

**Regular City Council Meeting
Meeting Minutes**



Tuesday, September 27, 2022 @ 6:30 PM

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

The City Council of the City of Anna will meet at 6:30 PM, on September 27, 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 Pro Tem Miller called the meeting to order at 6:30 PM.

Mayor Nate Pike was absent.

2. Invocation and Pledge of Allegiance.

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

3. Neighbor Comments.

There were no public comments.

4. Reports.

- a. Proclamation Declaring October 9-15 as Fire Prevention Week for the City of Anna (Fire Chief Ray Isom)

Fire Prevention Week, an annual occurrence organized by the National Fire Protection Association (NFPA), is scheduled for the week of October 9th through the 15th. This year's Fire Prevention Week theme is, "Fire won't wait. Plan your escape."

- b. Staff will present an update on the design of Anna Fire Station #2. (CIP Manager Justin Clay)
- c. Introduction of Deputy City Secretary Jeovanna Rubio. (City Secretary Carrie Land)

Jeovanna Rubio is a dedicated and strong-willed individual who is looking forward to being able to serve the people of this community. She grew up within this community and graduated from Anna High School. Jeovanna then went on to receive a Bachelor's Degree in Supply Chain, Logistics, and Transportation Management from Bellevue University. She also has previous experience in Management, Human Resources, and Government. Jeovanna will step up to any task or challenge that is given to her.

- d. Introduction of Assistant Finance Director Aimee Ferguson. (Assistant City Manager Ryan Henderson)

Aimee comes to Anna from the City of Celina where she has served as the Budget Manager for the last two years. Aimee has more than 15 years of accounting experience, previously serving as a Staff Accountant and Senior Accountant with the Morial Convention Center in New Orleans, LA, where she was responsible for financial reporting, implementing a new ERP system, and completed the FEMA project worksheet reconciliation for \$15 million of Public Assistance and Hazard Mitigation following Hurricane Katrina.

- e. Report on the September 19th Parks Advisory Board meeting and neighbor input and planning session for the new splash pad at Slayter Creek Park. (Director of Neighborhood Services Marc Marchand)

5. **Work Session.**

- a. Zoning Discussion - Northwest and southwest corner of State Highway 5 and County Road 423. (Director of Development Services Ross Altobelli)

Land Use discussion and direction for a tract of land is located at the northwest and southwest corners of State Highway 5 and County Road 423. The Future Land Use Plan within the Anna2050 Comprehensive Plan identifies this area as Cluster Residential.

NexMetro representative, Josh Eddie, presented their proposed zoning to the City Council.

- b. Discuss appointment to the Diversity and Inclusion Commission. (City Secretary Carrie Land)

City Charter Article 8 (e) Any member of a board, commission or committee who is absent from three consecutive regular meetings, or 25% of regularly scheduled meetings during the 12- month period immediately preceding and including the absence in question, without explanation acceptable to a majority of the other members, must forfeit his or her position on the board, commission, or committee. Place 6 is deemed vacant due to attendance. The term is set to expire May 31, 2024.

6. **Consent Items.**

MOTION: Council Member Carver moved to approve consent items a. through h. Council Member Toten seconded. Motion carried 6-0.

- a. Approve City Council Meeting Minutes for September 6, 2022 and September 13, 2022. (City Secretary Carrie Land)
- b. Review Minutes of the July 21, 2022, Joint Community Development Corporation and Economic Development Corporation Board Meetings. (Director of Economic Development Joey Grisham)
- c. Review Monthly Financial Report for the Month Ending August 31, 2022. (Budget Manager Terri Doby)
- d. Approve a Resolution authorizing the City Manager to accept and approve a quote from National Fitness Campaign for the purchase of equipment to be installed on a fitness court at Slayter Creek Park. (Park Planning and Development Manager Dalan Walker)

The equipment included in the quote from National Fitness Campaign in the amount of \$92,350 will be installed on a fitness court at Slayter Creek Park by a contractor who has not yet been selected. It will be delivered to the maintenance building at Natural Springs Park and stored until such time that a concrete pad has been constructed southeast of the splashpad at Slayter Creek Park. The equipment will be ordered early to insure that it is available for installation as soon as a contractor is ready to install it.

