City Council Meeting
Minutes

THE CITY OF Anna

Tuesday, July 14, 2020 @ 6:30 PM

Anna Fire Station, Meeting Room
305 S. Powell Parkway, Anna, Texas 75409

The City Council of the City of Anna met at 6:30 PM, on July 14, 2020, at the Anna Fire Station Meeting Room, Located at 305 South Powell Parkway (Hwy 5), to consider the following items.

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

   Mayor Pike called the meeting to order at 6:48 PM.

   Council Members Beazley and Vollmer were absent.

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

   Mayor Pike led the invocation and pledge.

7. **Reports.**

   Receive reports from Staff or the City Council about items of community interest. *Items of community interest include: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen (but not including a change in status of a person's public office or public employment); a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.*

   a. Recognition of neighbors Gordon Haynes, Martin Nolan, and Erik Rodriguez for their heroic actions on May 1, 2020 (Police Chief Jeff A. Caponera).

      On Friday, 5/1/20, at approximately 10:03AM, Officer Timothy Thomas conducted a traffic stop on a vehicle for numerous traffic violations. The driver of the vehicle had previously eluded Collin County deputies. Once he had the vehicle stopped and began approaching the vehicle, the driver immediately exited the car. The suspect showed signs of impairment and was being verbally non-compliant. After refusing to provide his information, Officer Thomas attempted to detain the suspect, a struggle ensued. The suspect grabbed on to Officer Thomas and they began wrestling. The suspect fell back

into his truck and began kicking at Officer Thomas, striking him in the leg and groin. The suspect then began reaching in the center area of his truck appearing to be possibly searching for a weapon. It was later discovered the suspect was reaching for several large knives he had concealed in the console.

As the suspect continued to reach for the weapons in the truck, Officer Thomas ultimately ended up deploying his Taser. The first deployment had little effect on the suspect to which the suspect was able to immediately recover and remove the probes. A second deployment of the Taser was effective at which time Officer Thomas took the suspect to the ground in hopes of detaining him in handcuffs. At the end of the 5 second cycle, the suspect continued to fight with Officer Thomas. At one point during the altercation the suspect grabbed a hold of Officer Thomas' service weapon and began pulling on the gun, in what appears was an attempt to take Officer Thomas' firearm.

Three employees at Vitz Metal observed the altercation and are seen running towards Officer Thomas to provide assistance. Vitz Metal employees Gordon Haynes, Martin Nolan, and Erik Rodriguez were the heroic neighbors who stepped in to help an officer in need. With the assistance of these men, Officer Thomas was able to place the suspect in custody.

b. Life Saving Award Presentation for Officer Wesley Davis (Police Chief Jeff A Caponera)

On Friday, November 22, 2019 at 11 :11 pm, Trooper James Shoemaker was monitoring the flow of traffic along US 75 in the city of Anna. Trooper Shoemaker observed a vehicle traveling northbound on US 75 at a high rate of speed. The vehicle then veered and nearly struck Trooper Shoemaker's patrol unit. The vehicle left the roadway and struck a bridge pillar head on. Trooper Shoemaker immediately radioed for the fire department and emergency medical services. Trooper Shoemaker ran to the vehicle and discovered two unconscious adults (a male driver in the front seat, and a female passenger in the rear seat) and an unconscious infant in the rear seat. The infant was in a child safety seat but was unsecured and face down in the child safety seat.
Officer Wesley Davis responded to the call as did Game Wardens Trent Marker and Cane Shumaker. Upon arriving, Officer Davis used his fire extinguisher an attempt to control the fire. As the fire was beginning to breach the firewall nearest the driver, Officer Davis, Warden Trent Marker, and Warden Cane Shumaker worked together to remove the adult male who was pinned inside the burning vehicle. Through teamwork, they were able to free the driver and drag him to a safe location away from the vehicle.

The swift response and actions of these four officers led to a positive outcome and contributed in saving the lives of the three occupants. A failure to decisively act by Officer Davis and the three other officers involved would have led to a tragic outcome.

3. **Neighbor Comments.**

No comments received.

