

**Regular City Council Meeting
Meeting Minutes**



Tuesday, April 12, 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 April 12, 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 Pike called the meeting to order at 6:30 PM.

All City Council Members were present.

2. Invocation and Pledge of Allegiance.

Mayor Pike led the Invocation and Pledge of Allegiance.

3. Neighbor Comments.

Glenn Brown, neighbor of Anna Town Square, addressed the City Council regarding his initial displeasure at being informed of the development of Serenity at the Square (a multi-family residence) in Anna Town Square, but expressed his appreciation to Mayor Pike, Director of Development Services Altobelli, and Planning Manager Mecke for their responsiveness and courtesy to his inquiries. Mr. Brown expressed 1) his beliefs that the City Council should have high standards with regard to establishing and maintaining zoning standards and developments; and 2) his appreciation to the developers (Anna Town Square Partners I, LLC) for working with the neighbors to incorporate requested changes to the Concept Plan for Serenity at the Square.

Tana Brown, neighbor of Anna Town Square, addressed the City Council regarding Serenity at the Square multi-family residence, noting that while she is not in favor of multi-family residential in her neighborhood, she is appreciative of the time and effort the developers have put into working with the neighbors. Mrs. Brown requested that the City Council work with developers and neighbors of Anna Town Square to develop a plan to expedite safe and efficient infrastructure to manage vehicular and pedestrian traffic by connecting Leonard Avenue to White Street or the Collin County Outer Loop. Mrs. Brown expressed her displeasure that developers/builders are showing neighbors (new homebuyers) plans for Anna Town Square that are not the updated plans providing for multi-family residential.

Elaine Holthe, neighbor of Anna Town Square, addressed the City Council relative to her concern with the new construction in Anna Town Square and the safety of their children and expressed her appreciation to the developers of Serenity at the Square for listening to the neighbors' concerns.

Stephanie Dingle, neighbor of Anna Town Square, addressed the City Council regarding the offer of the developers of Anna Town Square and Serenity at the Square joining forces with the City and developers of other apartments to create a plan to expedite safe and efficient infrastructure to manage pedestrian traffic, specifically the safety of school children.

4. **Reports.**

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

This item was postponed to a future meeting.

- b. Recognize Finance Director for achieving recognition as a Certified Government Finance Officer with the Government Finance Officers Association of Texas. (City Manager Jim Proce)

The Certified Government Finance Officer (CGFO) program is sponsored by the Government Finance Officers Association of Texas (GFOAT), an affiliate of the Texas Municipal League. GFOAT is a professional organization with more than 1000 members across the state. The CGFO program is designed to establish a threshold of knowledge about a broad array of government finance topics and terminology. It takes experience into consideration and recognizes that a combination of knowledge and experience can set apart those in the profession who desire to demonstrate a level of competency. This threshold is measured by a point system that gives credit for academic education, experience, professional leadership and successful passage of examinations on a variety of governmental finance topics.

The CGFO program is intended to encourage a level of knowledge and professionalism in the field of government finance. It is also intended to encourage development and maintenance of professional competence for practicing governmental finance officers.

City Manager Proce recognized Finance Director Alan Guard for this outstanding achievement.

- c. Recognition for receipt of the Distinguished Budget Presentation Award from the Government Finance Officers Association (GFOA) for the current fiscal period. (City Manager Jim Proce)

The award represents a significant achievement by the entity. It reflects the commitment of the governing body and staff to meeting the highest principles of governmental budgeting. In order to receive the budget award, the entity had to

satisfy nationally recognized guidelines for effective budget presentation. These guidelines are designed to assess how well an entity's budget serves as:

- ☐ a policy document
- ☐ a financial plan
- ☐ an operations guide
- ☐ a communications device

Budget documents must be rated "proficient" in all four categories, and in the fourteen mandatory criteria within those categories, to receive the award.

There are over 1,700 participants in the Budget Awards Program. The most recent Budget Award recipients, along with their corresponding budget documents, are posted quarterly on GFOA's website. Award recipients have pioneered efforts to improve the quality of budgeting and provide an excellent example for other governments throughout North America.

Government Finance Officers Association (GFOA) advances excellence in government finance by providing best practices, professional development, resources and practical research for more than 21,000 members and the communities they serve.

City Manager Proce recognized Budget Manager Terri Doby for this outstanding achievement.

- d. Telephone Town Hall Report. (Mayor Pro Tem Lee Miller)

Mayor Pro Tem Lee Miller provided a debriefing on the March 24, 2022, Telephone Town Hall Meeting regarding Economic Development.

Mayor Pike addressed the concern of children walking to school and requested that the City partner with Anna ISD to discuss the matter of crosswalks in all locations in the Anna community.

