



**Regular City Council Meeting
Meeting Minutes**

Tuesday, April 26, 2022 @ 6:30 PM

**Sue Rattan Elementary School
1221 S. Ferguson Parkway
Anna, Texas 75409**

The City Council of the City of Anna met at 6:30 PM, on April 26, 2022, at Sue Rattan Elementary School located at 1221 S. Ferguson Parkway, to consider the following items.

1. Call to Order, Roll Call, and Establishment of Quorum.

Mayor Pike called the meeting to order at 6:30 PM.

All City Council Members were present.

2. Invocation and Pledge of Allegiance.

Council Member Carver led the Invocation and Mayor Pike led the Pledge of Allegiance.

3. Neighbor Comments.

Elden Baker expressed that it was an honor to serve on the Anna Public Library Engagement (APLE) Task Force and looks forward to the project before them.

4. Reports.

- a. Fire Department Introduction of Division Chief - EMS and Training (Fire Chief Ray Isom)

Fire Chief Ray Isom presented a brief overview of the new Division Chief's assignments and responsibilities, along with strategic plan items for the Fire Department. Following the overview, Chief Isom introduced Division Chief of EMS and Training Thomas Brown.

- b. Recognition for Jim Proce, ICMA-CM, City Manager, for achieving the Master Certificate in High Performance Leadership, through the International City Management Association, Professional Development Academy. (Assistant City Manager Ryan Henderson)

Jim Proce is currently an ICMA Credentialed Manager through the International City Management Association.

The ICMA Credentialing Program recognizes professional local government managers qualified by a combination of education and experience, adherence to high standards of integrity, successful completion of a skills assessment, an assessed commitment to lifelong learning and professional development, an

annual review of continuing education with a professional development plan, and a periodic 360-degree feedback appraisal with professional development plan.

Managers are recognized by ICMA through a peer review credentialing process, and this program offers an opportunity for ICMA members to quantify the unique expertise they bring to their communities, practice continuous improvement practices, and follow the ICMA code of ethics. Members in the program earn the designation of ICMA Credentialed Manager (ICMA-CM) granted by the ICMA Executive Board, by maintaining and executing an annual professional development plan, exhibiting a continuous commitment to the ICMA Code of ethics and practice.

ICMA Credentialed Managers are viewed with growing distinction by local governing bodies and progressive, civically engaged communities worldwide. Today there are approximately 1500 credentialed managers worldwide, with Texas making up approximately 8% of the total.

As a part of the on-going professional development plan, Jim has completed and is receiving the additional designation, Master Certificate in High Performance Leadership, as issued through the ICMA Professional Development Academy and certified through the Human Resources Certification Institute and the Society of Human Resources Management. The Master Certificate has been issued to 801 managers worldwide and is considered one of the highest standards for developing high performance teams, bringing value to communities, and taking an organization to the next level.

On behalf of the City Council, Mayor Pike recognized City Manager Jim Proce for achieving the Master Certificate in High Performance Leadership through the International City Management Association (ICMA), Professional Development Academy.

- c. Recognition of police K9 "Ninja" for his years of service to the City of Anna and the State of Texas. (Police Chief Dean Habel)

Police Chief Habel recognized police canine "Ninja" (and his handler Police Officer Cory Goodman) for his service of nearly nine years. Ninja will have a retirement celebration as part of the police awards ceremony that is scheduled to occur in May during National Police Week.

5. **Work Session.**

- a. Mid-Year Budget Amendment and Preliminary FY23 Budget Information. (City Manager Jim Proce)

City Manager Proce provided a brief PowerPoint presentation on the mid-year budget amendment, future departmental needs, and recent information on property appraiser valuations with regard to FY22/23 budget and responded to Council Members' questions.

- b. Workshop on National Community Survey. (Management Analyst Kimberly Winarski)

Management Analyst Winarski provided a PowerPoint presentation on the National Community Survey and how the City of Anna compared to other communities across the country and is statistically valid.

- c. Presentation of the Draft Project Charter for the Anna Public Library (Director of Public Works Greg Peters, P.E. and Director of Neighbor Services Marc Marchand)

Director of Public Works Peters presented a PowerPoint presentation of the draft Project Charter for the Anna Public Library (approved by the Anna neighbors in a Bond Election to provide \$22,000,000 in funds for the construction of a new public library) and provided a timeline for the project.

The City Council appointed members of the community to a task force last fall. The APLE Task Force worked with City staff, Project Advocates, and 720 Design, to identify the "WHAT" of the project. This was accomplished through tours of libraries across DFW and the State, along with a robust public input process. Public input included in-person meetings, virtual meetings, and online self-paced surveys. In addition to the public engagement opportunities, a wide range of specific community groups were identified and sought out. The task force team met with these groups to receive input and feedback in order to capture data from all demographics across the community. The public input process utilized represents the most robust civic engagement the City of Anna has ever had with the community for a capital project.