4. **Closed Session (Exceptions).**
Under Tex. Gov'T Code Chapter 551, The City Council May Enter Into Closed Session To Discuss Any Items Listed Or Referenced On This Agenda Under The Following Exceptions:

a. Consult with legal counsel regarding pending or contemplated litigation and/or on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Government Code (Tex. Gov't Code §551.071). Operational and Meeting Procedures.

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).

d. Discuss or deliberate personnel matters (Tex. Gov't Code §551.074). City Attorney Annual Review

MOTION: Council Member Bryan moved to enter closed session. Council Member Miller seconded. Motion carried 4-0.

Mayor Pike recessed the regular meeting 7:07 PM.

Mayor Pike reconvened the regular meeting at 8:19 PM.

5. 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. (If there is no need to address any other such agenda item, the Mayor shall adjourn this meeting).

No action taken.

6. **Work Session.**

a. Staff update on Truck Routes for the City of Anna, Texas. (Director of Public Works Greg Peters)

Staff has been reviewing policy options pertaining to the creation of truck

routes in the City of Anna. This item is an update on staff's findings thus far and discussion items for consideration on how the City might move forward on developing formal truck routes. No action is required.

The following attachments were provided:
- Mutual Boundary Road Map
- TxDOT Road Map
- Current City of Anna Master Thoroughfare Plan

Staff has discussed truck traffic with Collin County staff and TxDOT. Both the County and TxDOT have confirmed that they do not regulate truck use of their roads, unless there is a specific bridge structure which has a maximum load requirement for safety. In this case, a maximum gross vehicle weight may be placed on the road by Collin County or TxDOT for safety purposes. However, this load limitation applies only to the weight of the vehicle and not the vehicle type.

Based on this information staff does not see a clear path forward in placing truck restrictions on any mutual boundary roads or TxDOT roads. In the future, if these roads become City-controlled, then they would be subject to the policies and regulations placed upon them by the City.

Despite the limitations outlined above, there are still many portions of the City which could benefit from a formal truck route policy, including many residential neighborhoods. Staff will present some options for Council discussion and feedback, and move forward with the direction received.

Council had a brief discussion and no action was taken.

b. Discussion of the utility billing late fees and disconnect fees. (Finance Director Dana Thornhill)

Due to the recent disaster declaration and city offices being closed, the City made the decision to suspend late fees and disconnects of service for non-payment. Staff discussed with Council at what point the City moves forward with reestablishing late fees and sending late notices, as well as disconnection of service for non-payment. Neighbors can currently pay online, through the drop box, and at the kiosk located outside of the building.

Council directed Staff to provide residential customers a 30-day notice and implement both late fees and disconnects starting September 1st. They are to move forward with disconnecting service on commercial and fire hydrant meters.

8. **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.

MOTION: Council Member Toten moved to approve consent Items 8 a.-f. and h.-l. Council Member Miller seconded. Motion carried 4-0.

Items 8 g., m., and n. were removed from consent and discussed individually.

a. Approve City Council Meeting Minutes for June 23, 2020. (City Secretary Carrie L. Land)

b. Review P&Z Meeting Minutes from June 1, 2020 (Director of Development Services Ross Altobelli)

c. Review CDC/EDC Joint Meeting Minutes from the June 3, 2020 Meeting (Economic Development Director Joey Grisham)

d. Review CDC/EDC Joint Meeting Minutes from the June 3, 2020 Meeting (Economic Development Director Joey Grisham)

e. Approve a Resolution setting a public hearing under Section 372.009 of the Texas Local Government Code on the advisability of the creation of a public improvement district and improvements within the extraterritorial jurisdiction of the City of Anna, Texas for the Sherley Tract and authorizing the issuance of notice by the City Secretary of Anna, Texas regarding the public hearing. (City Attorney Clark McCoy)

   A RESOLUTION SETTING A PUBLIC HEARING UNDER SEC. 372.009 OF THE TEXAS LOCAL GOVERNMENT CODE ON THE ADVISABILITY OF THE CREATION OF A PUBLIC IMPROVEMENT DISTRICT AND IMPROVEMENTS WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF ANNA, TEXAS; AND AUTHORIZING THE ISSUANCE OF NOTICE BY THE CITY SECRETARY OF ANNA, TEXAS REGARDING THE PUBLIC HEARING.

f. Approve DSI Change Control Authorization change order for SmartGov implementation project for online permitting and reporting (Neighborhood Services Director Marc Marchand).