5. **Work Session.**

- a. Visit from County Commissioner Darrell Hale. (City Manager Jim Proce)

Commissioner Hale visited to meet with the Council to discuss various updates and opportunities. The City Council and staff were desirous to foster positive relationships with the County for mutual outcomes for our neighbors.

- b. Presentation on the Texas Power Switch. (Assistant City Manager Ryan Henderson)

The Texas Power Switch is an independent group-switching program. The group helps Texans lower their electricity bills by bringing neighbors together to negotiate a better electricity rate. Interested participants register for free, without obligation. A reverse auction is organized where the provider who can offer the lowest rate, wins. All the winning plans are simple, fixed-rate plans, 100% renewable with no hidden fees.

The Texas Power Switch then offers the winning plans to their participants, who can decide whether they'd like to accept or decline the offers. If they choose to accept, the group takes care of the switch.

The goal of this item is to present the program and for the Council to determine whether or not they would wish to participate and partner with the Texas Power Switch.

Fred Wu, Manager Customer Outreach, and Kelle Balch, Director Community Relations, presented.

- c. Presentation on Multiple-Family Residence, Serenity at the Square. (Director of Development Services Ross Altobelli)

Sahil Kurji, Anna Town Square Partners, LLC, provided a brief overview and update on their proposed multiple-family residence development and discussed concerns associated with the existing/proposed zoning within Anna Town Square.

- d. Update from Lee Lewis on the construction of City Hall. (Director of Public Works Greg Peters, P.E.)

Lee Lewis representative Bob Fullington gave a brief update on the new City Hall project.

6. **Consent Items.**

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

- a. Approve City Council Meeting Minutes for March 22, 2022, Meeting. (City Secretary Carrie Land)
- b. Review Boards and Commissions attendance for January 2022 through March 2022. (City Secretary Carrie Land)
- c. Review minutes of the March 7, 2022, Planning & Zoning Commission Meeting. (Director of Development Services Ross Altobelli)
- d. Approve a Resolution authorizing the City Manager to execute a renewal of a lease agreement for the placement of antennae on the existing City of Anna water tower at 3333 N. Powell Parkway by and between the City of Anna, Texas and Rise Broadband. (Director of Public Works Greg Peters, P.E.)

Rise Broadband requested lease space on the City of Anna water tower located on the north side of the Anna Public Works property last year. Staff coordinated

the contractual negotiation process with the City Attorney to prepare a formal agreement. Staff also worked with Rise Broadband to negotiate a proposed monthly lease rate of \$2,150.00 per month. In addition, Rise Broadband agrees to provide the City of Anna with wireless internet service in up to three locations of the City's choosing at no cost.

The final agreement represents eight months of discussion and negotiation. As such, staff feels that this is the best possible financial agreement the City can achieve in the lease partnership. The lease space will allow Rise Broadband to continue to provide Anna neighbors with access to telecommunications data, including internet service.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A TOWER LEASE AGREEMENT BY AND BETWEEN THE CITY OF ANNA, TEXAS, AND SKYBEAM, LLC, A COLORADO LIMITED LIABILITY CORPORATION DOING BUSINESS AS RISE BROADBAND, IN A FORM APPROVED BY THE CITY ATTORNEY, AS SHOWN IN EXHIBIT "A" ATTACHED HERETO, AND PROVIDING FOR AN EFFECTIVE DATE.

- e. Approve a Resolution authorizing the City Manager to execute an Impact Fee Reimbursement Agreement with Pulte Homes for Roadway and Water system improvements in Anna Crossing Phase 8. (Director of Public Works Greg Peters, P.E.)

Pulte Homes of Texas, LP is seeking to develop Phase 8 of Anna Crossing Subdivision with single family homes. As a part of the project, they will be constructing the following improvements:

- 1,772 linear feet of 2 lanes of concrete road in Leonard Avenue north of Finley Boulevard
- 610 linear feet of 2 lanes of concrete road in Finley Boulevard east of Leonard Avenue
- A 12" water main extension along both Leonard Avenue and Finley Boulevard

In accordance with prior Subdivision Improvement Agreements and Impact Fee Credit Agreements with the master developer, a significant portion of the roadway impact fees collected from Anna Crossing Phase 8 will be paid to the master developer for previous roadway improvements. The remaining roadway impact fees will be paid to Pulte Homes of Texas, LP.

Pulte Homes has commenced construction of the project and anticipates commencing construction of the roadway and water line improvements by the end of the year, as listed in the agreement.