A RESOLUTION OF THE CITY OF ANNA, TEXAS ACCEPTING AND APPROVING A QUOTE FROM NATIONAL FITNESS CAMPAIGN FOR EQUIPMENT TO BE INSTALLED ON A FITNESS COURT AT SLAYTER CREEK PARK.

- e. Approve a Resolution re-appointing Robert Hallberg as City of Anna representative on the Greater Texoma Utility Authority Board of Directors for the term to expire December 31, 2024. (City Secretary Carrie Land)

The City is a member of the Greater Texoma Utility Authority. GTUA is a special-law district organized under Article XVI, Section 59, of the Texas constitution and operates under Chapter 49 of the Texas Water Code. GTUA is governed by a Board of Directors appointed by its member cities. Place 8 on the GTUA Board is appointed by the City Council of Anna.

Currently, Robert Hallberg sits on the board, in Place 8, with a term expiring December 31, 2022. Mr. Hallberg has expressed an interest in continuing to serve.

A RESOLUTION OF THE CITY OF ANNA, TEXAS MAKING AN APPOINTMENT TO THE GREATER TEXOMA UTILITY AUTHORITY BOARD OF DIRECTORS

- f. Approve a Resolution authorizing the City Manager to approve a contract with Tyler Technologies of Plano, TX for Municipal Justice powered by Incode for use in Municipal Court. (Finance Director Alan Guard)

The Finance Department has been modernizing and upgrading its software over the last two years. Previously, the core financial systems and utility billing have been converted from Asyst to the Incode product supplied by Tyler Technologies. Municipal Court is the final piece to be converted. Court has been using MCRS by Utility Data Systems since at least 2005. The new system will interface seamlessly with the financial system and the Brazos ticket writing system used by the Anna Police Department. It will also generate needed reports for the Municipal Court, the Police Department, and the State of Texas more efficiently. The Incode solution is provided as a Software as a Service (SaaS) or Cloud-based service.

One-time fees for the implementation total \$70,877. Annual fees are \$25,019. Funding has been provided in the FY 2023 budget.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, APPROVING THE PURCHASE OF A SOFTWARE AS A SERVICE (SASS) AGREEMENT FOR MUNICIPAL JUSTICE POWERED BY INCODE SOFTWARE FROM TYLER TECHNOLOGIES, INC OF PLANO, TX IN THE AMOUNT OF ONE-TIME FEES OF \$70,887, AND RECURRING FEES OF \$25,019, AND AUTHORIZE THE CITY MANAGER TO SIGN THE AGREEMENT.

- g. Approve corrected versions of the Ordinances Adopting New Roadway, Water, & Sanitary Sewer Impact Fees, correcting scrivener's errors, for execution by the Mayor and City Secretary as corrected versions of Ordinance 997-2022 and Ordinance 999-2022 adopted at the August 23, 2022 City Council Meeting. (Director of Public Works Greg Peters, P.E.)

Upon final review of the signed impact fee ordinances adopted last month, there were several minor errors found in the documents which did not result in material changes to the application of the ordinances, but should be corrected. These minor changes are considered scrivener's errors.

Adoption of the corrected documents is not adopting land use assumptions, capital improvement plans, or impact fees. All of those items were formally adopted in August.

The "correcting" ordinances attached merely identify the errors in the original ordinances and correct them by directing the Mayor and City Secretary to execute new "corrected" ordinances. In addition, the "correcting" ordinance for 999-2022 repeals Ordinance 998-2022, as it is not required.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS, AMENDING AND CORRECTING SCRIVENER'S ERRORS IN ORDINANCE NO. 997- 2022 GOVERNING ROADWAY IMPACT FEES; 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 HEREOF.

- h. Approve an Ordinance abandoning a portion of public right-of-way for County Road 369 deemed unnecessary for use by the public and authorizing the Mayor to execute a Quitclaim Deed to transfer the property to the adjacent landowner in a form approved by the City Attorney. (Director of Public Works Greg Peters, P.E.)

County Road 369 is a former county road in the City of Anna which used to run north/south, terminating at Rosamond Parkway near Anna High School. The road now serves no public purpose, as newer streets have been constructed with the development of Anna High School and the West Crossing subdivision.