The "WHAT" includes all the facility goals which meet the needs of the community. Once adopted, the Project Charter will be the official set of guidelines for the design and construction of the project, to ensure that the Anna community gets everything they desire in a modern public library.

The following APLE Task Force members provided their perspective on the process, public engagement, and results; and thanked the City Council for the opportunity to serve on the Task Force:

- **Brad Duncan, Anna ISD Assistant Superintendent of District Operations; and on behalf of Alfredo Fernandez, Diversity & Inclusion Board Member**, Superintendent Duncan read a letter provided by Member Fernandez as he was unable to attend the meeting due to his work schedule;
- **Kelly Herndon-Patterson**, Friends of the Anna Community Library Board Member; and
- **Alexa Swanpool**, Friends of the Anna Community Library Board Member

6. **Consent Items.**

Consent Agenda Items 6.e and 6.i. were removed.

MOTION: Council Member Miller moved to approve Consent Items a. – d. and f. – h. Council Member Toten seconded. Motion carried 7-0.

- a. Approve City Council Meeting minutes for April 12, 2022. (City Secretary Carrie Land)

- b. Review the Minutes from the September 7, 2021, November 2, 2021, and December 7, 2021 Diversity and Inclusion Advisory Commission Meetings. (Management Analyst Kimberly Winarski)
- c. Review the Minutes from the March 21, 2022 Parks Advisory Board Meeting (Director of Neighborhood Services Marc Marchand)
- d. Review Monthly Financial Report for the month ending March 31, 2022. (City Manager Jim Proce)
- e. Approve an Ordinance Amending the FY2021-2022 Budget to add 1.0 FTE Police Detective, 1.0 FTE Building Inspector, 1.0 FTE Project Manager, and other service, equipment and technology needs and additional promotional expense funding for Economic Development. (City Manager Jim Proce)

The proposed budget amendment includes funding for the following purposes:

Sales tax revenue is exceeding FY2022 budget projections as a result of the explosive growth in our community. This explosive growth is also resulting in the need for additional staff, equipment and services in order to maintain the quality of services for our neighbors.

This budget amendment will add additional staffing as noted:

- Add a Police Detective (1.0 FTE) to assign to the Collin County Children's Advocacy Center (CAC) and continue the partnership between CAC and Anna Police Department.
- Add a Building Inspector (1.0 FTE) to provide increased capacity and the ability to conduct an increasing number of building inspections in a timely manner.
- Add a Project Manager (1.0 FTE) to assist in managing the construction of the growing number of large projects in the Community Investment Program budget.

Other additional expenditures include:

- **Police Department K-9 (\$15,000)** To begin the process to replace the K-9 for use in drug detection and tracking, to provide for a new K-9 trained and ready for use after the retirement of our current canine.
- **Police Department radar trailer (\$7,500)** Addition of a radar trailer will enhance traffic safety efforts. The speed trailer will display speed limit signs along with actual vehicle speeds and will be able to capture traffic counts and speed data. This piece of equipment will expand speed monitoring coverage and act as a force multiplier.
- **PEG Equipment (\$63,000)** While the City Hall is under construction, it is an opportune time to install equipment for the future creation of a PEG Channel. The cameras and other capital costs being funded with these dollars are necessary for the ability in the future to provide PEG channel programming. The equipment will be utilized to live stream on the City's non-PEG internet channel until a channel can be established.
- **Central Fire Station Fitness Equipment (\$41,000)** This was originally programmed through the fire station construction project by was value-engineered out of the building project as a cost-saving measure. The funding will come from the Fire Development Fund (for fire

- infrastructure).
- **Central Fire Station Patio Improvement (\$105,000)** This was originally programmed through the construction of the fire station at a cost of over \$180,000 and the patio project was valued-engineered out of the building project as a cost-saving measure. The funding will come from the Fire Development Fund (for fire infrastructure).
- **Economic Development (\$28,355)** Carrying forward unused marketing and promotion funds from FY2021 as recommended and approved by the CDC/EDC Board.

AN ORDINANCE AMENDING ORDINANCE NO. 936-2021 ADOPTING THE BUDGET FOR THE 2021-2022 FISCAL YEAR; PROVIDING FOR SAVINGS, SEVERABILITY, AND REPEALING CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

MOTION: Council Member Miller moved to amend the original item to remove the 1.0 FTE Project Manager (Public Works). Council Member Ussery seconded. Motion carried 4-3. Council Members Toten, Vollmer, and Atchley opposed.