This agreement is in line with the City Council's strategic goal of growth paying for growth. Staff recommends approval of the agreement, as it helps the City to extend two important major roadways to the north and east.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A WATER AND ROADWAY IMPACT FEE REIMBURSEMENT AGREEMENT BY AND BETWEEN THE CITY OF ANNA, TEXAS AND PULTE HOMES OF

TEXAS, LP, A TEXAS LIMITED PARTNERSHIP, FOR PUBLIC IMPROVEMENTS PERTAINING TO PHASE 8 OF ANNA CROSSING SUBDIVISION, AS SHOWN IN EXHIBIT "A" ATTACHED HERETO, AND PROVIDING FOR AN EFFECTIVE DATE.

- f. Approve a Resolution allocating \$3,716,789.23 in Coronavirus State and Local Fiscal Recovery Program funds toward the rehabilitation of water and wastewater infrastructure in Downtown Anna as a Capital Improvement Project. (Director of Public Works Greg Peters, P.E.)

The City of Anna will receive nearly \$3.8M in funding from the federal government through the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) program. This funding may be used for specific uses in the community. One of the approved uses is for the rehabilitation of public water and sewer mains.

The attached resolution is being recommended for approval as a formal document identifying the City's proposed use of the funds for utility rehabilitation. This will assist the Finance Department in setting the project and having the necessary documents to demonstrate to the federal government that the funding will be used appropriately and within the guidelines set forth for the use of the SLFRF funding.

There is another item on this agenda which will approve the necessary engineering analysis and design work associated with the project.

A RESOLUTION OF THE CITY OF ANNA, TEXAS AUTHORIZING THE USE OF THE CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS FOR REHABILITATION OF WATER AND SANITARY SEWER MAINS IN THE DOWNTOWN AREA OF THE CITY OF ANNA, TEXAS, AND PROVIDING FOR AN EFFECTIVE DATE.

- g. Approve a Resolution accepting a partial release of a Subdivision Improvement Agreement by and between Anna Crossing AMC, Ltd., and Anna Town Center No. 1 thru No. 7 and 40 PGE, Ltd. (Director of Public Works Greg Peters, P.E.)

The master developer has reached an agreement with Anna Crossing AMC, Ltd. to partially release them from existing agreements by and between the City of Anna and the master developer for improvements within the Anna Crossing subdivision.

Approval of this item will not reduce the obligations of the master developer and future developers to complete public improvements associated with the Anna Crossing neighborhood. The partial release is specifically being done to allow Anna Crossing AMC, Ltd. to be reimbursed roadway impact fees which the City will collect from their project for roadway improvements they plan to make, instead of the roadway impact fees being reimbursed to the master developer.

This item has been reviewed by the City Attorney and City staff. Staff finds no negative impact to the City of Anna, as all required public improvements will still be constructed with adjacent development as required by the City.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PARTIAL RELEASE OF A SUBDIVISION IMPROVEMENT AGREEMENT IN A FORM APPROVED BY THE CITY ATTORNEY, AS SHOWN IN EXHIBIT "A" ATTACHED HERETO, AND PROVIDING FOR AN EFFECTIVE DATE.

- h. Approve a Resolution regarding the Martinez Manor, Block A, Lot 1, Development Plat. (Director of Development Services Ross Altobelli)

Single-family residence and 3 accessory buildings on one lot on 5.0± acres located on the north side of Grasshopper Lane, 1,095± feet west of County Road 376. Located within the Extraterritorial Jurisdiction (ETJ).

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING MARTINEZ MANOR, BLOCK A, LOT 1, DEVELOPMENT PLAT

- i. Approve a Resolution regarding the Anna Ranch, Phase 1B, Final Plat. (Director of Development Services Ross Altobelli)

83 Single-family dwelling, detached lots and 5 common area lots on 25.4± acres located on the east side of Leonard Avenue, 985± feet south of Sharp Street. Zoned: Planned Development-Single-Family Residence-60 (Ord. No. 323-2007).

The purpose of the final plat is to dedicate rights-of-way, lot and block boundaries, and easements necessary for the single-family residential development.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING ANNA RANCH, PHASE 1B, FINAL PLAT.

- j. Approve a Resolution regarding the Coyote Meadows, Phase 1A, Final Plat. (Director of Development Services Ross Altobelli)

61 Single-family dwelling, detached lots, 103 single-family dwelling, attached lots, and 5 common area lots on 41.7± acres located on the south side of Rosamond Parkway, 245± feet east of State Highway 5. Zoned: Planned Development-Single-Family Residence-60/Single-Family Residence – Zero Lot Line Homes/Townhome District (PD-SF-60/SF-Z/SF-TH) (Ord. No. 957-2022).

The purpose of the final plat is to dedicate rights-of-way, lot and block boundaries, and easements necessary for the single-family residential development.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING CITY OF COYOTE MEADOWS, PHASE 1A, FINAL PLAT.

