: N/A

Exhibits: Yes No

AGENDA SUBJECT: Consider/Discuss/Action regarding appointing persons to serve on the Anna Fire Rescue Auxiliary Association Board of Directors.

SUMMARY: The Anna Fire Rescue Auxiliary Association is composed of regular and associate members whose primary purpose is to support the operations of the Anna Fire Department. The Association is governed by a five-member Board of Directors. According to their amended by-laws, two of the Board members are recommended by the members of the Association and approved by the full Board, two other members are appointed by the City Council, and the fifth member of the Board is the Anna Fire Chief. All appointed members of the Board must be regular members of the Association.

RECOMMENDATION: Although not required, the Association is recommending that the Council appoint Michael Covey and Jeff Allbritten to serve on the Anna Fire Rescue Auxiliary Association Board of Directors. These two men are volunteer fire fighters with the City and are willing to serve. Staff recommends the appointment of Michael Covey and Jeff Allbritten to the Association Board of Directors.



City of Anna City Council Agenda Staff Report

Council Meeting: January 25, 2011

Staff Contact: Philip Sanders

Account Code #: _____

Budgeted Amount: _____

Exhibits: Yes No

AGENDA SUBJECT: Consider/Discussion/Action regarding pre-annexation developer agreements.

SUMMARY: Councilman Geren has requested that an item be placed on the agenda to discuss and finalize any changes the Council might want to make to the pre-annexation developer agreements that were offered to the Slayter Creek Road property owners. Staff is requesting that any direction to move forward on revised developer agreements and/or future annexation proceedings be approved by a majority vote of the Council.



City of Anna City Council Agenda Staff Report

Council Meeting: January 25, 2011

Staff Contact: Philip Sanders

Account Code #: _____

Budgeted Amount: _____

Exhibits: Yes No

AGENDA SUBJECT: Consider/Discuss/Action regarding placing the following on a future City Council agenda:

- a) Call an election to amend the Charter to change:
 - i. the length of terms to which Council members are elected (Council Member Geren)
 - ii. the voting privileges of the office of Mayor (Council Member Geren)

SUMMARY: Council Member Geren has requested that an item be placed on a future agenda to call an election to amend the City Charter in the manner outlined above. Since we did not put money in the budget for an election this fiscal year, funding for a charter election in May would need to drawn from the contingency allocation. According to the rules previously adopted by the City Council, an item listed under Future Agenda Consideration will be placed on a future Council agenda if at least three (3) Council members vote in favor of a motion to place the item on a future agenda (*Resolution 2008-01-04*).

Section 11.07 of the City's Charter states that the City Council must appoint a Charter Review Commission at least once every six years. The Charter was approved in May of 2005 so a Charter Review Commission must be appointed some time this year (2011).

The Commission is required to:

- (1) inquire into the operation of the City government under the Charter and determine whether any provisions require revision (to this end, public hearings may be held and the Commission may compel the attendance of any officer or employee of the City and require submission of any City records);
- (2) propose any recommendations it deems desirable to insure compliance with the Charter of the City government; and
- (3) report its findings and present its recommendations to the City Council.

The City Council must receive and have published in the official newspaper of the City a comprehensive summary of the report presented by the Commission, must consider any

recommendations made, and may order any amendments suggested to be submitted to the voters of the City in the manner provided by state law.

The term of office of the Commission must be for not more than six months, at the end of which time a report must be presented to the City Council and all records of proceedings of the Commission must be filed with the City Secretary and become a public record.