   The DSI Change Control Authorization is a change order for the SmartGov project for online permitting for Planning, Building, Fire, Public Works, Code and Parks. The change order is for 20 additional unique permit types totaling $9,591 and 10 custom reports totaling $4,558. The total change order is for $14,149.

   The original contract included 29 unique permit types, 25 were included in the original scope of work, and 4 were included for overage that may develop during the implementation process. During the implementation process, new opportunities emerged, and there are now 49 unique permit types that staff would like to put on the SmartGov system. This is a difference of 20 unique permit types, necessitating the need for the change order.

   The allocation of permit types is as follows:

   Department Original Contract Change Order

Planning and Building	20	41
Public Works	3	3
Fire	1	1
Code & Rental Inspection	1	4
Parks	0	3 (No Charge)

Majority of the differential is from the Planning & Building Department which increased from 20 to 41 unique permit types. This past year, the Planning & Building Department hired a new Planning & Development Director and added a number of additional positions as well as took over building inspections. New and improved procedures and processes were implemented, and new permit application forms were created that did not exist before. These improvements led to enhancements in service levels and an increase in unique permit types.

The other area where the number of unique permit types increased was Code Compliance which increased from 1 to 4 unique permit types. This change is due to adopting the International Property Maintenance Code and amendments to it as well as bringing the Rental Inspection Program in-house. Code Compliance, also, made new permit application forms which caused an increase in the number of unique permit types.

During the implementation process, an additional opportunity to add the Park Department permits presented itself. SmartGov gave the City 3 additional unique permit types for the baseball field rentals, pavilion and gazebo rentals and special event permits at no additional charge.

The other part of the Change Order request is for 10 custom reports to provide supplementary data in a flexible framework that will be of value to city operations. The custom reports will be used for financial management purposes to keep-up with the water and sewer impact fee credits as well as the park credits. The following subdivisions currently have credits: Avery Pointe, Park Place, Pecan Grove, West Crossing, Lakeview and Anna Town Square. Additional custom reports may, also, include data on property violations and the rental registration program.

Over the past year, there has been a substantial amount of progress made within the departments that will be using the SmartGov portal. Staff believes this Change Order is an enhancement of the City's use of the SmartGov system resulting in additional advancements and increased service levels.

g. Approve a Resolution entering into Chapter 380 Agreements for Phase II of the small business assistance program to provide immediate, short-term financial aid to qualified small businesses in the City of Anna. (Economic Development Director Joey Grisham)

The Coronavirus Aid, Relief, and Economic Security (CARES) Act was passed by Congress and signed into law by President Trump, and the US Treasury

established the Coronavirus Relief Fund added by section 5001 of the CARES Act. On May 11, 2020, the Collin County Commissioners Court took the first steps to distribute the CARES Act funds and adopted the 'Collin Cares" recovery plan which provides funding for cities' COVID-19 related costs and business recovery efforts. The City Council and Anna EDC/CDC recognized the economic strain that the COVID-19 pandemic is causing its local businesses, and established a stimulus program on June 9, 2020 from the CARES Act funding from the Interlocal Cooperation Agreement with Collin County to provide limited financial assistance to small businesses located within the city limits. Based on the guidelines and requirements set out, 25% of the city's $764,646.10 allocation can be utilized for small business grants, which amounts to $191,162. The Anna Community Development Corporation is administering the COVID-19 Small Business Recovery Grant and making recommendations to the City Council.

Phase I of the program included businesses that pay city sales tax. 28 applications were received--18 fit the criteria, 8 did not meet the criteria, and 2 businesses withdrew. The CDC recommended the 18 businesses that qualified receive grants of $5,000--they each signed Chapter 380 Economic Development Agreements and received their checks back in June.