- k. Approve a Resolution regarding the Arden Park, Preliminary Plat. (Director of Development Services Ross Altobelli)

88 single-family dwelling, detached lots, 53 single-family dwelling, attached lots, 5 common area lots, and 2 restricted commercial lots on 28.0± acres located at the southwest corner of W. White Street and Slater Creek Road. Zoned: C-1 Restricted Commercial (C-1), SF-Z Single-Family Residence District – Zero Lot Line Homes (SF-Z), and Planned Development-SF-TH Townhome District (PD-SF-TH) (Ord. No. 961-2022).

The purpose for the Preliminary Plat is to propose rights-of-way, lot and block boundaries, and easements necessary for the creation of a single-family, detached and attached, residential development and restricted commercial development.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING ARDEN PARK, PRELIMINARY PLAT.

- l. Approve a Resolution regarding the Canvas at Anna, Block A, Lot 1, Preliminary Plat. (Director of Development Services Ross Altobelli)

One multiple-family dwelling lot on 17.5± acres located at the northwest corner of E. Foster Crossing and Leonard Avenue. Located in the Extraterritorial Jurisdiction.

The purpose for the Preliminary Plat is to propose rights-of-way, lot and block boundaries, and easements necessary for the creation of a multiple-family residential development.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING CANVAS AT ANNA, BLOCK A, LOT 1, PRELIMINARY PLAT.

- m. Approve a Resolution authorizing the City Manager to execute a contract (with two, one year options for renewal) with Pyro Shows of Texas for the 2022-2024 Independence Day Celebration (Boots and Booms) and Christmas Tree Lighting Firework shows. (Director of Neighborhood Services Marc Marchand)

Included in the bid are the following: A high aerial fireworks show that will take place at Slayter Creek Park, 425 W Rosamond Pkwy, on June 25, 2022, at approximately 9:30 PM as part of an Independence Day (Boots and Booms) celebration. The show will be 18 minutes in length and choreographed to patriotic/American music.

A low aerial fireworks show that will take place at the tentative location of Sherley Heritage Park, 101 S Sherley Ave, on December 3, 2022, at approximately 6:00 PM as part of a Christmas tree-lighting event. The show will be 8 minutes in length and choreographed to Christmas music.

For both shows, the bidder will be responsible for the soundtrack as well as

complete fireworks setup and show execution. Bidder is also responsible for obtaining all required permits, general liability, and automobile insurance. All pyrotechnician labor shall be performed by trained, insured and licensed technicians and workers' compensation insurance provided as required by state and federal law. The execution of the show must be BATFE and FAA compliant. Bidder must meet with City safety officials prior to the event as necessary.

This is a one-year contract with two one-year renewal options.

The recommended awardee of the bid is Pyro Shows of Texas out of Fort Worth, TX with a bid of \$111,000, if all renewal options are exercised. The bids from the two remaining bidders were \$99,000 and \$103,800. Pyro Shows of Texas was the best value of bidders. When applying the following weighted criteria, Pyro Shows scored 94 out of 100 while the two remaining bidders scored 82.1 and 71.6. The criteria are as follows: price of the contract (50%), shell count (25%), experience of the bidder with similar work (15%) and history of the bidder with the city (10%).

The Price of the Contract criteria was calculated by awarding the 50 total points to the lowest bidder and taking the percentage difference from the lowest bid and applying the percentage difference to the 50 total criteria points for the remaining bidders (i.e. \$111,000 is a difference of 12.1% (\$12,000) from the lowest bid amount of \$99,000. The 50 total possible criteria points is then multiplied by the difference of 12.1% to receive a score of 44 criteria points.

Price of Contract Criteria

	Pyro Shows	Bidder B	Bidder C
Price	\$111,000.00	\$103,800.00	\$99,000.00
Difference from Lowest	\$ 12,000.00	\$ 4,800.00	\$ -
% Difference from the lowest bidder	12.1%	4.8%	0.0%
% difference deducted from criteria % (50)	44	47.6	50.0

Using the same application as the "Contract Price" criteria, the "Shell Count Criteria" was calculated by awarding the bidder with the highest shell count and taking the percentage difference from the highest shell count bid and applying the percentage difference to the 25 total criteria points for the remaining bidders.

Shell Count Criteria

	Pyro Shows	Bidder B	Bidder C
Shell Count	4930	0*	1592
Difference from Highest	0	4930	3338
% Difference from Highest	0	100%	67.7%
% deducted from criteria % (25)	25	0	8.1

*Note: Bidder B did not provide a shell count as "due to widespread industry manipulation of firework shell counts as well as their relative insignificance to overall display quality, "Bidder B" Fireworks does not produce shell counts until the show design is complete."

For the "Experience of the Bidder with Similar Work Criteria", all three bidders received the maximum score of 15 as they all displayed similar and comparable experience.

For the "History of the Bidder with the City of Anna" criteria, a 1 point deduction was applied if the experience was with an organization within the city but not the City of Anna.

