Regular City Council Meeting
Meeting Minutes

THE CITY OF Anna

Tuesday, June 14, 2022 @ 6:30 PM

Anna ISD Board Room
201 E. 7th Street
Anna, Texas 75409

The City Council of the City of Anna met at 6:30 PM, on June 14, 2022, at the Anna ISD Board Room located at 201 E. 7th Street, Anna, Texas, 75409, to consider the following items.

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

Mayor Pro Tem Miller called the meeting to order at 6:30 PM.

Mayor Pike was absent.

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

Council Member Carver led the Invocation and Mayor Pro Tem Miller led the Pledge of Allegiance.

3. **Neighbor Comments.**

Elden Baker provided City Council with an update on the locomotive.

Stephanie Dingle spoke with regard to Anna Town Square and safety concerns at Leonard Avenue and Sharp Street.

Kay Hickey spoke with regard to trash in Anna Town Square creek and promises made by the builders at the time of purchase.

4. **Reports.**

a. Planning and Development Regulations - Diagnostic Report (Director of Development Services Ross Altobelli)

Director of Development Services Altobelli reported on the initial phase of the Planning and Development Regulations update process and summarized feedback from the City Council, Planning and Zoning Commission, City staff, several City board members, and the public; provided an analysis of Anna's current Planning and Development Regulations; and put forth suggested options to consider from subsequent phases of the Planning and Development Regulations update.

b. EMS Provider License Update (Fire Chief Ray Isom)

Assistant Fire Chief Dan Wood introduced Anna's newest Firefighter/EMT Nick Moser-Hooten.

Fire Chief Isom provided an overview of the EMS Provider License, noting that Phase One of the licensing - through the Texas Department of State Health Services - was completed June 3, 2022. Phase two - the on-site inspection - occurred on June 10, 2022.

c. Lee Lewis update on the Anna Municipal Complex construction. (Director of Public Works Greg Peters, P.E.)

Lee Lewis Construction representatives Anthony Lewis and Justin Hall provided City Council with a project update.

5. **Work Session.**

a. Discuss street naming policies and procedures. (Director of Public Works Greg Peters, P.E.)

Director of Public Works Peters led the discussion of policies and procedures related to naming streets in the City of Anna.

He discussed the following reasons City Council may want to consider a policy:
☐ Staff has identified potential street names that City Council may want to reconsider renaming to avoid traffic confusion;
☐ A process needs to be established to identify honorarium namings, e.g., in honor of former Mayors and/or City Council members;
☐ Thoroughfare namings in new developments;
☐ Immediate needs as identified by staff analysis and findings; and
☐ Any additional related items for street naming discussion.

b. FY2023 Preliminary Budget Update/Strategies

City Manager Proce discussed some of the more recent updates and strategies to be employed in the preparation of the FY2023 Budget.

6. **Consent Items.**

MOTION: Council Member Toten moved to approve Consent Items 6.a. through 6.n. Council Member Atchley seconded. Motion carried 6-0.

a. Approve City Council Meeting Minutes from May 24, 2022. (City Secretary Carrie L. Land)

b. Review Minutes of the May 2, 2022, Planning & Zoning Commission Meeting. (Director of Development Services Ross Altobelli)

c. Approve a Resolution regarding the Franklin Estates, Block A, Lot 1, Development Plat. (Director of Development Services Ross Altobelli)

Two single-family residences and four accessory buildings on one lot on 5.0± acres located on the east side of County Road 500, 170± feet north of County Road 832. Located within the Extraterritorial Jurisdiction (ETJ).

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING FRANKLIN ESTATES, BLOCK A, LOT 1, DEVELOPMENT PLAT.

d. Approve a Resolution regarding the Evans Westover Addition, Block A, Lots 1, 2, & 3, Replat. (Director of Development Services Ross Altobelli)

Three lots on 5.0± acres located on the east side of Westover Lane, 1,140± feet south of Farm-to-Market Road 2862. Zoned: Extraterritorial Jurisdiction (ETJ).

The purpose of the Replat is to subdivide one lot into three lots, dedicate lot and block boundaries, easements, and right-of-way necessary for future development.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING EVANS WESTOVER ADDITION, BLOCK A, LOTS 1, 2, & 3, REPLAT.

e. Approve a Resolution regarding the Three Creeks Ranch Estates, Block 1, Lots 3R & 4R, Replat. (Director of Development Services Ross Altobelli)

Two lots on 12.2± acres located on the west side of County Road 206 (Chambersville Road), 580± feet south of County Road 971. Zoned: Extraterritorial Jurisdiction (ETJ).

