

**Regular City Council Meeting
Meeting Minutes**



Tuesday, September 13, 2022 @ 6:30 PM

**Anna Municipal Complex, Council Chambers
120 W. 7th Street, Anna, TX 75409**

The City Council of the City of Anna will meet at 6:30 PM, on September 13, 2022, at the Anna Municipal Complex, Council Chambers, located at 120 W. 7th Street, 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 Council Members were present.

2. Invocation and Pledge of Allegiance.

Mayor Pike led the Invocation and Pledge of Allegiance.

3. Neighbor Comments.

Alan Guard presented City Manager, Jim Proce, with a poster for his 40 years of municipal service.

4. Reports.

- a. Report on September 6, 2022 Diversity and Inclusion Advisory Commission meeting (Assistant to the City Manager Kimberly Winarski).

The purpose of this item is to give the Anna City Council routine updates on business from the Diversity and Inclusion Advisory Commission meetings.

- b. Recognition of City-County Communications & Marketing Association (3CMA) Savvy Award.

The Savvy Awards competition recognizes outstanding local government achievements in communications, public-sector marketing and citizen-government relationships. The Savvies salute skilled and effective city, county, agency or district professionals who have creatively planned and carried out successful innovations in communications and marketing. Each year, the

number of entries in 3CMA's Savvy Awards competition increases in quality, array and scope of programs submitted. The program reflects the growing skills of communication and marketing professionals, as more local governments and agencies embrace and employ the concepts of enhanced marketing and communication with residents.

- c. City's Investment Policy Certified (Finance Director Alan Guard)

The Government Treasurers' Organization of Texas (GTOT) awarded the Certificate of Distinction to the City of Anna for its Investment Policy. This is the second year the City has received this recognition.

- d. Notification of Bond Rating Agency results (Finance Director Alan Guard)

Moody's affirmed the Aa2 rating and S&P provided an equivalent Aa, and both ratings came with a Stable Outlook. These strong ratings will be used by investors when they bid on the Series 2022 General Obligation Bonds and Certificates of Obligation.

- e. Report on Fall recreation programs and the upcoming Annafest.

5. **Consent Items.**

Item l. was removed from the Consent Agenda.

MOTION: Council Member Miller moved to approve consent items a - k and m - q.. Council Member Atchley seconded. Motion carried 7-0.

MOTION: Council Member Miller moved to enter closed session. Council Member Carver seconded. Motion carried 7-0.

Mayor Pike recessed the meeting at 7:05 PM.

Mayor Pike recused himself during the closed session.

Mayor Pro Tem Miller reconvened the meeting.

- a. Approve the City Council Meeting Minutes for August 23, 2022. (City Secretary Carrie Land)
- b. Review Minutes from the July 7, 2022 and August 2, 2022 Diversity and Inclusion Advisory Commission Meetings. (Assistant to the City Manager Kimberly Winarski)
- c. Review Minutes of the July 5, 2022 and the August 1, 2022 Planning & Zoning

Commission Meetings. (Director of Development Services Ross Altobelli)

- d. Approve a Resolution approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the company's 2022 Rate Review Mechanism filing. (City Manager Jim Proce)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2022 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHMENT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL.

- e. Approve a Resolution regarding The H.M. Estates, Block A, Lot 1, Development Plat. (Director of Development Services Ross Altobelli)

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

- f. Approve a Resolution regarding The Melgar Estates, Block A, Lot 1, Development Plat. (Director of Development Services Ross Altobelli)

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

- g. Approve a Resolution regarding the J & T Moore Addition, Block A, Lots 1 & 2, Final Plat. (Director of Development Services Ross Altobelli)

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING J & T MOORE ADDITION, BLOCK A, LOTS 1 & 2, FINAL PLAT

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

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

- i. Approve a Resolution regarding the Anna 455 Addition, Block A, Lot 6, Site Plan. (Director of Development Services Ross Altobelli)

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING ANNA 455 ADDITION, BLOCK A, LOT 6, SITE PLAN.