Below are the results of each bidders' individual criteria scores and total scores.

	Pyro Shows	Bidder B	Bidder C
Price (50%)	44	47.6	50.0
Shell Count (25%)	25.0	0.0	8.1
Experience of the Bidder with Similar Work (15%)	15.0	15.0	15.0
History of the Bidder with the City of Anna (10%)	10.0	9.0	9.0
TOTAL SCORE OUT OF 100	94	71.6	82.1

A RESOLUTION OF THE CITY OF ANNA, TEXAS, APPROVING A CONTRACT WITH PYRO SHOWS OF TEXAS FOR A CONTRACT (WITH TWO, ONE YEAR OPTIONS FOR RENEWAL) FOR THE 2022-2024 INDEPENDENCE DAY CELEBRATIONS (BOOTS AND BOOMS) AND CHRISTMAS TREE LIGHTING FIREWORK SHOWS.

7. **Items For Individual Consideration.**

- a. Consider/Discuss/Action on an Ordinance establishing a Stormwater Utility Fee for the City of Anna. (Director of Public Works Greg Peters, P.E.)

The City of Anna has been working with a consulting engineer to develop the necessary analysis and studies to recommend the creation of a stormwater fee in the City of Anna, Texas, to fund the costs of stormwater management activities in the City. The proposed fees would only be used on stormwater maintenance and improvements in the City, including the maintenance of drainage systems, replacement of undersized and inadequate storm systems, and the improvement of flood prone areas.

Currently, the City of Anna only has a budget of \$20,000/year for stormwater projects. This does not fund any staff or equipment, and only allows for 1 or 2 very small maintenance projects to be done each year.

Most cities in DFW fund their stormwater programs through a monthly fee which is included in the water bill.

Staff is proposing a rate of \$3.20/month for single family and \$10.94/acre/month for non-residential properties. Staff is also proposing for the rate to not go into effect until the October billing cycle. The proposed fee would be added to the monthly utility bills. Undeveloped properties, State and Federal lands, and properties in the ETJ are exempt from the fee.

Funding the stormwater utility will allow the City to complete many needed maintenance and improvement projects throughout the City. As more non-

residential development comes into the City, these larger developments would fund their fair share through the higher rate, as they generate more stormwater runoff than residential properties.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS, LEVYING SURFACE WATER DRAINAGE UTILITY SYSTEM CHARGE AND AMENDING THE ANNA CITY CODE OF ORDINANCES TO ADD A NEW SECTION A6.015 TO ARTICLE A6.000 (UTILITY FEES), SAID NEW SECTION ESTABLISHING THE CITY OF ANNA'S DRAINAGE UTILITY SYSTEM CHARGES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER AND AN EFFECTIVE DATE.

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

- b. Consider/Discuss/Action on an Ordinance creating a Stormwater Utility for the City of Anna. (Director of Public Works Greg Peters, P.E.)

Over the past two years the City of Anna has worked with a consultant to develop the necessary analysis and engineering studies required to identify the need for a Stormwater Utility in the City.

In accordance with State Law, the City of Anna has the authority to establish a Stormwater Utility for the City, which is responsible for the improvement and maintenance of public drainage ways. The attached Ordinance was prepared by the City Attorney with assistance from City staff. Per the recommendation of the City Attorney and legal requirements, a copy of the proposed Ordinance was advertised in the Anna-Melissa Tribune over the past month.

The Stormwater Utility Report, prepared by the City's consulting engineer Birkhoff, Hendricks, & Carter, is attached as Exhibit A. The report includes key information on the existing and future stormwater systems throughout the City of Anna, including both natural and man-made drainage ways. This report was used to confirm the need for a Stormwater Utility, and to help identify the scope of services the proposed utility will encompass.

Approval of this item will establish a Stormwater Utility, but it does not identify any funding or fees to fund staff, equipment, or capital projects. A companion item on this agenda includes the financial and rate structures which staff is proposing for Council consideration and approval.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS, AMENDING THE ANNA CITY CODE OF ORDINANCES TO ADD A NEW ARTICLE 12.09 TO CHAPTER 12 (UTILITIES), SAID NEW ARTICLE ESTABLISHING THE CITY OF ANNA'S DRAINAGE UTILITY SYSTEM AND ITS SERVICE AREA; DEDICATING CITY ASSETS TO THE DRAINAGE UTILITY SYSTEM, AND ADOPTING RELATED REGULATIONS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER AND AN EFFECTIVE DATE.

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

- c. Consider approval of a Resolution authorizing the City Manager to execute a professional services agreement with Grantham & Associates for engineering

design of the utility rehabilitation of Downtown Anna. (Director of Public Works Greg Peters, P.E.)

