

**Regular City Council Meeting
Meeting Minutes**



Tuesday, November 22, 2022 @ 6:00 PM

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

The City Council of the City of Anna met on November 22, 2022 at 6:00 PM 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 6:02 PM.

Members Present:

Mayor Nate Pike
Mayor Pro Tem Lee Miller
Deputy Mayor Pro Tem Randy Atchley
Council Member Kevin Toten
Council Member Stan Carver
Council Member Danny Ussery
Council Member Pete Cain

Members Absent:

None

2. Invocation and Pledge of Allegiance.

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

3. Work Session.

- a. Discuss a potential impact fee credit agreement to partner with the development community to abandon an existing sewer lift station and construct a regional sewer lift station in an alternate location for various single family developments east of State Highway 5. (Director of Public Works Greg Peters, P.E.)
- b. Discuss update on NCTCOG and City of Anna partnership on Ferguson Parkway. (Director of Public Works Greg Peters)
- c. Presentation and discussion of a resolution of the Anna Community Development Corporation approving and authorizing the expenditure of funds for Phase I of City of Anna Wayfinding Program and approving a professional services agreement with Lee Engineering, L.L.C. (Assistant Director Taylor Lough)

- d. Zoning Discussion - Anna Ranch Phase 3 (Planning Manager Lauren Mecke)

Mayor Pike moved to Item 7.g.

4. Neighbor Comments.

Kylee Kelly, Stuart Brown, Richard Espiroza, Ryan Teichman, Kelly Teichman, Tom Longmire, and Ben Easaw stated their opposition to the Atmos Metering Station to be located in Urban Crossing subdivision.

- a. Public Announcements (Mayor Nate Pike)

On Thursday and Friday, city facilities will be closed for the Thanksgiving holiday. Thursday routes will be picked up on Friday, Nov. 25. Friday routes will be picked up on Saturday, Nov. 26.

Anna ISD has invited all community members to send off our football team on their way to the Regional Semi-Final game this Friday, Nov. 25. The team will load the bus around 10:30am. Meet at the new Anna Indoor Facility to support the team as they load the bus & head to Allen Eagle Stadium.

The Anna Texas Police Department and Anna Fire Department Cruising with a Claus Holiday Toy Drive 2022 is officially underway! The toy drive benefits Anna elementary students this holiday season. Your help is crucial to make this toy drive successful. Donations of new, unwrapped toys can be dropped off in the wrapped collection boxes located at the Police Department, Walmart, Deep Roots Montessori, our local elementary schools and Texas Bank.

Give the gift of an experience this holiday season. Our winter recreation guide is now available online at www.annatexas.gov/RecGuide. Browse to find an abundance of activities and events to make this winter special.

On Friday, Dec. 2, join City Manager Jim Proce for breakfast at the Municipal Complex and have some friendly conversation. Jim will talk about some of the current projects happening in Anna and some of the things to come. You'll have the opportunity to ask questions.

And finally, we hope to see you at the annual Christmas Tree lighting. The event will take place on December 3 here at Anna Municipal Complex starting at 5 p.m. and will feature crafts in Santa's Workshop, photos with Santa, hot chocolate, a live reindeer, fireworks, and more!

Dec. 3 is also the kick off date of our 12 Days of Anna holiday celebration. Learn more about it at www.AnnaTexas.gov/12DaysofAnna

- b. Recreation program and events report and announcement of the 12 Days of Anna programs and Christmas tree lighting event on Saturday, December 3rd (Assistant Director of Neighborhood Services Jeff Freeth).
- c. Recognition of the 2022 City of Anna Youth Soccer volunteer coaches

(Assistant Director of Neighborhood Services Jeff Freeth)

- d. Report on November 21st Parks Advisory Board Meeting. (Assistant Director of Neighborhood Services Jeff Freeth)
- e. Update from the November 1, 2022 Diversity and Inclusion Advisory Commission meeting (Assistant to the City Manager Kimberly Winarski).

6. Consent Items.

MOTION: Mayor Pro Tem Miller moved to approve items a-d, i-k and m, and removed items e-h and l. Council Member Ussery seconded. Motion carried 7-0.

- a. Approve the City Council Meeting Minutes for the November 8, 2022 meeting. (City Secretary Carrie Land)
- b. Review Minutes of the October 3, 2022 Planning & Zoning Commission Meeting. (Planning Manager Lauren Mecke)
- c. Review Minutes of the October 5, 2022, Joint Community Development Corporation and Economic Development Corporation Board Meetings. (Director of Economic Development Joey Grisham)
- d. Review Monthly Financial Report for the Month Ending October 31, 2022. (Budget Manager Terri Doby)
- e. Approve an Ordinance Amending the FY2023 Operating Budget and Community Investment Program (CIP) Budget to appropriate funding for additional staffing, the Downtown Plaza, and the Wheeled Sports Park. (Budget Manager Terri Doby)

The City Council has provided direction to staff to implement the following initiatives, which require a budget amendment.