- j. Approve a Resolution regarding the Anna Crossing, Phase 10, Preliminary Plat. (Director of Development Services Ross Altobelli)

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING ANNA CROSSING, PHASE 10, PRELIMINARY PLAT.

- k. Approve a Resolution regarding the Strickland Brothers Center Addition, Block A, Lots 1-3, Preliminary Plat. (Director of Development Services Ross Altobelli)

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING STRICKLAND BROTHERS CENTER ADDITION, BLOCK A, LOTS 1-3, PRELIMINARY PLAT.

- l. Approve a Resolution regarding the Anacapri Laguna, Block A, Lots 1 & 3, Site Plan. (Director of Development Services Ross Altobelli)

Mayor Pike recused himself.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING ANACAPRI LAGUNA, BLOCK A, LOTS 1 & 3, SITE PLAN.

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

- m. Approve a Resolution regarding the Anna Ranch, Phase 1B, Block P, Lot 1X, Site Plan. (Director of Development Services Ross Altobelli)

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING ANNA RANCH, PHASE 1B, BLOCK P, LOT 1X, SITE PLAN.

- n. Approve a Resolution regarding the Villages of Waters Creek, Block B, Lot 1, Site Plan. (Director of Development Services Ross Altobelli)

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING VILLAGES OF WATERS CREEK, BLOCK B, LOT 1, SITE PLAN.

- o. Approve Resolution approving extension of the Agreement with Collin County for Animal Sheltering Services. (Code Compliance Kevin Martin)

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING EXTENSION

OF THE AGREEMENTS WITH COLLIN COUNTY FOR ANIMAL SHELTERING SERVICES.

- p. Approve Resolution approving extension of the Agreement with Collin County for Animal Control Services. (Code Compliance Kevin Martin)

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING EXTENSION OF THE AGREEMENTS WITH COLLIN COUNTY FOR ANIMAL CONTROL SERVICES.

- q. Approve a Resolution Amending the City of Anna Personnel Policy Manual Regarding Fire Department Holiday Worked Pay (Alan Guard / Stephanie Beitelschies)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, COLLIN COUNTY, TEXAS, APPROVING AMENDMENTS TO THE CITY OF ANNA PERSONNEL POLICY MANUAL.

6. Items For Individual Consideration.

- a. Conduct a Public Hearing on levying of assessments in Improvement Area #2 of the Anacapi Public Improvement District and Consider/Discuss/Action on adoption of an Ordinance of the City Council of the City of Anna, Texas accepting and approving a Service and Assessment Plan and Assessment Rolls for the Anacapi Public Improvement District; making a finding of special benefit to the property in the District; levying special Assessments against property within the District and establishing a lien on such property; providing for the method of assessment and the payment of the Assessments in accordance with Chapter 372, Texas Local Government Code, as amended, providing penalties and interest on delinquent Assessments, providing for severability, and providing an effective date. (Director of Economic Development Joey Grisham)

Mayor Pike had recused himself.

This item includes a Public Hearing and the corresponding Ordinance to be adopted related to the Service and Assessment Plan (SAP) for the Anacapi Public Improvement District and the levying of assessments for Improvement Area #2.

Mayor Pro Tem Miller opened the public hearing at 8:16 PM.

No public comments were given.

Mayor Pro Tem Miller closed the public hearing at 8:17 PM.

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

- b. Consider/Discuss/Action on a Resolution authorizing the City Manager to

execute a design/build contract with Kraftsman Commercial Playgrounds & Waterparks for work associated with the renovation of the splash pad at Slayter Creek Park. (Park Planning and Development Manager Dalan Walker, RLA).

Mayor Pike re-entered the meeting.

The project cost is \$2.5 million. Ongoing maintenance including labor, testing and chemicals will be required. However, the new splash pad will require less staff time to maintain than has been expended over the past several years.

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

- c. Discuss/Consider/Approve a Resolution authorizing the City Manager to execute a professional services agreement with Kimley-Horn and Associates for the design of temporary treatment systems at the Hurricane Creek Wastewater Treatment Plant which will be utilized as permanent rehabilitation and upgrades at the John R. Geren Wastewater Treatment Plant (Director of Public Works Greg Peters, P.E.)