The City of Anna will receive approximately \$3.8M in funds from the Federal government in the form of Coronavirus State and Local Fiscal Recovery Funds (SLFRF). These funds are required to be spent on specific types of projects due to the federal source of the money. One of the primary approved uses for the funding is for the rehabilitation of public water and sewer utilities.

Downtown Anna has many segments of old, undersized water mains which serve existing homes and businesses. These mains are past their service life and should be replaced with modern systems which can adequately provide water and sewer to the area. The re-development of our downtown is a major strategic goal of the City Council and was identified as a top priority in the City's Strategic Plan. This project will significantly improve public utilities for existing Anna Neighbors and businesses downtown and will help to kick-start re-development of the downtown area.

Staff utilized the list of approved consulting engineering firms for the category of water and sewer collection & distribution design to select a qualified firm to complete the analysis and design of this key project. Grantham & Associates was selected in the category, and has the experience, expertise, and staff needed to complete the project at a high level.

The City worked with Grantham & Associates to develop a project scope for the Downtown Anna Utility Rehabilitation project, which is attached to the Resolution. The anticipated project schedule is attached as an exhibit. In addition, a downtown plan showing the project area is attached. The exhibit shows proposed future paving improvements - which require proposed water and sewer rehabilitation prior to paving taking place. Staff recommends approval of this item and will work with the consultant to kick the project off if approved by the City Council.

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 GRANTHAM & ASSOCIATES FOR THE DOWNTOWN UTILITY REHABILITATION PROJECT, AS SHOWN IN EXHIBIT "A" ATTACHED HERETO, AND PROVIDING FOR AN EFFECTIVE DATE.

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

- d. Consider approval of a Resolution authorizing the City Manager to execute a contract by and between the City of Anna and Chambers Grove Municipal Utility District No. 1 for the City of Anna to provide wholesale treatment of residential wastewater. (Director of Public Works Greg Peters, P.E.)

Chambers Grove Municipal Utility District No. 1 is a newly formed MUD in the Extraterritorial Jurisdiction of the City of Anna, Texas. The landowner and developer of the MUD are seeking to enter into an agreement for the City of Anna to provide wholesale wastewater treatment for the MUD, at the proposed Hurricane Creek Wastewater Treatment Plant.

Due to the timing of the land purchase and initiation of development, the MUD has requested the City to move forward with this agreement while the final wholesale rates are still being determined. City staff will return to the City Council with final rate recommendations, which will be incorporated into this contract once approved by the Council.

Staff recommends approval of this item, as the City is actively seeking to provide a regional solution for wastewater treatment in our area. The attached agreement meets that goal and allows the City of Anna to partner with the MUD to spread treatment costs across a larger swath of rate payers.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR WHOLESALE WASTEWATER TREATMENT BY AND BETWEEN THE CITY OF ANNA, TEXAS AND CHAMBERS GROVE MUNICIPAL UTILITY DISTRICT NO. 1, IN A FORM APPROVED BY THE CITY ATTORNEY, AS SHOWN IN EXHIBIT "A" ATTACHED HERETO, AND PROVIDING FOR AN EFFECTIVE DATE.

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

- e. Consider/Discuss/Action on a Resolution entering into a Development Agreement with Anna 31 Retail, LP, to establish development timelines and design regulations for a multiple-family residence development on 15.4± acres located on the east and west sides of Throckmorton Boulevard, 370± feet south of W. White Street (FM 455). (Director of Development Services Ross Altobelli)

The intent of the development agreement is to ensure the use of high quality, durable materials for nonresidential and residential development within the City to create well-designed and attractive architecture. Additionally, the development agreement includes development deadlines associated with the construction of the property.

Approving the development agreement in no way puts an obligation on the City Council to approve the zoning amendment. It only puts in place construction deadlines and development and design regulations should the decision be made to approve the zoning amendment request.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A DEVELOPMENT AGREEMENT WITH ANNA 31 RETAIL, LP, RELATING TO DEVELOPMENT AND DESIGN REGULATIONS FOR MULTIPLE-FAMILY RESIDENCE DEVELOPMENT GENERALLY LOCATED ON THE EAST AND WEST SIDE OF THROCKMORTON BOULEVARD, 370± FEET SOUTH OF W. WHITE STREET (FM 455).

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

- f. Conduct a Public Hearing/Consider/Discuss/Action on an Ordinance to rezone 15.4± acres located on the east and west sides of Throckmorton Boulevard, 370± feet south of W White Street (FM 455) from C-2 General Commercial to

Planned Development-MF-2 Multiple-Family Residential – High Density.
(Director of Development Services Ross Altobelli)

The applicant is proposing multiple-family zoning and design standards that would allow for a development layout that would support three- and four-story buildings with, one-, two-, and three-bedroom units.