- f. Approve a Resolution to retire the current police canine "Ninja" and authorizing the City Manager to enter into an Agreement with the handler to transfer ownership of "Ninja" to the handler. (Police Chief Dean Habel)
- g. Approve a Resolution entering into a development agreement with Q Seminole Anna Town Center, LP to establish development and design regulations for a multiple-family residence development on 14.9± acres located on the east side of Throckmorton Boulevard, 38± feet south of Hackberry Drive, Anna Town Center, Block A, Lot 5R. (Director of Development Services Ross Altobelli)
- h. Approve a Resolution authorizing the City of Anna, Texas, to participate in the Midlothian Interlocal Cooperation Agreement for the purchase of medical supplies and authorize the City Manager to sign the Agreement. (Fire Chief Ray Isom)
- i. Approve a Memorandum of Understanding between the City of Anna and iChoosr, LLC, on the promotion of the Texas Power Switch program. (Management Analyst Kimberly Winarski)

MOTION: Council Member Vollmer moved to deny. Council Member Toten seconded. Motion carried 4-3. Council Members Carver, Miller, and Atchley opposed.

7. **Items For Individual Consideration.**

- a. Conduct a Public Hearing/Consider/Discuss/Action on an Ordinance to amend existing multiple-family residence development standards on 14.9± acres located on the east side of Throckmorton Boulevard, 38± feet south of Hackberry Drive. (Director of Development Services Ross Altobelli)

The use of multiple-family residences is currently permitted by-right on the property however the existing Planned Development design standards were specific to a multifamily layout that was considered when the initial zoning request was approved in 2014. The applicant is requesting to amend the existing multiple-family zoning standards in order to allow for a layout that would support single-story, one- and two-bedroom unit buildings.

Proposed Planned Development Stipulations

The requested zoning is PD-MF-2. This Planned Development is to allow for multiple-family residence development constructed with single-story, one- and two-bedroom unit buildings.

Design Standards - The language in the proposed PD district would allow for modified development standards associated with the multiple-family residence development.

Parking – Sec. 9.04.037 (Parking space regulations) of the Zoning Ordinance require a minimum of 2 parking spaces per dwelling unit for multiple-family dwellings, plus 0.25 spaces per dwelling unit for visitor parking. Additionally, 75% of the required parking is required to be covered.

The applicant is proposing:

- 1.5 parking spaces per one bedroom unit and 2 parking spaces per two-bedroom unit.
- 50% of required parking must be covered (Garage or Carport)
- Detached covered parking may be constructed of steel and shall be integrated into the overall site design so as to blend with the main buildings of the HML development.

Screening fence – The MF-2 zoning requires border fencing of masonry construction no less than eight feet in height be installed along the property line on any perimeter not abutting a public street-right-of-way, however, no fence shall exceed three feet height in the required front yard in any district.

The applicant is requesting to allow:

- An 8' masonry fence within the front yard setback but no closer than 20 feet of an abutting public street right-of-way;
- Minimum 6' iron fencing along the eastern property line which is city-owned land; and

Fences for individual units within the front yard setback adjacent to Throckmorton Boulevard.

Refuse Facilities – The Zoning Ordinance requires every dwelling unit in a multifamily complex to be located within 250 feet of a refuse facility

- The applicant is requesting to increase that distance to 500 feet.

Mayor Pike opened the Public Hearing at 8:28 PM.

Director of Development Services Altobelli presented a PowerPoint presentation and responded to Council Members' questions.

There were no comments from the public.

Mayor Pike closed the Public Hearing at 8:30 PM.

AN ORDINANCE OF THE CITY OF ANNA, TEXAS AMENDING THE CITY'S COMPREHENSIVE PLAN, ZONING MAP, AND ZONING ORDINANCE AND CHANGING THE ZONING OF CERTAIN PROPERTY AS DESCRIBED HEREIN; PROVIDING FOR SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR A PENALTY CLAUSE NOT TO EXCEED \$2,000 OR THE HIGHEST PENALTY AMOUNT ALLOWED BY LAW, WHICHEVER IS LESS; AND, PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

MOTION: Mayor Pike moved to approve. Council Member Miller seconded. Motion carried 7-0.

- b. Consider/Discuss/Action on a Resolution regarding the Anna Town Center, Block A, Lot 5R, Concept Plan. (Director of Development Services Ross Altobelli).

Multiple-Family Residences on 14.9± acres located on the east side of Throckmorton Boulevard, 38± feet south of Hackberry Drive.

This concept plan is associated with the zoning request to allow a multiple-family residential development with modified development standards and is contingent upon approval of that request.

The purpose for the concept plan is to show the future multiple-family residential development and related site improvements.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING ANNA TOWN CENTER, BLOCK A, LOT 5R, CONCEPT PLAN

MOTION: Council Member Toten moved to approve. Council Member Atchley seconded. Motion carried 7-0.