Phase II applications included businesses and non-profit corporations. 19 applications were received, and the CDC Board recommends that the City Council approve 18 grants of $5,000 (Exhibit C). One application was returned for review because of questions related to their ability to comply with the Chapter 380 agreement. The Board would like to re-review this application and new information at its next meeting, and thus does not recommend a grant at this time.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS, ENTERING INTO CHAPTER 380 AGREEMENTS FOR PHASE II OF THE SMALL BUSINESS ASSISTANCE PROGRAM TO PROVIDE IMMEDIATE, SHORT-TERM FINANCIAL AID TO QUALIFIED SMALL BUSINESSES IN THE CITY OF ANNA.

MOTION: Council Member Toten moved to approve with addition of Italian Villa. Council Member Bryan seconded. Motion carried 4-0.

h. Approve a Resolution approving the Development Plat for G2 Motorsports Park Addition, Block A, Lot 1. (Director of Development Services Ross Altobelli)

Motorsports Park on one lot on 180.6± acres located at the northeast corner of E Houston Street (FM 2862) and N Broadway Avenue. Located within the extraterritorial jurisdiction (ETJ).

The purpose for the development plat is to construct a motorsports park and related site improvements.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING THE G2 MOTORSPORTS PARK ADDITION, BLOCK A, LOT 1, DEVELOPMENT PLAT

i. Approve a Resolution approving the Final Plat for Mangum Addition, Block A, Lots 1 & 2. (Director of Development Services Ross Altobelli)

Single-family dwelling, detached on two lots on 7.6± acres located at the northeast corner of Houston Street (FM 2862) and CR 480. Located within the extraterritorial jurisdiction (ETJ).

The purpose of the final plat is to create two platted lots.

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

j. Approve a Resolution approving the Amending Plat for Pecan Grove, Phase II. (Director of Development Services Ross Altobelli)

152 single-family dwelling, detached lots and four HOA lots on 37.8± acres located on the north side of Foster Crossing Road (CR 366), 1,337± feet west of CR 365. Zoned Planned Development-705-2015 (PD-SF-72).

The purpose of the amending plat is to correct a scrivener's error within the legal description of the recorded plat.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING AN AMENDING PLAT FOR PECAN GROVE, PHASE II.

k. Approved a Resolution approving the Development Plat for The KCM Addition, Block A, Lot 1. (Director of Development Services Ross Altobelli)

Single-family dwelling, detached and truck parking lot on one lot on 2.9± acres located on the north side of State Highway 121, 3,432± feet west of FM 455. Located within the extraterritorial jurisdiction (ETJ).

The purpose of the development plat is to allow for the construction of the proposed building.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING THE KCM ADDITION BLOCK A, LOT 1, DEVELOPMENT PLAT

l. Approve a Resolution approving the use of alternative screening material for rooftop mechanical and heating and air conditioning equipment for Victoria Falls Center Addition, Block A, Lot 1. (Director of Development Services Ross Altobelli)

Section 9.04.039 *Screening Device Requirements* states that mechanical and heating and air conditioning equipment in nonresidential and multifamily uses shall be screened from view from the public right-of-way and from adjacent residential property. It also states that the screening material must be masonry, living screen, or combination.

The equipment to be screened is located on top of an existing building. The applicant is requesting to use metal R panel. The excerpt below explains the variance process.

> "A variance from the regulations in this article may be recommended by the planning and zoning commission to the city council for final approval only if:
>
> (A) Unique circumstances exist on the property that make application of specific items in this article unduly burdensome on the applicant;
>
> (B) The variance will have no adverse impact on current or future development;
>
> (C) The variance is in keeping with the spirit of the zoning regulations, and will have a minimal impact, if any, on the surrounding land uses;
>
> (D) The variance will have no adverse impact on the public health, safety, and general welfare; and
>
> (E) A financial hardship shall not be considered a basis for the granting of a variance."

Staff finds that this section does not provide clear direction for roof-mounted equipment and should be revised in the future. Staff finds the proposed metal R panel screening will have no adverse impact on development, is in keeping with the spirit of the zoning regulations, and will not negatively impact the public health, safety, and general welfare.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING ALTERNATIVE SCREENING FOR ROOFTOP MECHANICAL AND HEATING AND AIR CONDITION EQUIPMENT FOR VICTORIA FALLS CENTER ADDITION, BLOCK A, LOT 1.

m. Approve a Resolution establishing the City of Anna Diversity and Inclusion Advisory Board (Assistant City Manager Ryan Henderson)

The purpose of the Board will be to act in an advisory capacity to the City Council and the Board's duties shall include advising the City on diversity and equity strategies that strengthen connections among diverse community groups and the city government.