A Planned Development (PD) district is intended to provide for combining and mixing of uses allowed in various districts with appropriate regulations and to permit flexibility in the use and design of land and buildings in situations where modification of specific provisions of this article is not contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the community. A PD district may be used to permit new and innovative concepts in land utilization. While great flexibility is given to provide special restrictions which will allow development not otherwise permitted, procedures are established herein to insure against misuse of the increased flexibility.

Surrounding Land Uses and Zoning

North - Retail and restaurant lot and vacant land zoned C-2 General Commercial
East - Common area lot zoned C-2 General Commercial
South - Vacant land zoned Planned Development-C-1 Restricted Commercial
West - Restaurant and vacant land zoned C-2 General Commercial

Proposed Planned Development Stipulations

The requested zoning is PD-MF-2. This Planned Development is to allow for a high-density, multiple-family residence.

Maximum height - The MF-2 base zoning only allows for two-story apartments with a maximum height of 45 feet.

— The applicant is proposing both 3 and 4-story building designs that will have a maximum height of 60 feet.

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 to reduce the required parking for studio and one-bedroom units from two (2) spaces per unit to one and a half (1.5) spaces per unit.

— The applicant is requesting to reduce the required covered parking 75% to 50%.

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.

— The applicant is requesting to install a six-foot-high ornamental metal fence

with masonry columns and landscaping.

— The applicant is proposing to allow the required screening within the front yard setback along Throckmorton Boulevard and to set back the screening and fencing from the northern property line to create a walkable environment along the access easement.

Open Space – The applicant is requesting to count regional detention towards overall open space provided. The regional detention lot (Anna Retail, Block B, Lot 1) is identified as a location for a Hike/Bike trail on the Parks Master Plan.

Refuse Facilities - The applicant is proposing to utilize a trash compactor and trash chute for buildings exceeding 24 units. The buildings with 24 or less units will be serviced by refuse facilities per the Zoning Ordinance.

Future Land Use Plan

The Future Land Use Plan designates this property as Community Commercial (CC). Community Commercial development is typically characterized by small, freestanding buildings containing one or more businesses. Unlike larger shopping centers that may attract regional customers, Community Commercial developments primarily provide services for neighbors of surrounding neighborhoods. Business types may include restaurants, local retail, medical offices, banks and other retail and services.

SUMMARY:

The applicant has submitted a rezoning request to allow multiple-family residences with modified development standards.

Mayor Pike opened the Public Hearing at 9:06 PM.

There were no comments from the public.

Mayor Pike closed the Public Hearing at 9:06 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: Council Member Toten moved to approve. Council Member Vollmer seconded. Motion carried 6-1. Council Member Ussery opposed.

- g. Consider/Discuss/Action on a Resolution regarding the Anna Retail Addition, Block A, Lots 3R, 6, 7, 8, 9 and Block B, Lot 1, Concept Plan. (Director of Development Services Ross Altobelli)

Multiple-family residential lot, common area lot, and four commercial lots

on 25.7± acres located on the east and west sides of Throckmorton Boulevard, 370± feet south of W. White Street (FM 455). Zoned: C-2 General Commercial.

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 and commercial development and related site improvements.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A CONCEPT PLAN FOR ANNA RETAIL ADDITION, BLOCK A, LOTS 3R, 6, 7, 8, 9 AND BLOCK B, LOT 1.

MOTION: Mayor Pike moved to approve. Council Member Miller seconded. Motion carried 6-1. Council Member Ussery opposed.

- h. Conduct an initial Public Hearing on the adoption of the Juvenile Curfew Ordinance as required by Local Government Code 370.002. (Police Chief Dean Habel)

Texas Local Government Code 370.002 requires public hearings for the renewal/adoption of a Juvenile Curfew Ordinance every three years. The verbiage has not changed from the existing Juvenile Curfew Ordinance.

Mayor Pike opened the Public Hearing at 9:08 PM.

There were no comments from the public.

Mayor Pike closed the Public Hearing at 9:08 PM.

- i. Conduct a second Public Hearing on the adoption of the Juvenile Curfew Ordinance as required by Local Government Code 370.002. (Police Chief Dean Habel)

Mayor Pike opened the Public Hearing at 9:08 PM.

There were no comments from the public.

Mayor Pike closed the Public Hearing at 9:08 PM.

- j. Consider/Discuss/Action on the adoption of the Juvenile Curfew Ordinance as required by Local Government Code 370.002. (Police Chief Dean Habel)

Texas Local Government Code 370.002 requires a municipality to conduct public hearings every three years if it chooses to renew/adopt a Juvenile Curfew Ordinance. The current ordinance expired on April 9, 2022, and requires council action for renewal. There were some very minor changes to the verbiage in the ordinance.