There is a small portion of remaining County Road 369 right of way located on the south side of County Road 370. This sliver of right-of-way serves no public purpose, and is being mowed by the adjacent property owner. Staff recommends abandoning the rightof-way and dedicating it to the adjacent landowner via a quitclaim deed. The City Attorney has prepared the attached Ordinance and Quitclaim Deed for City Council approval.

AN ORDINANCE OF THE CITY OF ANNA, TEXAS VACATING AND ABANDONING A PORTION OF RIGHT-OF-WAY IN THE MARTIN MOORE SURVEY, ABSTRACT NO. 649 IN THE CITY OF ANNA, COLLIN COUNTY, TEXAS AND BEING PART OF COUNTY ROAD 369; DECLARING THAT THE PROPERTIES ARE UNNECESSARY FOR USE BY THE PUBLIC; AUTHORIZING THE MAYOR OF THE CITY TO EXECUTE A QUITCLAIM DEED RELEASING THE PUBLIC OWNERSHIP INTEREST AND CONTROL IN THE PROPERTY; PROVIDING FOR SEVERABILITY OF THE ORDINANCE AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

7. Items For Individual Consideration.

- a. Conduct a Public Hearing/Consider/Discuss/Action on an Ordinance to rezone 98.0± acres located on the south side of E. White Street, 500± feet east of S. Interurban Street from AG Agricultural District, SF-E Single-Family Residential and Planned Development (Ord. No. 145-2004) to Planned Development. (Director of Development Services Ross Altobelli)

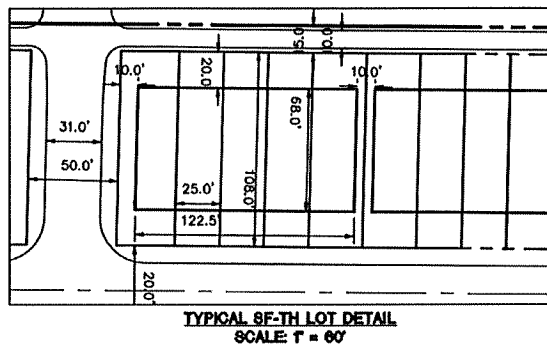
The applicant requested the public hearing item be tabled until the Tuesday, October 25, 2022 City Council meeting.

Mayor Pro Tem Miller opened the public hearing at 7:44 PM.

Mayor Pro Tem Miller moved to hold the public hearing open until Tuesday, October 25, 2022 at 6:30 PM within the Council Chambers of the Municipal Complex located at 120 W. 7th Street, Anna, TX. . Council Member Toten seconded. Motion carried 6-0.

- b. Conduct a Public Hearing/Consider/Discuss/Action on an Ordinance to amend zoning on 28.0± acres located at the southwest corner of W. White Street and Slater Creek Road. The property is currently zoned Planned Development (961-2022). (Director of Development Services Ross Altobelli)

The subject property was rezoned in February 2022 as a Planned Development to allow for a single-family dwelling, detached and attached subdivision and to preserve the northern portion, along W. White Street, for commercial development. A Concept Plan was approved along with the rezoning request. Included on the Concept Plan was a typical lot details for the SF-TH product type.



The SF-TH detail identified a 10-foot side yard, corner lot, street side setback whereas zoning requires 15 feet.

As part of the Final Plat review for Phase 1, staff noticed the discrepancy. A stipulation was not approved as part of the original zoning allowing a 10-foot side yard, corner lot street side setback for the SF-TH project as shown on the approved Concept Plan.

The applicant is requesting to amend the existing SF-TH Townhome District development standards to include:

- a. SF-TH Side yard, corner lot, street side (feet): 10

Mayor Pro Tem Miller opened the public hearing at 7:44 PM.

There were no public comments.

Mayor Pro Tem Miller closed the public hearing at 7:44 PM.

(Property rezoned under this ordinance is generally located at the southwest corner of W. White Street and Slater Creek Road) 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 Atchley

seconded. Motion carried 6-0.