- c. Consider/Discuss/Action on a Resolution regarding the Anna Town Center, Block A, Lot 5R, Preliminary Replat. (Director of Development Services Ross Altobelli)

Multiple-Family Residences on 14.9± acres located on the east side of Throckmorton Boulevard, 38± feet south of Hackberry Drive.

This preliminary replat is associated with the zoning case and is contingent upon approval of the zoning case.

The purpose for the preliminary replat is to propose easements necessary for the development of multiple-family residences.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING ANNA TOWN CENTER, BLOCK A, LOT 5R, PRELIMINARY REPLAT.

MOTION: Council Member Toten moved to approve. Council Member Vollmer seconded. Motion carried 7-0.

- d. Conduct a Public Hearing/Consider/Discuss/Action on an Ordinance to rezone 4.86± acres located on the west side of S. Powell Parkway, 909± feet south of W. White Street from C-2 General Commercial (C-2) and SF-1 Single-Family Residential District (SF-1) to Planned Development-I-1 Light Industrial (PD-I-1) with modified development standards for a self-storage; mini-warehouse facility. (Director of Development Services Ross Altobelli)

The applicant is requesting to rezone the property to Planned Development-I-1 Light Industrial to allow for a self-storage, mini-warehouse development with modified development standards.

Self-storage, mini-warehouse: A facility used for storage of goods and/or materials with separate access to individual storage units by persons renting the individual units.

Per the zoning ordinance, the Light Industrial (I-1) district is intended to accommodate those uses that are of a non-nuisance type located in relative proximity to residential areas.

Surrounding Land Uses and Zoning

North - Personal service shop (beauty shop) zoned C-2 General Commercial District and SF-1 Single-Family Residential District

East - Across State Highway 5, C-2 General Commercial District.

South - Pawn Shop zoned C-2 General Commercial District, single-family dwelling, detached zoned SF-1 Single-Family Residential District and vacant land zoned Planned Development - MF-2 Multiple-Family Residential – High Density.

West - Single-family dwelling, detached zoned SF-E Single-Family Residential – Large Lot.

Proposed Planned Development Stipulations

The requested zoning is PD-I-1. This Planned Development is to allow for self-storage, mini warehouse with modified development standards. There are two primary parts to this request: land use and design standards.

Land Use - The applicant is proposing to rezone the subject property to allow for self-storage, mini-warehouse.

Design Standards - The language in the proposed PD district would allow for modified development standards associated with the self-storage, mini-warehouse development.

Parking - Sec. 9.04.037 (Parking space regulations) of the Zoning Ordinance require a minimum of 1 per 20 storage cubicles plus 1 per 1,000 square feet of gross floor area of office.

— The applicant is proposing to reduce the required parking to 1 space per 100 storage cubicles and meet the parking requirement for associated office.

Miscellaneous provision – Sec. 9.04.027 (I-1 Light Industrial District) of the Zoning Ordinance requires a masonry wall having a minimum height of eight feet above the average grade of the residential property adjacent to the common side or rear property line of residentially zoned lots or tracts.

— The applicant is requesting to install a six-foot-high wrought iron fence with eight-foot masonry columns.

Conformance with the Anna 2050 Comprehensive Plan

Future Land Use Plan

The Future Land Use Plan designates this property within the Downtown. The Downtown Core and Downtown Neighborhood is further classified as five distinctive character areas within The Downtown Master Plan. Each character area classification has been developed to distinguish and define the diverse development pattern that exists and to understand the opportunities that they provide. The areas are designated as Retail Center, Catalyst Areas, Adaptive Reuse/Infill, Intown Residential, and Transitional Development.

The location of the proposed zoning amendment is located within the Transitional Development area.

Transitional Development

In the far northeast and southwest portions of the Downtown Neighborhood, there are large undeveloped parcels of land identified as Transitional Development areas. The term “transitional” refers to the vision that these areas may change over time from higher density residential products toward the Downtown Core, to lower density, detached residential products on the district’s edges that blend better with the developments in the surrounding community. As with the Intown Residential areas, these Transitional areas are envisioned to support a range of housing types for people at all stages of their lives. These lots have the unique potential to provide additional linkages to the Downtown Core, and once developed, may provide a wide array of building types to support the district. Though not classified as Catalyst Areas as described above, these areas may very well become catalytic in nature and help spur economic growth within the area. Because of the desire for flexibility to maximize the development potential in each of these areas, future land use decisions should emphasize the placemaking elements that define the public realm and reinforce the natural and cultural amenities in the area.

SUMMARY:

The recently adopted Downtown Master Plan identifies the following building types as appropriate for the land area associated with the zoning request; Mixed-

use, office, storefront retail, restaurant. Additionally, the master plan states that Transitional Development areas may become catalytic in nature and help spur economic growth within the area, contribute to the urban fabric, and serve as a unique Downtown anchor or signature neighborhood.