The proposed budget amendment includes funding for the following purposes:

Sales tax revenue exceeded FY2022 revenue projections and is expected to continue to grow in FY2023 as a result of the explosive growth in our community. This explosive growth is also resulting in the need for additional staff, equipment and services in order to maintain the quality of services for our neighbors.

AN ORDINANCE AMENDING ORDINANCE NO. 1002-2022 ADOPTING THE BUDGET FOR THE 2022-2023 FISCAL YEAR; PROVIDING FOR SAVINGS, SEVERABILITY, AND REPEALING CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

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

- f. Approve a Resolution establishing a Depository Bank Solicitation Policy. (Finance Director Alan Guard)

The City's contract for Bank Depository Services with Independent Financial expires May 31, 2023. City staff is currently working with Valley View Consulting on a Request for Applications (RFA) for a new contract beginning June 1, 2023. In working with the consultants, it was discovered that City Council passed a resolution last time that limited the solicitation area to financial institutions within 7 miles of City Hall. It is recommended that Council adopt a new policy that expands the solicitation area that will allow staff and City Council more flexibility in determining the financial institutions that will be eligible. This will potentially lead to more banks applying and higher interest rates paid and lower fees. This is allowable by resolution under Chapter 105 of the Local Government Code.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS, ADOPTING A POLICY PERMITTING THE CONSIDERATION OF APPLICATIONS FOR PRIMARY DEPOSITORY SERVICES RECEIVED FROM FINANCIAL INSTITUTIONS THAT ARE NOT DOING BUSINESS WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY.

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

- g. Approve a Resolution on an agreement for project initiation services for an indoor recreation facility with Project Advocates. (Director of Public Works Greg Peters, P.E.)

This item is to approve a contract with Project Advocates to provide the City with professional services pertaining to the project initiation and project scoping for a future indoor recreation center, as approved in Proposition C of the 2021 Bond Election. Project Advocates will assist the City in the development of a project charter through a mix of public engagement, project costing, feedback from the Parks Board and City Council, and scoping of facility needs.

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 PROJECT ADVOCATES FOR PROJECT INITIATION SERVICES ON A NEW INDOOR RECREATION FACILITY FOR THE CITY OF ANNA, TEXAS, AS SHOWN IN EXHIBIT "A" ATTACHED HERETO, AND PROVIDING FOR AN EFFECTIVE DATE.

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

- h. Approve a Resolution for a contract with Teague Nall & Perkins for landscape architecture professional services on the Municipal Complex Plaza. (Director of Public Works, P.E.)

The plaza on the Anna Municipal Complex property is a key component of the overall development of the site. It will tie in all three buildings, including the

existing Central Fire Station, Municipal Building, and the future Library. In addition, this will be a public event space and park area for public use, providing a strong link to the business district just north through Interurban. The project is a part of the City of Anna Strategic Plan to enhance the downtown area.

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 MUNICIPAL COMPLEX PLAZA, AS SHOWN IN EXHIBIT "A" ATTACHED HERETO, AND PROVIDING FOR AN EFFECTIVE DATE.

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

- i. Acting as the Anna Public Facility Corporation Board of Directors, Approve a Resolution authorizing the First Amendment to the Loan Agreement of the Multifamily Housing Revenue Bonds (Palladium East Foster Crossing); approving and authorizing the execution and delivery of related documents; authorizing representatives of the Anna PFC to execute documents; and approving related matters. (Director of Economic Development Joey Grisham)

This item includes minor changes to the Palladium East Foster Crossing Loan Agreement and is not material to the Anna PFC but does require Board approval.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS APPROVING AND AUTHORIZING A FIRST AMENDMENT TO AMENDED AND RESTATED INCENTIVE AGREEMENT FOR NEW ECONOMIC DEVELOPMENT WITH ANNA VILLAGE RESIDENTIAL, LTD. AND ANNA VILLAGE COMMERCIAL, LTD.