The City is moving forward with the design of the Hurricane Creek Regional Wastewater Treatment Plant. Based on the growth of the community, the City is planning for the likely event that it will make sense to have a temporary small treatment plant in place while the 4 Million Gallon treatment facility in Phase 1 is under construction. The City is seeking to design any temporary treatment facilities such that they can be moved over to permanent treatment facilities at the John R. Geren Wastewater Treatment Plant.

The existing John R., Geren Wastewater Treatment Plant (formerly Slayter Creek WWTP), is an older treatment facility which is in need of significant rehabilitation. The temporary treatment facilities used at the Hurricane Creek Plant would be of a size to be able to completely replace a significant portion of the existing facilities at the John R. Geren WWTP. In this way, the City would not lose money through implementing temporary treatment - as the facilities would replace aging equipment which is already identified for replacement over the next 5 years.

Staff believes this effort will address two needs with one project - providing the quick sewer treatment needed west of US 75, and replacing equipment at the John R. Geren WWTP which will require replacement in the very near future. As such, staff recommends approval of the design and planning scope as presented.

The total cost is anticipated to be \$185,000. The funding source will be Wastewater Impact Fees.

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

- d. Consider all matters incidental and related to the Greater Texoma Utility Authority Contract Revenue Bonds, Series 2022 (Collin/Grayson Water

Transmission Project), including the adoption of an ordinance approving the execution of a Contract of Indemnification in connection therewith. (Director of Public Works Greg Peters, P.E.)

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

- e. Discuss/Consider/Approve an Ordinance authorizing the City Manager to execute a Contract of Indemnification with the Greater Texoma Utility Authority for the issuance of Revenue Bonds for the Collin/Grayson Water Transmission Project in a form approved by the City Attorney. (Director of Public Works Greg Peters, P.E.)

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

- f. Consider/Discuss/Action of an Ordinance authorizing the issuance and sale of City of Anna, Texas Combination Tax and Revenue Certificates of Obligation, Series 2022; Levying an annual ad valorem tax and providing for the security for and payment of said Certificates of Obligation; approving an Official Statement; and enacting other provisions relating to the subject. (Finance Director Alan Guard)

Mayor Pike had recused himself.

These Certificates of Obligation will be used to pay for design and construction of the Hurricane Creek Wastewater Treatment Plant. A variety of funding sources will be used to repay this debt including impact fees and wastewater rates charged to our retail customers.

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

- g. Consider/Discuss/Action of an Ordinance authorizing the issuance and sale of City of Anna, Texas General Obligation Bonds, Series 2022; levying an annual ad valorem tax and providing for the security for and payment of said Bonds; approving an Official Statement; and enacting other provisions relating to the subject. (Finance Director Alan Guard)

Mayor Pike had recused himself.

This bond sale is for the completion of the fire station, initial construction of the library/community center, and construction of parks and recreation facilities. The total amount of the sale is approximately \$34 million.

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

- h. First Reading of a Resolution approving the Fiscal Year 2022-2023 Anna

Community Development Corporation Annual Budget. (Director of Economic Development Joey Grisham)

A RESOLUTION OF THE CITY OF ANNA, TEXAS RATIFYING AND APPROVING THE FISCAL YEAR 2022-2023 BUDGET FOR THE ANNA COMMUNITY DEVELOPMENT CORPORATION; AND PROVIDING AN EFFECTIVE DATE.

- i. Second Reading of a Resolution approving the Fiscal Year 2022-2023 Anna Community Development Corporation Annual Budget. (Director of Economic Development Joey Grisham)

A RESOLUTION OF THE CITY OF ANNA, TEXAS RATIFYING AND APPROVING THE FISCAL YEAR 2022-2023 BUDGET FOR THE ANNA COMMUNITY DEVELOPMENT CORPORATION; AND PROVIDING AN EFFECTIVE DATE.