The purpose of the Replat is to dedicate lot and block boundaries, easements, and right-of-way necessary for future development.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING THREE CREEKS RANCH ESTATES, BLOCK 1, LOTS 3R & 4R, REPLAT.

f. Approve a Resolution regarding the Via Addition, Block A, Lots 1 & 2, Minor Plat. (Director of Development Services Ross Altobelli)

Two lots on 50.4± acres located on the east side of County Road 209 (Bourland Bend), 1,630± feet north of Chambersville Road. Zoned: Extraterritorial Jurisdiction (ETJ).

The purpose of the Minor Plat is to dedicate lot and block boundaries and right-of-way necessary for future development.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING VIA ADDITION, BLOCK A, LOTS 1 & 2, MINOR PLAT.

g. Approve a Resolution regarding the Anna Retail Addition, Block A, Lot 4R, Replat. (Director of Development Services Ross Altobelli)

Pharmacy on one lot on 2.1± acres located at the southeast corner of W. White Street and S. Throckmorton Boulevard. Zoned: C-2 General Commercial.

The purpose of the Replat is to dedicate easements necessary for the construction of the pharmacy development.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING ANNA RETAIL ADDITION, BLOCK A, LOT 4R, REPLAT.

h. Approve a Resolution regarding the Avery Pointe Commercial, Block A, Lots 1R & 3, Replat. (Director of Development Services Ross Altobelli)

Self-storage facility on Lot 3 and vacant lot on 4.0± acres located at the northeast corner of W. White Street and S. Ferguson Parkway. Zoned: Planned Development (Ord. No. 964-2022, Ord. No. 709-2015, & Ord. No. 179-2005).

The purpose of the Replat is to dedicate lot and block boundaries and easements necessary for the construction of the self-storage facility and to subdivide the property.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING AVERY POINTE COMMERCIAL, BLOCK A, LOTS 1R & 3, REPLAT.

i. Approve a Resolution regarding the Avery Pointe Commercial, Block A, Lot 3, Site Plan. (Director of Development Services Ross Altobelli)

Self-storage facility on one lot on 4.0± acres located on the east side of S. Ferguson Parkway, 375± feet north of W. White Street. Zoned: Planned Development (Ord. No. 964-2022, Ord. No. 709-2015, & Ord. No. 179-2005).

The purpose of the Site Plan is to show the proposed self-storage facility development site improvements.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING AVERY POINTE COMMERCIAL, BLOCK A, LOT 3, SITE PLAN.

j. Approve a Resolution regarding the Anacapri Laguna, Phase 1, Block A, Lots 1, 2, 3, 4, & 5, Preliminary Plat. (Director of Development Services Ross Altobelli)

Commercial lot, private community center lot, and two multiple-family residences lots on 50.0± acres located at the northeast corner of Rollins Road and Ferguson Parkway. Zoned: Planned Development (Ord. No. 887-2020).

The purpose of the Preliminary Plat is to propose right-of-way dedication, lot and block boundaries, and easements necessary for the future construction of the private community center improvements on Lot 3.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING ANACAPRI LAGUNA, PHASE 1, BLOCK A, LOTS 1, 2, 3, 4, & 5, PRELIMINARY PLAT.

k. Approve a Resolution regarding the Anna 455 Addition, Block A, Lots 5 & 6, Preliminary Plat. (Director of Development Services Ross Altobelli)

Automobile repair, minor on Lot 6 and vacant lot on 3.0± acres located on the north side of W. White Street, 435± feet west of S. Ferguson Parkway. Zoned: Planned Development (Ord. No. 709-2015 & Ord. No. 179-2005).

The purpose of the Preliminary Plat is to propose lot and block boundaries, and easements necessary for the future minor automobile repair development.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING ANNA 455 ADDITION, BLOCK A, LOTS 5 & 6, PRELIMINARY PLAT.

l. Approve a Resolution regarding the DHI-Anna, Block A, Lots 1-3, Preliminary Plat. (Director of Development Services Ross Altobelli)

Multiple-family residence on Lot 1 and two vacant lots on 39.7± acres located at the northeast corner of future Throckmorton Boulevard and future Rosamond Parkway. Zoned: Planned Development (Ord. No. 881-2020).