The proposed zoning request to allow for self-storage, mini warehouse does not meet the type of development or building types identified within the Downtown Master Plan.

Mayor Pike opened the Public Hearing at 8:34 PM.

Director of Development Services Altobelli presented a PowerPoint presentation and responded to Council Members' questions.

There were no comments from the public.

AN ORDINANCE OF THE CITY OF ANNA, TEXAS AMENDING THE CITY'S COMPREHENSIVE PLAN, ZONING MAP, AND ZONING ORDINANCE AND CHANGING THE ZONING OF CERTAIN PROPERTY AS DESCRIBED HEREIN; PROVIDING FOR SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR A PENALTY CLAUSE NOT TO EXCEED \$2,000 OR THE HIGHEST PENALTY AMOUNT ALLOWED BY LAW, WHICHEVER IS LESS; AND, PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

MOTION: Council Member Toten moved to table the item to Tuesday, May 10, 2022, at 6:30 PM, at the Anna ISD Board Room, 207 E. 7th Street, Anna, Texas, 75409. Council Member Miller seconded. Motion carried 5-2. Mayor Pike and Council Member Vollmer opposed.

- e. Consider/Discuss/Action on a Resolution regarding the Blacklock Storage, Block A, Lot 1, Concept Plan. (Director of Development Services Ross Altobelli)

Self-Storage, mini warehouse on one lot on 4.86± acres located the west side of State Highway 5, 240± feet north of County Road 423.

This concept plan is associated with the zoning case and is contingent upon approval of the zoning case.

The purpose for the concept plan is to show the conceptual layout and related site improvements associated with the future self-storage, mini-warehouse development.

The Concept Plan is in conformance with the proposed Planned Development standards and with the city's Subdivision Regulations and Zoning Ordinances.

The Planning and Zoning Commission recommend denial.

If the City Council votes to approve via super majority, staff has provided a DRAFT Resolution for consideration.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A CONCEPT

The current Planned Development zoning allows for apartment dwellings with a maximum height of three (3) stories, not to exceed forty-four (44) feet. The applicant's request maintains the current height allowance of forty-four (44) feet but increased the allowed number of stories to four (4).

SUMMARY:

The multiple-family residence land use is currently allowed by-right on the property. The applicant's request is to allow for a four (4) story product while maintaining the maximum height allowed of forty-four (44) feet. The request modification will not increase the maximum density allowance of twenty-five (25) units per gross acre.

Mayor Pike opened the Public Hearing at 8:55 PM.

Director of Development Services Altobelli presented a PowerPoint presentation and responded to Council Members' questions.

There were no comments from the public.

Mayor Pike closed the Public Hearing at 8:59 PM.

Developer Alvin Johnson addressed the City Council and responded to Council Members' questions.

AN ORDINANCE OF THE CITY OF ANNA, TEXAS AMENDING THE CITY'S COMPREHENSIVE PLAN, ZONING MAP, AND ZONING ORDINANCE AND CHANGING THE ZONING OF CERTAIN PROPERTY AS DESCRIBED HEREIN; PROVIDING FOR SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR A PENALTY CLAUSE NOT TO EXCEED \$2,000 OR THE HIGHEST PENALTY AMOUNT ALLOWED BY LAW, WHICHEVER IS LESS; AND, PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

MOTION: Council Member Atchley moved to approve. Council Member Vollmer seconded. Motion carried 7-0.

- g. Consider/Discuss/Action on a Resolution regarding Dreamville Anna, Block A, Lot 1, Concept Plan. (Director of Development Services Ross Altobelli)

Multiple-Family Residences on 11.0± acres located on the west side of State Highway 5, 240± feet north of County Road 423.

This Concept Plan is associated with the zoning case and is contingent upon approval of the zoning case.

The purpose for the Concept Plan is to show the conceptual layout and related site improvements associated with the future multiple-family development.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A CONCEPT PLAN FOR DREAMVILLE ANNA, BLOCK A, LOT 1.

MOTION: Mayor Pike moved to approve. Council Member Miller seconded. Motion carried. 7-0.

- h. Conduct a Public Hearing/Consider/Discuss/Action on an Ordinance to rezone 30.1± acres located on the west side of County Road 423, 1,410± feet north of State Highway 5 from SF-E Single-Family Residential - Large Lot to Planned Development-MF-2 Multiple-Family Residential – High Density/C-2 General Commercial with modified development standards and SF-20 Single-Family Residence. (Director of Development Services Ross Altobelli)

The applicant has requested City Council table the public hearing request until a future meeting date.

