Regular City Council Meeting
Meeting Minutes

THE CITY OF Anna

Tuesday, October 11, 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 October 11, 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.

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

   Council Member Carver led the Invocation and Mayor Pike led Pledge of Allegiance.

3. **Neighbor Comments.**

   Elden Baker gave the City Council an update on the City locomotive restoration.

   Matthew Gelsomini spoke in opposition to Item 7.f., The Delvey Multifamily Project.

   Christine Wood opposed Item 7.f., The Delvey Multifamily Project.

   Joy Wood spoke in opposition to Item 7.f., The Delvey Multifamily Project.

   Tony and Amy Nichols spoke in opposition to Item 7.f., The Delvey Multifamily Project.

4. **Reports.**

   a. Proclamation - Police Officer Day

   b. Update on Anna Community Survey (Assistant to the City Manager Kimberly Winarski)

On April 26, 2022, staff gave City Council an overview of the Community Survey staff would be implementing for the first time this year. The survey asks for neighbor feedback on the quality and importance of ten different facets of community life: the economy, public safety, community design, transportation/mobility, utilities, the environment, parks and recreation, health and wellness, arts and culture, and inclusivity and engagement. This neighbor feedback can be used to identify the City's greatest areas of success as well as the most important areas for neighbors that we address in the future.

The mailed surveys went out to randomly-selected households in late September. The online version of the survey available to everyone will be published and promoted starting October 26th. The finished report will be available on December 7th and Polco, who administers the survey, will present the results at a January City Council meeting.

c. Update on Council Retreat with regard to Council Meeting Format

As a part of the most recent Council Planning Retreat, several items with regard to the format, schedule and practice of the meeting were unanimously suggested to be revised to provide more efficient and effective practices. These revisions include the following:

- Effective in November, meetings will begin at 6PM in the Executive Conference Room (work session room)
- The first part of the meeting will be called to order in the Executive Conference Room (work session room) to address listed work session items and to preview items that will eventually be voted on or presented in the regular meeting, allowing Council to discuss such items of importance and provide guidance and preferences to staff so that items for Consent Agenda and or Individual Consideration will be provided with Council input. These meetings will be public meetings and the public will be allowed to attend in accordance with the Public Meetings Act requirements. Where space becomes a concern should the number of public exceeds the room capacity, the meeting can be transmitted to the Chambers for those present to view.
- Time permitting, closed sessions may follow work session items, at which time those not entitled to participate in the closed session will retreat to the Chambers, while the Council and appropriate staff discuss the Closed session items. If additional time is needed for Closed session items, these discussions can resume after the conclusion of the regular meeting items. - These sessions (both work session and closed session) will end prior to 7PM, when the Council will retreat to the Chambers to start the regular meeting to order, beginning with the call to order, invocation, etc. - Staff will provide the work session item presentations and data and respect the time constraints so as to respect the stated start time for Public Comment and Individual Consideration to begin promptly at 7PM.

The intent of this revision is to promote more collaborative discussions between Council and staff and to preview work session items for future considerations where and when possible.

5. **Work Session.**

a. Discuss proposed roadway project submittals for the Collin County Bond Fund 2022-2023 Call for Projects. (Director of Public Works Greg Peters, P.E.)

In 2018 voters approved a $750M Bond Election by Collin County to fund roads and parks. The bond package included:

- $600 million for high-speed roadways
- $140 million for arterial roadways that feed into the highway system
- $10 million for open space and parks projects

The $140M identified in the 2018 Bond is specifically allocated for arterial roads. Arterial road projects in Anna are eligible to receive a portion of these funds if selected by the County Commissioners Court.

b. Discuss draft Memorandum of Understanding with Anna ISD regarding facility construction. (Director of Public Works Greg Peters, P.E.)

Staff presented the draft MOU for feedback and discussion. The deal points have been discussed with Anna ISD Administration, who presented the concept to the Anna ISD School Board and received their feedback. The staff has shared the attached draft agreement with Anna ISD Administration and will be making changes based on the feedback received from the Council and the School Board, with adoption of the MOU to occur in the near future.