Potential Board details are as follows:

- The Board will be advisory in nature with no financial or fiduciary responsibility that would dilute City Council authority, operational authority of the City Manager, or Charter requirements.
- Board bylaws will be established to be recommended by the Board and approved by City Council.
- Meeting frequency will be no less than quarterly; Board will determine schedule not to conflict with existing Board schedules already established.
- The board will have 11 voting members appointed by City Council on the same schedule as other Boards for alternating 2-year terms. Initial terms will be as follows:
    - 6 serving 2-year terms ending in May 2021
    - 5 serving 1-year terms ending in May 2022
    - All voting members will meet similar requirements of other board and commissions to qualify.
- The board may be reduced in size by the City Council if insufficient number of applicants cannot be procured without formal action but will have no less than 7 or be disbanded or suspended. The board may be dissolved by a majority of the City Council at any time.
- The voting members will choose a chairperson, vice chairperson, and secretary annually. Each officer can serve consecutive terms at the will of the voting members of the board not to exceed term limits.
- A quorum is established by majority of voting members (6 or more).
- Terms will be limited as other boards and commissions (6 years maximum).
- The Board will have four subcommittees made up of 5 or less members, including:

    - Community Programs
    - Public Safety Policies & Practices
    - Cultural, Educational, Recreational, and Youth Events and Elements
    - City Policies & Staff Training
    - The Board will have 7 ex-officio non-voting members, including:

    - Mayor or designee
    - Council Member Liaison Appointed by Council
    - City Manager or designee
    - Police Chief or designee
    - Code Compliance Manager or designee
    - Neighborhood Services Director or designee
    - Human Resources Director or designee
    - The Board, for its first three years, will have 3 ex-officio members that are community leaders who advise the initial development and empowerment of the board.
- Staff liaison primary and secondary may serve as subcommittee members; subcommittees are not a quorum (5 or less and may include

non-voting ex officio members).

- Subcommittees will meet as they prescribe and will provide written report and recommendations to the board.

A RESOLUTION OF THE CITY OF ANNA, TEXAS CREATING THE ANNA DIVERSITY AND INCLUSION ADVISORY COMMISSION; ESTABLISHING PROCEDURES FOR APPOINTMENT AND REMOVAL OF MEMBERS; AND ESTABLISHING DUTIES AND RESPONSIBILITIES OF THE COMMISSION.

MOTION: Mayor Pike moved to approve. Council Member Miller seconded. Motion carried 4-0.

n. Approve a Resolution amending the Sherley Tract Subdivision Improvement Agreement by amending the minimum lot area requirement for SF-60 lots from five thousand (5,000) square feet to six thousand (6,000) square feet. (Director of Development Services Ross Altobelli)

The purpose of the amendment is to correct a scrivener's error in Appendix 1 (Zoning District Area Regulations) of Exhibit D (Development Standards) within the Sherley Tract Subdivision Improvement Agreement. The SF-60 zoning district area regulations require a min. lot width of 50 feet and min. lot depth of 100 feet which would total a lot area of 5,000 square feet. The lot area was incorrectly identified as 6,000 square feet.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING THE FIRST AMENDMENT TO THE SHERLEY TRACT SUBDIVISION IMPROVEMENT AGREEMENT

MOTION: Mayor Pike moved to approve. Council Member Miller seconded. Motion carried 3-1. Bryan opposed.

9. **Items For Individual Consideration.**

a. Consider/Discuss/Action on a Resolution authorizing the Mayor to issue a Letter of Support to State Senator Pat Fallon, State Representative Justin Holland, and State Representative Scott Sanford to implement sign changes on US 75 for US 75 Exit 48A Farm to Market Road 455, to change sign street name from "Anna - Weston Road" to "White Street." (Director of Public Works Greg Peters)

This item authorizes the Mayor to send a letter to our elected officials requesting support in making sign changes on US 75 to properly reflect the correct name of FM 455 in Anna as White Street.