Recommend the City Council accept the Applicant's request to table the Public Hearing to a future meeting date.

Mayor Pike opened the Public Hearing at 9:01 PM.

Director of Development Services Altobelli addressed the City Council and responded to Council Members' questions.

There were no comments from the public.

Mayor Pike moved to table the item to Tuesday, May 10, 2022, at 6:30 PM, at the Anna ISD Board Room, 207 E. 7th Street, Anna, Texas, 75409. Council Member Miller seconded. Motion carried 7-0.

- i. Consider/Discuss/Action on a Resolution accepting the FY 2021 Audit Report. (Finance Director Alan Guard)

The City is currently in the third year of a two-to-five-year contract with the accounting firm Weaver and Tidwell, LLP to prepare the audit and Annual Comprehensive Financial Report (the Annual Report). A final copy of the Annual Report will be provided at the Council meeting. Weaver has drafted a letter to address Council attached as Exhibit 2. A Resolution to take action to accept the audit report is presented to Council.

Sara Dempsey, CPA, Partner, Weaver and Tidwell, L.L.P., presented a PowerPoint presentation and, along with Finance Director Guard, responded to Council Members' questions.

A RESOLUTION ACCEPTING THE FISCAL YEAR 2021 FINANCIAL AUDIT OF THE CITY OF ANNA.

MOTION: Council Member Toten moved to approve. Council Member Miller seconded. Motion carried. 7-0.

- j. Consider/Discuss/Act on a Resolution authorizing the City Manager to execute a professional services agreement for the Ferguson Parkway Extension project in accordance with the results of the Request for Qualification Process and the Local Project Advanced Funding Agreement by and between the City of Anna and the Texas Department of Transportation. (Director of Public Works Greg Peters, P.E.)

The Ferguson Parkway Extension from Elm Street to the Collin County Loop is

shown as a minor arterial in the City of Anna Master Thoroughfare Plan. The City funded the preliminary engineering for the project, which was completed by Birkhoff, Hendricks, and Carter. Upon completion of the preliminary engineering, the City began working with the North Central Texas Council of Governments and TxDOT to prepare partnerships and a funding agreement, to receive federal funding for the project. The Project Location Map is shown in Exhibit A.

In the Spring of 2021, the City Council approved the Local Government Project Advanced Funding Agreement (LPAFA) with TxDOT, which identified the scope and funding allowed for the environmental analysis and engineering design. Over the past year, the City has worked with TxDOT and NCTCOG to identify all of the project requirements and complete the necessary processes in accordance with State and Federal guidelines. The Local Government Project Advanced Funding Agreement (LPAFA) is shown in Exhibit B.

Over the past 3 months, the City has conducted a Request for Qualification Process for the project to select a qualified firm to perform the environmental and engineering services identified in the LPAFA. The City received submittals from 9 proposed project teams, including top engineering firms from the DFW area. The three highest scoring teams were interviewed, including Teague Nall & Perkins, Birkhoff Hendricks & Carter, and Freese & Nichols. The City completed the RFQ process just last week. The results of the City RFQ process are shown in Exhibit C. The highest scoring firm was Teague Nall & Perkins.

The attached Resolution authorizes the City Manager to negotiate with the highest scoring firm for the identified professional services and execute a professional services agreement approved by the City Attorney. If the City is unable to reach an agreement with the highest scoring firm for the identified services within the LPAFA's identified budget, the City will have the right to disengage and seek to negotiate with the second highest scoring firm.

Once an agreement has been reached and the City Attorney has approved the agreement, the agreement will be executed. As soon as an agreement is executed, staff will work with TxDOT to hold a project kickoff meeting and begin the environmental and engineering design processes. These processes are anticipated to take 12 to 18 months to complete.

The project does not yet have funding for construction. When the design is complete and approved by TxDOT, staff will seek to partner with NCTCOG and TxDOT to fund the right-of-way acquisition and construction phases of the project, which is anticipated to begin in late 2023 to early 2024.

A RESOLUTION OF THE CITY OF ANNA, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR PROFESSIONAL SERVICES, IN A FORM APPROVED BY THE CITY ATTORNEY, WITH TEAGUE NALL & PERKINS, INCORPORATED, FOR THE ENVIRONMENTAL ANALYSIS AND ENGINEERING DESIGN OF FERGUSON PARKWAY IN THE AMOUNT NOT TO EXCEED ONE MILLION THREE HUNDRED TWENTY-THREE THOUSAND ONE HUNDRED SEVENTY-FOUR DOLLARS (\$1,323,174); AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Council Member Carver moved to approve. Council Member Miller seconded. Motion carried. 7-0.

- k. Consider/Discuss/Act on a Resolution authorizing the City Manager to execute a contract for design-build services for the design and construction of Fire Station 2. (Director of Public Works Greg Peters, P.E.)