6. **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 Miller moved to approve consent items a. through q. Council Member Toten seconded. Motion carried 7-0.

a. Approve City Council Meeting Minutes for September 27, 2022. (City Secretary Carrie Land)

b. Review Minutes of the September 6, 2022 Planning & Zoning Commission Meeting. (Director of Development Services Ross Altobelli)

c. Approve an Ordinance Establishing the Organization of the City's Emergency Management Program (Fire Chief Ray Isom)

Chief Isom, acting in his role as the Emergency Management Coordinator, has overseen the creation of an Emergency Management Committee to include Code Enforcement Manager Kevin Martin, Division Chief Tom Brown, IT Director Kevin Johnson, and Neighborhood Services Director Marc Marchand.

These staff members have extensive knowledge and experience in technology and emergency management operations. The establishment of this committee creates redundancy and a more collaborative environment until a full-time position can be dedicated to Emergency Management. The committee meets quarterly to discuss and implement strategic items of immediate concern. To date, the committee has come together three times to identify deficiencies, discuss challenges, and to prioritize their completion.

The first priority of a functional emergency management program was identified and consists of the establishment of a Division of Emergency Management for the City of Anna. Operating collectively, the Emergency Management Committee drafted the proposed ordinance to rectify this interest. Input and legal review was also conducted by the city attorney.

The proposed ordinance creates the basic elements required in order to allocate proper funding, establish policies and procedures, and dedicate/organize resources and personnel. It also officially organizes the city's emergency management program (currently not in legal existence by ordinance) into a coherent and definable division within the fire department.

AN ORDINANCE ESTABLISHING A PROGRAM RESPONSE AND RECOVERY PHASES OF COMPREHENSIVE EMERGENCY MANAGEMENT; ACKNOWLEDGING THE OFFICE OF EMERGENCY MANAGEMENT DIRECTOR; AUTHORIZING THE APPOINTMENT OF AN EMERGENCY MANAGEMENT COORDINATOR; AND PROVIDING FOR THE DUTIES AND RESPONSIBILITIES OF THOSE OFFICES; IDENTIFYING AN OPERATIONAL ORGANIZATION; GRANTING NECESSARY POWERS TO COPE WITH ALL PHASES OF EMERGENCY MANAGEMENT WHICH THREATEN LIFE AND PROPERTY IN THE CITY OF ANNA: AUTHORIZING COOPERATIVE AND MUTUAL AID AGREEMENTS FOR RELIEF WORK BETWEEN THIS AND OTHER CITIES OR COUNTIES AND FOR RELATED PURPOSES.

d. Approve a Resolution amending the City of Anna Personnel Policy Manual. (Director of Human Resources Stephanie Beitelschies)

As a part of the adopted Strategic Plan and Council direction to provide competitive benefit structures, staff identified several areas of the City Personnel Policy that required revisions, updates, corrections and amendments. As city staff worked under this personnel policy manual, a few technical conflicts and operations realities have been found which require revisions and updates. Sections of the proposed policy are being changed to provide clarification as well as general cleanup. The proposed revisions are listed below. Overall, these changes will provide support to staff's day-today city operations, provide amendments consistent with market conditions, and update policies consistent with current operational practices.

1. Military leave to be in alignment with government mandate
2. Family Medical Leave Act exhaustion procedures
3. Catastrophic Leave update on donation time limit
4. Workers Compensation to include use of vacation / sick accruals after twelve weeks
5. Tuition reimbursement updates
6. Update to probationary period for new hires and promotions
7. Update to optional license and certification pay

8. Update to annual vacation leave carryover
9. Sick leave conversation policy
10. Sick leave payout provisions
11. Update to bereavement leave to be 24 hours per occurrence
12. Language pay
13. Certification pay

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

e. Approve a Resolution amending the Compensation Philosophy (Director of Human Resources Stephanie Beitelschies)

f. Approve a Resolution updating rules of procedure governing certain aspects (attire) of City Council and Boards and Commissions meetings. (Assistant to the City Manager Kimberly Winarski)

g. Approve a Resolution regarding Anna Christian Friendship, Block A, Lot 1, Development Plat. (Director of Development Services Ross Altobelli)

Religious facility and two accessory structures on one lot on 5.0± acres located on the south side of County Road 376, 1,875± feet east of County Road 427. Located within the Extraterritorial Jurisdiction (ETJ).