- j. Consider/Discuss/Action on a Resolution approving the Fiscal Year 2022-2023 Anna Community Development Corporation Annual Budget. (Director of Economic Development Joey Grisham)

Staff proposed a \$2,922,673 FY 2023 Budget, and it was approved by the CDC Board on July 21, 2022. Sales tax revenues remain strong, giving the CDC more funding for projects. The FY 2023 Budget is focused heavily on the Downtown Master Plan implementation and continuing to attract new businesses and developments to Anna.

A RESOLUTION OF THE CITY OF ANNA, TEXAS RATIFYING AND APPROVING THE FISCAL YEAR 2022-2023 BUDGET FOR THE ANNA COMMUNITY DEVELOPMENT CORPORATION; AND PROVIDING AN EFFECTIVE DATE.

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

- k. Consider/Discuss/Action on a Resolution approving the Fiscal Year 2022-2023 Anna Economic Development Corporation Annual Budget. (Director of Economic Development Joey Grisham)

Staff proposed a \$786,350 Annual EDC Budget for FY 2023, and it was approved by the EDC Board on July 21, 2022. Most of the EDC funds will be used for the implementation of an Economic Development Grant Program for Anna Businesses.

A RESOLUTION OF THE CITY OF ANNA, TEXAS RATIFYING AND APPROVING THE FISCAL YEAR 2022-2023 BUDGET FOR THE ANNA ECONOMIC DEVELOPMENT CORPORATION; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Mayor Pro Tem Miller moved to approve. Council Member Toten

seconded. Motion carried 7-0.

- I. Consider/Discuss/Action approving an Ordinance adopting the FY2023 Budget. (City Manager Jim Proce)

Fund	Amount
General Fund	\$19,743,279
Debt Service Fund	3,464,186
Utility Fund	14,425,479
Grant Fund	-
Special Revenue Fund	11,125
Park Development Fund	2,662,294
Fire Capital Fund	-
Seizure Fund	-
Community Development Corporation	2,922,532
Economic Development Corporation	786,350
Community Investment Program	73,140,000
Total	\$117,155,245

AN ORDINANCE MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY OF ANNA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023; APPROPRIATING MONEY TO AN INTEREST AND SINKING FUND TO PAY INTEREST AND PRINCIPAL ON THE CITY'S INDEBTEDNESS; AND ADOPTING THE ANNUAL BUDGET OF THE CITY OF ANNA FOR THE 2022 – 2023 FISCAL YEAR.

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

- m. Consider/Discuss/Action regarding a Resolution ratifying the property tax revenue increase reflected in the City of Anna FY2023 Budget. (City Manager Jim Proce)

The budget is funded by a tax rate of \$0.539750, which is less than the tax rate adopted last year. The total amount of revenue generated from property taxes will increase by \$2,933,047 which is a 29.3 percent increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is \$1,456,946.

A RESOLUTION OF THE CITY OF ANNA, ACKNOWLEDGING AND RATIFYING THAT THE ADOPTION OF THE FISCAL YEAR 2022-2023 ANNUAL BUDGET WILL REQUIRE RAISING MORE REVENUE FROM PROPERTY TAXES THAN IN THE PREVIOUS FISCAL YEAR

MOTION: Mayor Pike moved to approve. Mayor Pro Tem Miller seconded.

Motion carried 7-0.

- n. Consider/Discuss/Action approving an Ordinance adopting the FY2023 Tax Rate. (City Manager Jim Proce)

MOTION: Mayor Pike stated, "I move that the property tax rate be increased by the adoption of a tax rate of \$0.539750, which is effectively an 16.3% percent increase in the tax rate". Mayor Pro Tem Miller seconded. Motion carried 7-0.

7. **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).
- 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; City Manager Annual Review

MOTION: Mayor Pike moved to enter closed session. Mayor Pro Tem Miller seconded. Motion carried 7-0.

Mayor Pike recessed the meeting at 8:53 PM.

Mayor Pike recused himself from the Closed Session.

Mayor Pro Tem Miller reconvened the meeting.

- 8. 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 was taken.

9. **Adjourn.**

Mayor Pike adjourned the meeting.

Approved on September 27, 2022.



Mayor Pro Tem Lee Miller

ATTEST:



City Secretary Carrie L. Land