In 2021, Anna neighbors approved Bond Proposition A for Public Safety Improvements, which included construction of a second fire station and the purchase of a ladder truck. The ladder truck has been purchased and is being built. The available funding for the design and construction of Fire Station 2 is \$6,400,000.

In 2021, the developer of the Hurricane Creek Subdivision agreed to dedicate land for Fire Station 2 at the northwest corner of Standridge Boulevard and Creek Meadow Drive. The proposed location of Fire Station 2 is shown in Exhibit A, attached.

Also in 2021, the City completed a multi-disciplinary Request for Qualifications (RFQ) process for a wide range of services. One of those was design-build services, to provide a streamlined approach to project delivery for certain municipal facilities. The design-build approach combines the design and construction processes together from the beginning, which saves time and provides the City with improved cost control and project management. This project delivery method is desirable for function-first projects, like a Fire Station, where the facility will be used by technical staff (firefighters) and not the general public.

The City selected three qualified design-build firms in the RFQ process: Byrne Construction Services, Crossland Construction, Incorporated, and Speed-Fabcrete, Incorporated. All three firms have a wealth of experience in successfully delivering new fire station facilities to Texas communities on-time and within budget.

For the Fire Station 2 project, the City interviewed all three firms. The interview panel consisted of Fire Chief Ray Isom, Public Works Director Greg Peters, and City Council Member Randy Atchley. All three firms proved to be highly qualified, capable, and experienced. The highest scoring firm was Crossland Construction, Incorporated.

The approval of this item will authorize the City Manager to negotiate and execute an agreement with Crossland Construction, Incorporated for the voter-approved budget of \$6,400,000 for the design and construction of Fire Station 2. The agreement will be reviewed and approved by the City Attorney prior to execution.

A RESOLUTION OF THE CITY OF ANNA, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR DESIGN-BUILD SERVICES, IN A FORM APPROVED BY THE CITY ATTORNEY, WITH CROSSLAND CONSTRUCTION, INCORPORATED FOR THE DESIGN AND CONSTRUCTION OF FIRE STATION 2 IN THE AMOUNT NOT TO EXCEED SIX MILLION FOUR HUNDRED THOUSAND DOLLARS (\$6,400,000); AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Council Member Atchley moved to approve. Council Member Toten seconded. Motion carried. 7-0.

- I. Discuss/ Consider/Act on a Resolution authorizing the City Manager to execute a purchase-sale agreement and closing documents pertaining to the purchase of real property located at 320 Hackberry Drive, Anna, Texas 75409. (Director of Public Works Greg Peters, P.E.)

The City of Anna has an active Capital Improvement Plan project for road improvements to Hackberry Drive from SH 5 to Bamborough Drive. In order to construct the road improvements, a small sliver of right-of-way is needed on and across the front of the property located at 320 Hackberry Drive.

This property is in a very unique situation, as the owner passed away recently and the property was passed down to a large group of family members. The family is represented by an attorney/ receiver who has authority to sell the property. The location of the property is shown in Exhibit "A" attached.

The existing property contains a single family home which is in poor condition and is currently uninhabitable. Based on a review of the structure by the Director of Public Works and the Building Official, staff did not find it to be safe for use in its current state. The family has been trying to sell the property for some time, but has been unable to reach a consensus. This has caused delays in the City's ability to acquire the needed right-of-way for the road project.

The property is only 0.278 acres in total land area. Due to the property having significantly less depth than the other residential properties along the road project, even a small right-of-way dedication will impact the future use of the property.

The attorney/ receiver who represents the family is open to selling the entire parcel to the City of Anna. Due to the unique nature of the ownership, the small size of the property, and the very reasonable asking price, the City is moving forward with the processes required to purchase the entire tract, if approved by the City Council. The purchase offer agreement is shown in Exhibit "B" attached. The right-of-way consultant's assignment of contract form is attached as Exhibit C.

If this item is approved, the City Manager will be authorized to complete the purchase process for the property. All documents and processes will be reviewed by the City Attorney prior to execution. Once the property is owned by the City, the existing access drive across the land will remain in place. The City will initiate plans to clear the property of the existing structures to ensure it is safe and secure. The property will then be used for construction staging during the construction of Hackberry Drive.

Upon completion of the road project, the City will be able to sell the property or keep it. This decision will be up to the City Council.

A RESOLUTION OF THE CITY OF ANNA, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE SALE AGREEMENT AND CLOSING DOCUMENTS, IN A FORM APPROVED BY THE CITY ATTORNEY, FOR THE PURCHASE OF REAL PROPERTY LOCATED

AT 320 HACKBERRY DRIVE, ANNA, TEXAS 75409; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Council Member Carver moved to approve. Council Member Miller seconded. Motion carried. 7-0.