The Planning & Zoning Commission recommended approval.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING ANNA CHRISTIAN FRIENDSHIP, BLOCK A, LOT 1, DEVELOPMENT PLAT.

h. Approve a Resolution regarding CR505 Addition, Block A, Lot 1, Development Plat. (Director of Development Services Ross Altobelli)

One single-family residence on one lot on 12.0± acres located on the west side of County Road 505, 1,830± feet north of County Road 504. Located within the Extraterritorial Jurisdiction (ETJ).

The Planning & Zoning Commission recommended approval.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING CR505 ADDITION, BLOCK A, LOT 1, DEVELOPMENT PLAT.

i. Approve a Resolution regarding Arden Park, Phase 1, Final Plat. (Director of Development Services Ross Altobelli)

60 Single-family dwelling, detached lots, 27 single-family dwelling, attached lots, five common area lots, and two commercial lots on 20.4± 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. 1009-2022).

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.

The Final Plat is in conformance with the adopted Planned Development standards and with the city's Subdivision Regulations and Zoning Ordinances and is subject to additions and/or alterations to the engineering plans as required by the Public Works Department.

The Planning & Zoning Commission recommended approval.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING ARDEN PARK, PHASE 1, FINAL PLAT.

j. Approve a Resolution regarding Arden Park, Phase 1, Site Plan. (Director of Development Services Ross Altobelli)

60 Single-family dwelling, detached lots, 27 single-family dwelling, attached lots, five common area lots, and two vacant commercial lots on 20.4± 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 (SFZ), and Planned Development-SF-TH Townhome District (PD-SF-TH) (Ord. No. 1009- 2022).

The Planning & Zoning Commission recommended approval.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING ARDEN PARK, PHASE 1, SITE PLAN.

k. Approve a Resolution regarding The Woods at Lindsey Place, Phase 1, Final Plat. (Director of Development Services Ross Altobelli)

30 SF-72 Single-family dwelling, detached lots, 118 SF-60 single-family dwelling, detached lots, and four common area lots on 57.4± acres located at the northwest corner of future Mossy Lake Lane and Rosamond Parkway. Zoned: Planned Development (Ord. No. 881-2020).

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.

The Final Plat is in conformance with the adopted Planned Development standards and with the city's Subdivision Regulations and Zoning Ordinances and is subject to additions and/or alterations to the engineering plans as required by the Public Works Department.

The Planning & Zoning Commission recommended approval.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING THE WOODS AT LINDSEY PLACE, PHASE 1, FINAL PLAT.

l. Approve a Resolution regarding The Woods at Lindsey Place, Block L, Lot 9X, Site Plan. (Director of Development Services Ross Altobelli)

Amenity Center on one lot on 0.9± acre located at the northeast corner of future Sue Ellen Street and future Harlow Boulevard. Zoned: Planned Development (Ord. No. 881- 2020).

The purpose of the Site Plan is to show the proposed amenity center development site improvements.

The Site Plan is in conformance with adopted Planned Development standards and with the city's Subdivision Regulations and Zoning Ordinances and is subject to additions and/or alterations to the engineering plans as required by the Public Works Department.

The Planning & Zoning Commission recommended approval.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING THE WOODS AT LINDSEY PLACE, BLOCK L, LOT 9X, SITE PLAN.

m. Approve a Resolution regarding Avery Pointe Commercial, Block A, Lots 1R, 2R, 3, 4, & 5, Replat. (Director of Development Services Ross Altobelli)

Self-Storage on Lot 3, restaurants and retail on Lots 1R, 2R, 4, & 5 on 7.4± acres located at the northeast corner of W. White Street and Ferguson Parkway. Zoned: Planned Development (Ord. No. 964-2022, Ord. No. 709-2015, Ord. No. 179-2005).