The purpose of the Preliminary Plat is to propose right-of-way dedication, lot and block boundaries, and easements necessary for the future construction of the multiple-family residence development.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING DHI-ANNA, BLOCK A, LOTS 1-3, PRELIMINARY PLAT.

m. Acting as the Anna Public Facility Corporation Board of Directors, approve a "Rider" to that certain Memorandum of Understanding (MOU) with JPI Village Waters Creek Development, LLC, approved on January 25, 2022. (Director of Economic Development Joey Grisham)

On January 25, 2022, the Anna PFC Board of Directors approved a Memorandum of Understanding (MOU) with JPI Village Waters Creek Development, LLC for the Villages of Water Creek Multifamily Development. The following is a "Rider" to that agreement which is simply adding and clarifying some of the language in the MOU.

n. Approve Acting City Manager Assignment Designation. (City Manager Jim Proce)

As stated in the Charter, from time to time the City Manager may remove and/or appoint another Acting City Manager and would notify City Council in writing, should this be necessary. Pursuant to this requirement, during the absence of the City Manager, the City Manager is designating as the primary "Acting City Manager" the current Assistant City Manager Ryan Henderson. In the event of Ryan's concurrent absence, the City Manager would designate Taylor Lough as secondary option.

7. **Items For Individual Consideration.**

a. Approve a Resolution regarding the Anna Retail Addition, Block A, Lots 1R, 3R, 6, 7, 8, 9 & Block B, Lot 1, Replat. (Director of Development Services Ross Altobelli)

Retail and restaurant on Lot 1R and six vacant lots on 26.0± acres located on the east and west sides of Throckmorton Boulevard, 370± feet south of W. White Street (FM 455). Zoned: Planned Development - Multiple-Family Residential - High Density and C2 General Commercial.

The purpose of the Replat is to dedicate right-of-way, lot and block boundaries, and easements necessary for subdividing the property.

ISSUES:

The applicant is requesting a waiver from adopted city standards located within both the Subdivision Regulations and Design Standards.

1. Minimum frontage on a public street. Each lot on a subdivision plat shall front onto a dedicated, improved public street, unless platted as an approved private street subdivision in accordance with these subdivision regulations. All lots shall have a minimum of 40 feet of frontage along the property line of a dedicated, improved street unless other provisions have been authorized under article 9.04 or an approved planned development district.

FINDINGS:
Where the City Council finds that undue hardships will result from strict compliance with a certain provision(s) of the subdivision regulations and design regulations, or where the purposes of the regulations may be served to a greater extent by an alternative proposal, the City Council may approve a waiver/suspension from any portion of the regulations so that substantial justice may be done and the public interest is secured, provided that the waiver/suspension shall not have the effect of nullifying the intent and purpose of the regulations, and further provided that the city council shall not approve a waiver/suspension unless it makes findings based upon the evidence presented to it in each specific case that:

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

☐ The request is not detrimental to public health, safety, or welfare and does not prevent orderly subdivision of the surrounding properties. The property owner is proposing a 50-foot access easement that will connect future Throckmorton Boulevard to the existing access easement, acting as a private street.

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

- This large tract of land has a unique shape due to the surrounding properties being platted prior to a regional or master plan. Creating Lot 9 as a separate lot, is in conformance with Sec. 9.02.087 (Lots) by not creating an irregular, severely elongated lot.

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

- This large tract of land has a unique shape due to the surrounding properties being platted prior to a regional or master plan. The access easement acts as a private street. If the access easement were required to be an improved street, the City would be required to own and maintain the road.

(D) The waiver/suspension will not in any manner vary the provisions of the zoning ordinance, comprehensive plan (as amended), or any other adopted plan(s) or ordinance(s) of the city; and

- The waiver request is specific to one standard contained within the Subdivision Ordinance and Design Standards.

Due to the multiple access easements through Lot 9, staff is amenable to the variance request. Upon approval of the waiver, the Replat is in conformance with the city's Subdivision Regulations and Zoning Ordinances and is subject to additions and/or alterations to the engineering plans as required by the Public Works Department.

The Planning & Zoning Commission recommended approval.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING ANNA RETAIL ADDITION, BLOCK A, LOTS 1R, 3R, 6, 7, 8, 9 AND BLOCK B, LOT 1, FINAL PLAT

MOTION: Council Member Carver moved to approve. Council Member Toten seconded. Motion carried 6-0.

b. Consider/Discuss/Action on filling vacancies on boards and commissions. (City Secretary Carrie Land)

Mayor Pro Tem Miller moved on to Item 7.c. and City Council returned and took action after Closed Session.

There are two vacancies to fill:

Planning and Zoning Commission - Place 1
Board of Adjustments - Place 2A

MOTION: Council Member Miller moved to appoint Staci Martin to the Planning and Zoning Commission Place 1. Council Member Atchley seconded. Motion carried 6-0.