The City of Anna desires for TxDOT to make a sign change on US 75 at exit 48A in order to properly honor Charles Ell White, whom FM 455 White Street is named for in the City of Anna.

Mr. White served our Country in World War II as a B-24 pilot in the Army Air

Corps. His plane was shot down over Romania in 1944, and he spent the remainder of the war as a POW in Bucharest, Romania. Following his distinguished service to our great nation, he returned to Anna, Texas, where he spent the remainder of his life serving his community as a City Councilman, School Board Trustee, and volunteer firefighter. Mr. White's contributions to our country and our community were recognized by the City of Anna when FM 455 was formally named White Street.

Currently the signs on US 75 for exit 48A state "Anna-Weston Road," which is not the given road name for this section of FM 455.

During the recent widening of US 75 through our community TxDOT did not consult with the City on the proper name for this exit. In addition, TxDOT does not appear to have considered the formal name of the road as shown on common transportation apps, such as Google Maps, Waze, and others. In addition, it appears TxDOT did not review the formal addressing of our local businesses on FM 455 White Street.

The City has contacted Texas Department of Transportation Dallas District Engineer Mo Bur and requested the signs to be changed. Mr. Bur has offered the City with the option to pay to either replace the signs at a cost of $65,000, or to pay a lesser sum to place a patch on the signs with the name "White St."

The City feels that it is the responsibility of TxDOT to make this correction with the means, methods, and funds they have available. As such, these letters are recommended by staff to be sent in order to build support and seek action on this item from our elected officials at the State level.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING AND AUTHORIZING THE MAYOR TO SEND LETTERS REQUESTING SUPPORT FROM SENATOR PAT FALLON, REPRESENTATIVE SCOTT SANFORD, AND REPRESENTATIVE JUSTIN HOLLAND TO CHANGE THE SIGNS FOR EXIT 48A ON US 75 TO INCLUDE THE CORRECT NAME FOR FM 455 WHITE STREET, AS SHOWN IN EXHIBIT "A" ATTACHED HERETO, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Mayor Pike moved to approve. Council Member Bryan seconded. Motion carried 4-0.

b. Consider/Discuss/Action on a Resolution authorizing the City Manager to execute a contract with CARDS Dallas for solid waste and recycling services for the City of Anna, Texas. (Director of Public Works Greg Peters)

The City of Anna is obligated to provide neighbors and businesses within the City limits with solid waste and recycling collection services. As such, the City contracts with a private company to perform these services.

The City of Anna is seeking a new provider of solid waste and recycling collection services for the City as the contract term with the current provider

ends later this year. The new contract will begin on September 1st of this year.

Staff completed a public request for proposal (RFP) process to engage all providers interested in contracting with the City.

The City received three proposals, which were reviewed in detail by staff and members of the City Council. Our current service provider chose not to submit a proposal. Interviews of each proposing firm were held by a panel consisting of staff and City Council members.

Upon review of the proposals and interview process, the panel made the recommendation to the City Council to enter into contract negotiations with CARDS Dallas, Incorporated.

Staff has completed the contract negotiation process and is presenting the final contract for City Council approval.

The contract identifies the fees which the City will pay to the Contractor for solid waste and recycling services. If approved, staff will return to the City Council at an upcoming meeting to set the final rates to be paid by customers. The customers include both customers and businesses located within the City limits of Anna.

The final rates which will be paid by customers will include the cost of disposal (landfill fees), and the rates necessary to cover the City costs of carrying out the contract and operations of the solid waste and recycling program.

This item is only to approve the contract rates for the services provided by CARDS Dallas, Inc., and does not reflect the final rate neighbors will pay for solid waste and recycling service.

The final contract is attached to the resolution as Exhibit A. Staff recommends approval of the resolution authorizing the City Manager to execute the contract.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR SOLID WASTE AND RECYCLING SERVICES BY AND BETWEEN THE CITY OF ANNA, TEXAS AND CARDS DALLAS, INCORPORATED, A TEXAS CORPORATION, AS SHOWN IN EXHIBIT "A" ATTACHED HERETO, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Council Member Miller moved to approve. Council Member Toten seconded. Motion carried 4-0.

c. Consider/Discuss/Action on a Resolution approving an Impact Fee Reimbursement Agreement by and between the City of Anna, Texas and Anna Town Center Mixed Use, LLC for public water main construction in the Anna Crossing Villas Subdivision. (Director of Public Works Greg Peters)

The developer is required to construct a water main along Finley Boulevard as a part of the Anna Crossing Villas Development. The development requires an 8-inch water main, and the City of Anna Water Master Plan shows the main to be a 12-inch water main.