The purpose of the Replat is to subdivide the property and dedicate lot and block boundaries and easements necessary for the construction of the restaurant and retail site improvements. This Replat is a combination of three previously approved Replat applications which have not been filed with Collin County.

The Replat is in conformance with adopted Planned Development standards and with the city's Subdivision Regulations and Zoning Ordinances and is subject to additions and/or alterations to the engineering plans as required by the Public Works Department.

The Planning & Zoning Commission recommended approval.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING AVERY POINTE COMMERCIAL, BLOCK A, LOTS 1R, 2R, 3, 4, & 5, REPLAT.

n. Approve a Resolution regarding East Fork Estates, Lot 23, Replat. (Director of Development Services Ross Altobelli)

Vacant lot on 1.4± acres located at the west side of East Fork Circle, 1,340± feet south of Farm-to-Market 455. Zoned: AG Agricultural District.

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

The Replat is in conformance with the city's Subdivision Regulations and Zoning Ordinances and is subject to additions and/or alterations to the engineering plans as required by the Public Works Department.

The Planning & Zoning Commission recommended approval.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING EAST FORK ESTATES, LOT 23, REPLAT.

o. Approve a Resolution regarding Ferguson-White Addition, Block A, Lot 1, Revised Site Plan. (Director of Development Services Ross Altobelli)

Bank on one lot on 2.2± acres located at the southwest corner of W. White Street and Ferguson Parkway. Zoned: Planned Development-Restricted Commercial and Restricted Commercial (PD-C-1/C-1) (Ord. No. 821-2019 & Ord. No. 950-2021).

The purpose of the Revised Site Plan was to request an alternate equivalent screening method to the Planning & Zoning Commission between the bank site and existing Oak Hollow Estates, Phase 1 Subdivision.

By a vote of 6-1 the Planning & Zoning Commission determines the applicant's request as an appropriate alternate equivalent screening.

The Revised Site Plan is recommended for approval with the material option of 6'-0" tall black iron fence panels with cedar trees (6 – 8 feet in height) spaced 6 feet apart from the center of the tree.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A REVISED SITE PLAN OF FERGUSON-WHITE ADDITION, BLOCK A, LOT 1.

p. Approve a Resolution amending the construction phasing associated with the Coyote Meadows Phase 1A & Phase 1B residential subdivision. (Director of Development Services Ross Altobelli)

The Final Plats for Phase 1 of the Coyote Meadows residential subdivision were approved on:

- April 12, 2022 - Phase 1A
- May 10, 2022 - Phase 1B

The applicant is requesting to revise Phase 1A in order to pick up some construction phasing efficiency, while reducing the 1A townhome footprint and increasing the 1A 40' lot output. The proposed changes are minor and do not modify the proposed layout or lot count associated with the overall development.

The proposed amendment is minor in nature and city staff have no issues with the requested modification.

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

q. Approve a Resolution authorizing the City Manager to accept and approve a contract with 8x8, Inc. for the purchase and installation of a new VoIP telephony system and related service agreements in a form approved by the City Attorney. (IT Director Kevin Johnson)

Staff is recommending that the City Council approve a resolution authorizing the City Manager to accept and approve a contract with 8X8, Inc. for the purchase and installation of a hosted VoIP telephony system.

The current telephony system is obsolete and several of the functions have not been working properly. As the City moves into the new Municipal Complex a new telephony system was budgeted. The City solicited Requests for Proposal from qualified vendors and received 12 responses. The proposals were evaluated on hardware, security, features and functions, price, and references. Following the initial evaluation, staff hosted three vendors for demonstrations, and included City staff from all departments in the demonstration evaluation. United Network Solutions providing the 8X8 VoIP telephony platform was selected as the best overall vendor for the implementation.

One-time costs of $4,834 and annual fees of $31,346. It is a 39 month agreement. Funds are budgeted in the General Fund.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, APPROVING THE PURCHASE AND INSTALLATION OF A HOSTED VoIP TELEPHONY SYSTEM FROM 8X8, INC IN THE AMOUNT OF $4,834 AND RECURRING FEES OF $31,346 ANNUALLY, AND AUTHORIZE THE CITY MANAGER TO SIGN THE AGREEMENT.