- c. Discuss/Consider/Approve the final concept plan for a Wheeled Sports Park at Slayter Creek Park. (Park Planning and Development Manager Dalan Walker, RLA)

A three dimensional concept for a Wheeled Sports Park at Slayter Creek Park will be presented by New Line Skateparks. Public input was received from neighbors that attended a Parks Advisory Board meeting in May as well as from online surveys. Several concepts were developed and reviewed by neighbors in August, and small revisions were recommended. A concept plan was presented to the Parks Advisory Board in August, and a recommendation was made to move forward with design. The estimated construction budget for the project is \$1.8 million. The lighting and landscaping will be funded separately. Once the final concept is approved, New Line Skateparks will develop construction documents. Construction is scheduled to begin in February 2023.

The construction budget for the project is \$1.5 million. Lighting, landscaping and irrigation will be designed under the current professional services agreement, but construction of these amenities may be supplemented with additional funding.

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

- d. Consider/Discuss/Adopt a Resolution approving a Use Agreement with the City of Anna, Texas and a Special Warranty Deed for the transfer of real property to the Anna Economic Development Corporation (Assistant Director of Economic Development Taylor Lough).

The City Council Strategic Plan lists activation of Downtown Anna as a top priority and the Economic Development Strategic Plan calls for transforming Downtown Anna into a vibrant district. On June 3, 2021, the Anna Economic Development Corporation (EDC) Board recommended that the City Council convey 101 S. Powell Parkway to the EDC as the EDC has the ability to lease to a private entity. The Economic Development team is working with a brewery concept and preparing to renovate the former bank building and property to improve pedestrian access, parking, and allow for an outdoor gathering space.

The EDC and City will receive an estimated \$100,000 annually from rent and tax revenue.

A RESOLUTION OF THE CITY OF ANNA, TEXAS, APPROVING A USE AGREEMENT WITH ANNA ECONOMIC DEVELOPMENT CORPORATION AND APPROVING A SPECIAL WARRANTY DEED FOR THE SALE OF REAL PROPERTY TO ANNA ECONOMIC DEVELOPMENT CORPORATION

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

- e. Discuss/Consider/Approve a Resolution authorizing the City Manager to execute a Project Specific Purchase Order with Quiddity Engineering for the design of the next expansion to the Collin Pump Station in a form approved by the City Attorney. (Director of Public Works Greg Peters, P.E.)

The City recently brought the Collin Pump Station online, including the 1.5 million gallon ground storage tank. In addition, 2 new wells are under construction. This current project will increase the total City water supply by approximately 20%. However, as the City continues to expand and grow, it is important to continue to increase water supply and storage to ensure neighbor needs are met for potable water.

The Public Works Department ran an analysis of the public water system using our water model, and found that the largest need is additional storage and pumping capacity. As an existing pump station with the necessary connections and land area, Collin Pump Station represents the lowest cost location to significantly increase storage and pumping. The City's Water Master Plan shows the next phase for Collin Pump Station to include a 4 million gallon ground storage tank and additional pumps.

The City engaged Quiddity Engineering, LLC to prepare a proposal for the engineering design needed to design and bid the large ground storage tank and pump improvements. Quiddity was selected in the City's multidisciplinary RFQ process for Utility Facilities Design.

The total cost for surveying, engineering design, bid, and construction administration is \$783,000.00. The funding source is Water Impact Fees. Staff recommends moving forward with this design project in order to ensure the City continues to meet the growth needs of the community when it comes to public water supply.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PROJECT SPECIFIC PURCHASE ORDER FOR PROFESSIONAL SERVICES BY AND BETWEEN THE CITY OF ANNA, TEXAS AND QUIDDITY ENGINEERING, LLC, FOR ENGINEERING DESIGN SERVICES RELATED TO THE EXPANSION OF THE COLLIN PUMP STATION, AS SHOWN IN EXHIBIT "A" ATTACHED HERETO, AND PROVIDING FOR AN EFFECTIVE DATE.

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

- f. Discuss/Consider/Approve a Resolution authorizing the City Manager to enter into a Project Specific Purchase Order and AIA agreement with BRW Architects for the design of the exterior shell and the structural engineering design of the Anna Community Library, in a form approved by the City Attorney. (Director of Public Works Greg Peters, P.E.)

The City of Anna is moving forward with the design of the Anna Community Library in downtown Anna. The City interviewed the three architecture firms short listed in the City's multidisciplinary RFQ process for professional services,

and found Brown Reynolds Watford Architects (BRW) to be the best fit for the project.