AN ORDINANCE OF THE CITY OF ANNA, TEXAS, ESTABLISHING A NEW CURFEW FOR MINORS; DEFINING TERMS; CREATING OFFENSES FOR MINORS, PARENTS AND GUARDIANS OF MINORS, AND BUSINESS ESTABLISHMENTS VIOLATING CURFEW REGULATIONS; PROVIDING DEFENSES; PROVIDING FOR ENFORCEMENT BY THE POLICE DEPARTMENT; PROVIDING FOR WAIVER BY THE MUNICIPAL COURT OF

JURISDICTION OVER A MINOR WHEN REQUIRED UNDER THE TEXAS FAMILY CODE; PROVIDING FOR REVIEW OF THIS ORDINANCE WITHIN THREE YEARS AFTER THE DATE OF INITIAL ENFORCEMENT; PROVIDING A PENALTY NOT TO EXCEED \$500; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

MOTION: Council Member Toten moved to approve. Council Member Vollmer seconded. Motion carried 5-2. Council Member Miller and Council Member Atchley opposed.

- k. Conduct a Public Hearing and Consider/Discuss/Action on a Resolution regarding the creation of the Crystal Park Public Improvement District and ordering public improvements to be made for the benefit of such district. (Director of Economic Development Joey Grisham)

The next steps in the creation of the Crystal Park Improvement District are: conducting a Public Hearing and consideration of a Resolution creating the PID. A petition to establish the PID was received by the City Secretary on March 1st. Crystal Park is a 361-acre mixed-use project being developed by Bloomfield Homes.

Mayor Pike opened the Public Hearing at 9:24 PM.

There were no comments from the public.

Mayor Pike closed the Public Hearing at 9:24 PM.

A RESOLUTION REGARDING THE CREATION OF THE CRYSTAL PARK PUBLIC IMPROVEMENT DISTRICT AND ORDERING PUBLIC IMPROVEMENTS TO BE MADE FOR THE BENEFIT OF SUCH DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND CONTAINING OTHER MATTERS RELATING TO THE SUBJECT.

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

- l. Conduct a Public Hearing and Consider/Discuss/Action on a Resolution regarding the creation of the AnaCapri Public Improvement District and ordering public improvements to be made for the benefit of such district. (Director of Economic Development Joey Grisham)

Mayor Pike recused himself from Item l. and left the meeting at 9:24 PM.

The next steps in the creation of the AnaCapri Public Improvement District are: conducting a Public Hearing and consideration of a Resolution creating the PID. A petition to establish the PID was received by the City Secretary on February 15th. AnaCapri is a 285-acre development that will include a 2.3-acre crystal lagoon, multifamily units, single-family lots, and commercial.

Mayor Pro Tem Miller opened the Public Hearing at 9:27 PM.

There were no comments from the public.

Mayor Pro Tem Miller closed the Public Hearing at 9:27 PM.

A RESOLUTION REGARDING THE CREATION OF THE ANACAPRI PUBLIC IMPROVEMENT DISTRICT AND ORDERING PUBLIC IMPROVEMENTS TO BE MADE FOR THE BENEFIT OF SUCH DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND CONTAINING OTHER MATTERS RELATING TO THE SUBJECT.

MOTION: Council Member Carver moved to approve. Council Member Totten seconded. Motion carried 6-1. Mayor Pike abstained.

- m. Consider/Discuss/Action on a Resolution entering into a Development Agreement with PC5 Properties, LLC, for the Anna Business Park. (Director of Economic Development Joey Grisham)

This Agreement sets building standards for the Anna Business Park.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A DEVELOPMENT AGREEMENT WITH PC5 PROPERTIES, LLC.

MOTION: Council Member Miller moved to approve. Council Member Vollmer seconded. Motion carried 6-0 (Mayor Pike left the meeting at 9:24 PM).

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). Public Facilities; potential conflict waiver
- 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). Boards and Commissions, GTUA Board of Directors.

MOTION: Mayor Pro Tem Miller moved to enter Closed Session. Council Member Totten seconded. Motion carried 6-0 (Mayor Pike left the meeting at 9:24 PM).

Mayor Pro Tem Miller recessed the meeting at 9:30 PM.

Mayor Pro Tem Miller reconvened the meeting at 9:57 PM.

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.

Council Member Carver moved that the Mayor is granted the authority on behalf of the City Council to sign a waiver-of-conflict letter regarding City of Anna and City of Bells legal representation. Mayor Pro Tem Miller seconded. Motion carried 6-0 (Mayor Pike left the meeting at 9:24 PM).

10. **Adjourn.**

Mayor Pro Tem Miller adjourned the meeting at 10:03 PM.

Approved on April 26, 2022.



Mayor Nate Pike

ATTEST:


City Secretary Carrie L. Land