7. **Items For Individual Consideration.**

a. Consider/Discuss/Action on a Resolution amending the Sherley Tract Subdivision Improvement Agreement by amending language under Section 5.9 (Restaurant and Water Feature) within Article V (Additional Obligations). (Director of Development Services Ross Altobelli).

The purpose of the amendment is to amend the language within the SIA by removing a standard which requires the commencement of construction of a restaurant and a water feature before the City's issuance of a building permit for any multiple-family residential structure greater than 275 units.

Further, the amendment would add language requiring the construction of the Water Feature prior to or simultaneously with the development of any multifamily structure.

Section 5.9 (Restaurant and Water Feature) will retain existing provisions triggering the commencement of construction of the Restaurant to include; 1. The expiration of five (5) years of the Effective Date; and 2. The City's issuance of a building permit for the 301st single-family residential building permit as pertains to residences on the Property.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING SECOND AMENDED SHERLEY TRACT SUBDIVISION IMPROVEMENT AGREEMENT

MOTION: Board Member Toten moved to approve. Board Member Miller seconded. Motion carried 7-0.

b. Conduct a Public Hearing/Consider/Discuss/Action on an Ordinance to amend Planned Development Ord. No. 860-2020. (Director of Development Services Ross Altobelli)

On June 9, 2020, the city council adopted and approved both Zoning (Ord. No. 860- 2020) and a Subdivision Improvement Agreement (SIA) for tracts of land located within the ETJ and city limits.

The rezoning of the "In City" property included a Phasing section within the adopted Development Standards:

Phasing:
1. Prior to the issuance of a building permit for any multiple-family residence greater than 275 units, a building permit for a minimum 5,000 square feet building for a commercial use must be issued.
2. The water features must be constructed prior to or simultaneously with the multiple-family residence.

The applicant is requesting to remove the phasing language that limits the number of multiple-family units prior to the issuance of a building permit for a commercial use.

By a vote of 6-1 the Planning & Zoning Commission recommended approving an amendment to the Development Standards within Ord. No. 961-2020 as follows:

(Deletions and additions of certain Zoning Ordinance provisions that are not applicable are indicated below in strikethrough and underline text):

I. Phasing 1. Prior to the issuance of a building permit for any multiple-family residence greater than 275 units, a building permit for a minimum 5,000 square feet building for a commercial use must be issued. 2 1, The water features must be constructed prior to or simultaneously with the multiple-family residence.

Mayor Pike opened the public hearing at 7:43 PM.

There were no public comments.

Mayor Pike closed the public hearing at 7:44 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 GENERALLY LOCATED

ON THE WEST SIDE OF U.S. HIGHWAY 75 AND 691± FEET SOUTH OF FUTURE ROSAMOND PARKWAY (W CR 370); 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: Mayor Pike moved to approve. Board Member Toten seconded. Motion carried 7-0.

c. Conduct a Public Hearing/Consider/Discuss/Action on an Ordinance for a Specific Use Permit (SUP) for a metering station on one lot on 0.6± acre located on the north side of future Rosamond Parkway, 995± feet west of County Road 368. (Director of Development Services Ross Altobelli)

At the October 3, 2022 Planning & Zoning Commission meeting, the public hearing was tabled until the November 7, 2022 Planning & Zoning Commission meeting in order for the applicant to address questions raised by the Commission and neighbors.

Mayor Pike opened the public hearing at 7:44 PM.

MOTION: Mayor Pike moved to hold open the public hearing until Tuesday, November 8, 2022 City Council meeting at 6:00 PM within the Council Chambers of the Municipal Complex located at 120 W. 7th Street.. Council Member Miller seconded. Motion carried 7-0.

d. Consider/Discuss/Action on appointment to the Diversity and Inclusion Commission. (City Secretary Carrie Land)

There was a vacancy to Place 6.