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). *Miller Mendel, Inc. v. City of Anna, Texas, et al.*, U.S. District Court, Eastern District of Texas, Marshall Division; Case No. 2:21-cv-00445-JRG., Ethics Code, Municipal Utility District
- b. Discuss or deliberate the purchase, exchange, lease, or value of real property (Tex. Gov't Code §551.072).
- c. Discuss or deliberate Economic Development Negotiations: (1) To discuss or deliberate regarding commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay, or expand in or near the territory of the City of Anna and with which the City is conducting economic development negotiations; or (2) To deliberate the offer of a financial or other incentive to a business prospect described by subdivision (1). (Tex. Gov't Code §551.087). Proposed Public Improvement District.
- d. Discuss or deliberate personnel matters (Tex. Gov't Code §551.074). Boards and Commissions, GTUA Board of Directors

MOTION: Council Meeting Carver moved to enter Closed Session. Mayor Pike seconded. Motion carried 7-0.

Mayor Pike recessed the meeting at 9:29 PM.

Mayor Pike reconvened the meeting at 10:31 PM.

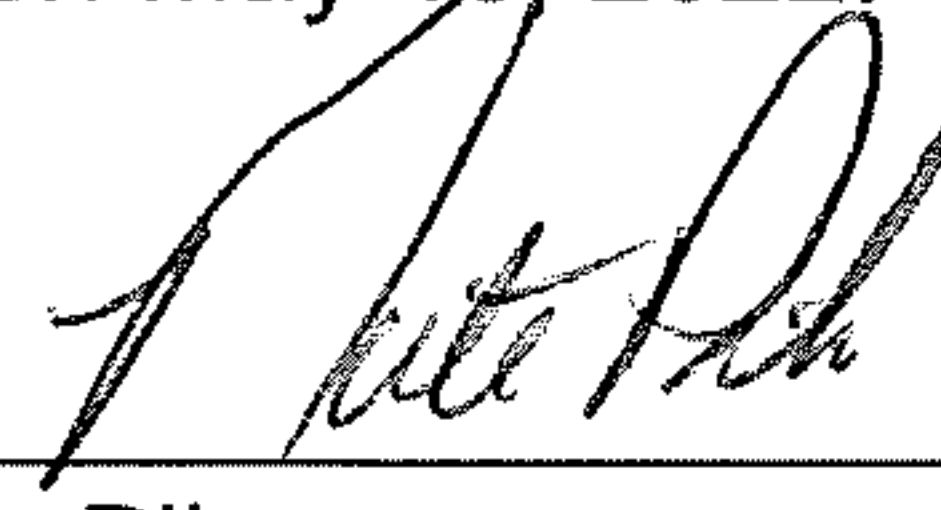
The Council further reserves the right to enter into Executive Session at any time throughout any duly noticed meeting under any applicable exception to the Open Meetings Act.

9. Consider/Discuss/Action on any items listed on any agenda - work session, regular meeting, or closed session - that is duly posted by the City of Anna for any City Council meeting occurring on the same date as the meeting noticed in this agenda.

10. **Adjourn.**

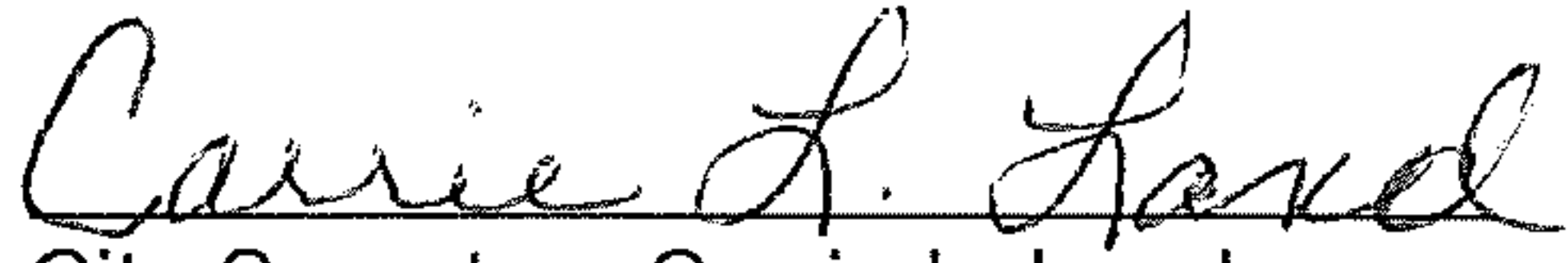
Mayor Pike adjourned the meeting at 10:31 PM.

Approved on May 10, 2022.



Mayor Nate Pike

ATTEST:



City Secretary Carrie L. Land