BRW will provide the architectural design for the exterior shell of the building, and will also provide the structural engineering for the building with the structural engineer working as a sub-consultant to them.

BRW is committed to providing their architectural design of the shell in accordance with the Project Charter adopted by the City Council in May of this year and the conceptual design and renderings presented to the Anna Public Library Engagement Task Force and the City Council in July of this year.

The total fee for the proposed services is \$562,000, which is within the identified project budget for the exterior architecture and structural engineering. Funding is from the voter approved 2021 Bond funds. If approved, BRW will join the team immediately and begin work.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PROJECT SPECIFIC PURCHASE ORDER FOR PROFESSIONAL SERVICES AND ASSOCIATED AIA CONTRACT BY AND BETWEEN THE CITY OF ANNA, TEXAS AND BROWN REYNOLDS WATFORD ARCHITECTS FOR ARCHITECTURE AND STRUCTURAL ENGINEERING DESIGN SERVICES RELATED TO THE EXTERIOR SHELL OF THE ANNA COMMUNITY LIBRARY, IN A FORM APPROVED BY THE CITY ATTORNEY, PER THE PROPOSAL SHOWN IN EXHIBIT "A" ATTACHED HERETO, AND PROVIDING FOR AN EFFECTIVE DATE.

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

- g. Discuss/Consider/Approve a Resolution authorizing the City Manager to execute a Project Specific Purchase Order with Teague Nall & Perkins, Incorporated, for the landscape design associated with the Anna Community Library Project in a form approved by the City Attorney. (Director of Public Works Greg Peters, P.E.)

The City of Anna is moving into the design development process for the Anna Community Library, and is ready to begin landscape design for the area surrounding the building. The design will be done by Teague Nall & Perkins (TNP), who completed the conceptual landscape design in the schematic phase.

The design of the adjacent plaza will be a separate contract which will be brought forward at a future meeting for approval.

TNP has been working on the project team and is prepared to move forward with formal design as soon as the contract is executed. The contract cost is \$103,000, and funding will come from the Library Bond Funds.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PROJECT SPECIFIC PURCHASE ORDER FOR PROFESSIONAL SERVICES BY AND BETWEEN THE CITY OF ANNA, TEXAS AND TEAGUE NALL & PERKINS,

INCORPORATED, FOR LANDSCAPE ARCHITECTURE DESIGN SERVICES RELATED TO THE ANNA COMMUNITY LIBRARY, AS SHOWN IN EXHIBIT "A" ATTACHED HERETO, AND PROVIDING FOR AN EFFECTIVE DATE.

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

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).Bond Issuance; "*Bunetto v. City of Anna*, Civil Action No. 4:21-cv-00413, United States District Court, Eastern District of Texas, Sherman Division."
- b. Discuss or deliberate the purchase, exchange, lease, or value of real property (Tex. Gov't Code §551.072).
- c. Discuss or deliberate Economic Development Negotiations: (1) To discuss or deliberate regarding commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay, or expand in or near the territory of the City of Anna and with which the City is conducting economic development negotiations; or (2) To deliberate the offer of a financial or other incentive to a business prospect described by subdivision (1). (Tex. Gov't Code §551.087).Proposed Development
- d. Discuss or deliberate personnel matters (Tex. Gov't Code §551.074).

MOTION: Council Member Carver moved to enter closed session. Council Member Ussery seconded. Motion carried 6-0.

Mayor Pro Tem Miller recessed the meeting at 9:01 PM.

Mayor Pro Tem Miller reconvened the meeting at 10:32 PM.

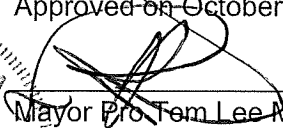
9. Consider/Discuss/Action on any items listed on any agenda - work session, regular meeting, or closed session - that is duly posted by the City of Anna for any City Council meeting occurring on the same date as the meeting noticed in this agenda.

No action was taken.

10. **Adjourn.**

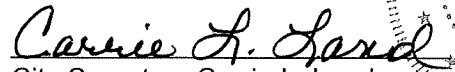
Mayor Pro Tem Miller adjourned the meeting at 10:32 PM.

Approved on October 11, 2022.



Mayor Pro Tem Lee Miller

ATTEST:



City Secretary Carrie L. Land