MOTION: Mayor Pro Tem Miller moved to appoint Elden Baker to the Board of Adjustments Place 2A. Council Member Atchley seconded. Motion carried 6-0.

c. Discuss/Consider/Act on a Resolution authorizing the City Manager to execute a Professional Services Agreement with Gessner Engineering for land surveying and civil engineering for the Anna Community Library and for paving improvements on 5th Street, 7th Street, and Riggins Road adjacent to the Municipal Campus. (Director of Public Works Greg Peters, P.E.)

The City is moving forward with the design of the Anna Community Library. The land surveying and site engineering components of the design will need to be completed by a civil engineering firm. In addition, the City has a Capital Improvement Plan project identified to improve 5th Street, 7th Street, and Riggins Street. These road improvements will be critical to providing the access and parking required for the new library and for the surrounding properties which are anticipated to re-develop in the future.

Through the City's multidisciplinary RFQ process, Gessner Engineering was preselected in the site civil engineering category. They also have significant experience in the design of roads surrounding campus facilities, which is a good match for the improvements required on 5th Street, 7th Street, and Riggins Street.

DART approval will be required for all proposed improvements to the Riggins Street Right-of-way. The cost and funding for the scope included $49,200 from 2021 Bond Funds for the Library site engineering, and $119,310 for the roadway improvements. Staff reviewed the scope and cost and found Gessner to be highly qualified to complete the work identified.

Staff recommends approval of the item.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR PROFESSIONAL SERVICES BY AND BETWEEN THE CITY OF ANNA, TEXAS AND GESSNER ENGINEERING FOR CIVIL ENGINEERING SERVICES RELATED TO THE ANNA COMMUNITY LIBRARY AND SURROUNDING STREET IMPROVEMENTS, AS SHOWN IN EXHIBIT "A" ATTACHED HERETO, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Council Member Toten moved to approve. Council Member Ussery seconded. Motion carried 6-0.

d. Consider/Discussion/Action on a Resolution authorizing the Anna Public Facility Corporation to issue bonds not to exceed $33,000,000 for the Palladium East Foster Crossing project. (Director of Economic Development Joey Grisham)

Since the Anna PFC is issuing private activity bonds not to exceed $33 million for the Palladium East Foster Crossing project, the Public Facility Corporation Act requires approval of the governing body. These bonds are not backed by the City's full faith and credit.

A RESOLUTION BY THE CITY OF ANNA, TEXAS APPROVING AN INDENTURE AND RESOLUTION OF ANNA PUBLIC FACILITY CORPORATION WITH RESPECT TO THE ISSUANCE OF A BOND

MOTION: Council Member Carver moved to approve. Mayor Pro Tem Miller seconded. Motion carried 6-0.

e. Acting as the Anna Public Facility Corporation Board of Directors, Consider/Discussion Action on: (a) Resolution authorizing the issuance of bonds not to exceed $33,000,000 (b) resolutions approving substantially final partnership documents for the Palladium East Foster Crossing financing, general partnership, and ground lease; and (c) Memorandum of Understanding (MOU) with Palladium USA International, Inc. (Director of Economic Development Joey Grisham)

Palladium is developing a 239-unit multifamily project located just north of the Anna Business Park on E. Foster Crossing Rd. and is being financed by private activity bonds issued by the Anna PFC not to exceed $33 Million and 4% Housing Tax Credits. Zoning was approved back in September 2021. The Anna PFC will serve as the General Partner on the project. The documents being approved include a bond resolution, Memorandum of Understanding (MOU) and resolutions approving substantially the final partnership agreements.

FINANCIAL IMPACT: The Anna PFC will receive $958,634 in Year 1 and 25% of the developer cash flow over the following 14 years estimated at $2.2 Million.

MOTION: Council Member Carver moved to approve. Council Member Ussery seconded. Motion carried 6-0.

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). Fire/Emergency Services. Public Facilities.

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). Pending Commercial Incentives.

d. Discuss or deliberate personnel matters (Tex. Gov't Code §551.074). Boards and Commissions

MOTION: Council Member Cain moved to enter Closed Session. Council Member Atchley seconded. Motion carried 6-0.

Mayor Pro Tem Miller recessed the meeting at 8:21 PM.

Mayor Pro Tem Miller reconvened the meeting at 9:35 PM.

Mayor Pro Tem returned to Agenda Item 7.b. for action.

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.

No action taken.

10. **Adjourn.**

Mayor Pro Tem Miller adjourned the meeting at 9:38 PM.

Approved on June 28, 2022.

Mayor Nate Pike

ATTEST:

City Secretary Carrie L. Land