In accordance with State Law and City ordinances, this agreement will provide for the reimbursement of water impact fees for the upside cost of constructing a 12-inch water main instead of an 8-inch water main.

Per the agreement the Developer is required to commence construction no later than March 31, 2021

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A WATER IMPACT FEE REIMBURSEMENT AGREEMENT BY AND BETWEEN THE CITY OF ANNA, TEXAS AND ANNA TOWN CENTER MIXED USE, LLC, A TEXAS LIMITED LIABILITY COMPANY, AS SHOWN IN EXHIBIT "A" ATTACHED HERETO, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Council Member Toten moved to approve. Council Member Bryan seconded. Motion carried 4-0.

d. Consider/Discuss/Approve a resolution directing calculation of the voter-approval tax rate in the manner of a special taxing unit under the disaster provisions of TEXAS TAX CODE §26.04. (City Manager Jim Proce)

Under the Texas Property Tax Reform and Transparency Act of 2019 (SB2), a city council may direct its designated officer or employee to calculate the voter-approval rate in the manner provided for a special taxing unit (an 8 percent rate, instead of a 3.5 percent rate) if any part of the city is located in an area declared a disaster area during the current tax year by the governor or by the president of the United States (Tex Tax Code 26.04(c-1)). On March 13, 2020, United States President Donald Trump declared a national emergency concerning the COVID-19 outbreak; and also effective March 13, 2020, Governor Greg Abbott declared a state of disaster for Texas.

As always, the City Council retains the ability to adopt a rate different than the voter-approval rate, whether lower or higher.

A city council wishing to direct the designated officer or employee to calculate an 8 percent voter-approval tax rate should take formal action to do so in order to ensure a record of the council's decision on the matter and to limit any confusion on the part of the person making the calculation.

A RESOLUTION DIRECTING CALCULATION OF THE VOTER-APPROVAL TAX RATE IN THE MANNER OF A SPECIAL TAXING UNIT UNDER THE DISASTER PROVISIONS OF TEXAS TAX CODE §26.04 AND

DESIGNATING THE CITY MANAGER TO ACCOMPLISH SAME.

MOTION: Mayor Pike moved to approve. Council Member Bryan seconded. Motion carried 4-0.

e. Conduct a public hearing and consider/discuss/act on an Ordinance adopting water and sanitary sewer rates for the City of Anna, Texas, including establishment of new water and sanitary sewer rates to be implemented on October 1, 2020. (Director of Public Works Greg Peters)

Mayor Pike opened the public hearing at 9:06 PM.
No comments.
Mayor Pike closed the public hearing at 9:06 PM

NewGen representative, Matthew Garrett gave a brief presentation.

AN ORDINANCE OF THE CITY OF ANNA, TEXAS, ADOPTING A 5-YEAR RATE PLAN FOR WATER AND SANITARY SEWER SERVICE RATES AS SHOWN IN EXHIBIT A ATTACHED HERETO AND AMENDING THE ANNA CITY CODE OF ORDINANCES APPENDIX A, ARTICLE A6.000 UTILITY FEES, SECTION A6.009 WATER AND SANITARY SEWER SERVICE RATES; PROVIDING FOR A PENALTY FOR ANY VIOLATION OF THIS ORDINANCE NOT TO EXCEED $2,000; PROVIDING FOR SAVINGS, SEVERABILITY, AND REPEALING CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION THEREOF.

MOTION: Council Member Miller moved to approve. Council Member Bryan seconded. Motion carried 4-0.

10. **Adjourn.**

Mayor Pike adjourned the meeting at 9:15 PM.

CITY OF ANNA TEXAS

Approved on July 28, 2020.

Mayor Nate Pike

ATTEST:

Carrie L. Land

City Secretary Carrie L. Land