MOTION: Board Member Toten moved to appoint Yoshanda Sims to Place 6. Board Member Ussery seconded. Motion carried 7-0.

e. Consider/Discuss/Action on a Resolution authorizing an Incentive Agreement for New Economic Development and related Lease Agreement between the Anna Economic Development Corporation and 3 Nations Brewing LLC. (Director of Economic Development Joey Grisham)

MOTION: Board Member Carver moved to take no action. Board Member Ussery seconded. Motion carried 7-0.

f. Acting as the Anna Housing Finance Corporation Board of Directors, Consider/Discuss/Action on a Resolution approving a bond inducement for The Delvey Multifamily Project. (Director of Economic Development Joey Grisham)

JES Development Co. is proposing a 240-unit Multifamily Project in the city's ETJ located at 13550 CR 426 and submitted their application for bonds through the Anna Housing Finance Corporation. To proceed with the developer's application, a bond inducement resolution from the HFC is required. This is just the first step in the process and is not a final approval.

Developer Ryan Garcia gave a brief presentation. Discussion ensued.

MOTION: Board Member Toten moved to deny. Board Member Atchley seconded. Motion carried 5-2. Miller and Ussery opposed.

g. Acting as the Anna Public Facility Corporation Board of Directors, Consider/Discuss/Action on a Resolution approving a bond inducement for The Reserve at Anna Multifamily Project. (Director of Economic Development Joey Grisham)

Liberty Multifamily Group is proposing a 206-unit senior living development near SH 121 and CR 526 and submitted their application for bonds through the Anna Public Facility Corporation. To proceed with the developer's application, a bond inducement resolution from the PFC is required. This is just the first step in the process and is not a final approval.

A RESOLUTION OF THE ANNA PUBLIC FACILITY CORPORATION DECLARING THE INTENT TO ISSUE MULTIFAMILY MORTGAGE REVENUE BONDS OR NOTES WITH RESPECT TO THE RESERVE AT ANNA SENIOR APARTMENTS MULTIFAMILY RENTAL DEVELOPMENT IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $32,000,000; AUTHORIZING THE FILING OF AN APPLICATION FOR ALLOCATION OF PRIVATE ACTIVITY BONDS WITH THE TEXAS BOND REVIEW BOARD; AND AUTHORIZING OTHER ACTION RELATED THERETO

MOTION: Board Member Miller moved to approve. Board Member Cain seconded. Motion carried 5-2. Toten and Ussery opposed.

h. Consider/Discuss/Action on a Resolution approving an agreement by and between the City of Anna, Texas and Freese and Nichols, Incorporated, for the design of the Hurricane Creek Interceptor Sewer project from FM 455 to the northern City Limits in a form approved by the City Attorney. (Director of Public Works Greg Peters, P.E.)

This project is critical for the growth and development of Anna for all land north of FM 455 and west of US 75. In addition, this line will provide the connection from Van Alstyne, allowing the City of Anna to provide Van Alstyne with wastewater treatment and transmission at a contract price.

If approved, design will commence immediately, with the project going to construction approximately 12 months from now.

This capital improvement project is in the City's CIP Plan and is to be funded with Wastewater Impact Fees in an amount not to exceed $1,111,965.

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 FREESE AND NICHOLS, INCORPORATED FOR ENGINEERING DESIGN SERVICES RELATED TO THE HURRICANE CREEK LINE INTERCEPTOR SEWER PROJECT FROM FM 455 TO THE NORTHERN CITY LIMIT, IN A FORM APPROVED BY THE CITY ATTORNEY, PER THE PROFESSIONAL SERVICES AGREEMENT SHOWN IN EXHIBIT "A" ATTACHED HERETO, AND PROVIDING FOR AN EFFECTIVE DATE.

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

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). *"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).

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

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

Mayor Pike recessed the meeting at 8:26 PM.

Mayor Pike reconvened the meeting 9:00 PM.

The Council further reserves the right to enter into Executive Session at any time throughout any duly noticed meeting under any applicable exception to the Open Meetings Act.

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

No action was taken.

10. **Adjourn.**

Mayor Pike adjourned the meeting at 9:00 PM.

CITY OF ANNA TEXAS

Approved on October 25, 2022.

Mayor Nate Pike

ATTEST:

Carrie L. Land

City Secretary Carrie L. Land