- j. Approve a Resolution approving and authorizing a First Amendment to Amended and Restated Incentive Agreement for New Economic Development with Anna Village Residential, Ltd. and Anna Village Commercial, Ltd. (Director of Economic Development Joey Grisham)

The Council previously approved an Incentive Agreement for a high-quality 317 unit MF complex on US Highway 75, and this amendment simply updates the dates for project commencement and completion. The Developer has until January 31, 2023 to commence construction and December 31, 2024 to complete the project. They must also obtain the building permit for Phase 1 by December 9, 2022.

FIRST AMENDMENT TO AMENDED AND RESTATED INCENTIVE AGREEMENT FOR NEW ECONOMIC DEVELOPMENT

- k. Accept an equipment donation to the Anna Police Department from RPS Defense (Police Chief Dean Habel)

RPS Defense, a private aviation company located in Addison, TX, contacted the police department and offered to donate safety gear with a total estimated retail value of \$9,000.

- l. Approve a Resolution authorizing the City Manager to execute a construction agreement with SPA Skateparks for the construction of a skatepark at Slayter Creek Park. (Neighborhood Services)

The design of the skate park at Slayter Creek Park has progressed enough for SPA Skateparks to provide the City with a Guaranteed Maximum Price of \$1.8 million for construction. Tentatively, construction will begin in early April of next year and should be completed by September 2023.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A CONSTRUCTION AGREEMENT WITH TEXAS AND TRANSCEND, INC. D/B/A SPA SKATEPARKS FOR THE CONSTRUCTION OF A SKATEPARK AT SLAYTER CREEK PARK.

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

- m. Approve a Resolution adopting a New City Seal. (City Secretary Carrie Land)

The City seal is affixed to all appropriate documents, ordinances, resolutions, minutes and proclamations by the City Secretary. Staff is recommending personalizing the City seal to match the inlay in the lobby at the Municipal Complex. The seal would then be unique to the City of Anna.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS ADOPTING A NEW CITY SEAL; AND OTHER MATTERS IN CONNECTION THEREWITH.

7. Items For Individual Consideration.

- a. Conduct a Public Hearing/Consider/Discuss/Action on an Ordinance for a Specific Use Permit (SUP) for a hotel on one lot on 2.9± acres located on the east side of Standridge Boulevard, 1,040± feet north of Suzie Lane. (Planning Manager Lauren Mecke)

The Zoning Ordinance and Planned Development allows motor hotel within the Restricted and General Commercial districts with approval of a SUP.

Mayor Pike opened the public hearing at 7:39 PM.

MOTION: Mayor Pike moved to hold the public hearing open until Tuesday, December 13, 2022 City Council meeting at 6PM to be held in the Municipal

Complex Building, 120 W. 7th St. Mayor Pro Tem Miller seconded. Motion carried 7-0.

- b. Consider/Discuss/Action on a Resolution regarding One Anna Two Addition, Block A, Lot 4R, Concept Plan. (Planning Manager Lauren Mecke)

Hotel on one lot on 3.0± acres located on the east side of Standridge Boulevard, 1,040± feet north of Suzie Lane. Zoned: Planned Development (Ord. No. 765-2018).

The purpose of the Concept Plan is to show the future hotel and related site improvements.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A CONCEPT PLAN FOR ONE ANNA TWO ADDITION, BLOCK A, LOT 4R.

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

- c. Conduct a Public Hearing/Consider/Discuss/Action on an Ordinance to rezone 1.2± acres located at the southeast corner of E. Fourth Street and S. Sherley Avenue. (Planning Manager Lauren Mecke)

At the November 7, 2022 Planning & Zoning Commission meeting, the public hearing was tabled until the December 5, 2022 Planning & Zoning Commission meeting in order for the applicant to address outstanding plan review comments.

Recommend the public hearing be tabled and held open until the Tuesday, December 13, 2022 City Council meeting at 6PM to be held in the Municipal Complex Building (120 W 7th Street).

Mayor Pike opened the public hearing at 7:49 PM.

MOTION: Mayor Pike moved to hold the public hearing open until Tuesday, December 13, 2022 City Council meeting at 6PM to be held in the Municipal Complex Building, 120 W. 7th St. Mayor Pro Tem Miller seconded. Motion carried 7-0.

- d. Consider/Discuss/Action on an Ordinance regarding a sign variance. (Planning Manager, Lauren Mecke)

The applicant is requesting a variance to allow for the sign to be five feet closer to the right-of-way, reducing the setback from 15 feet to 10 feet. Additional signage on the property will be subject to the rules and regulations of Article 9.05 *Signs*.

AN ORDINANCE OF THE CITY OF ANNA, TEXAS AMENDING THE CITY'S 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 Carver moved to approve. Council Member Ussery seconded. Motion carried 7-0.

- e. Acting as the Anna Public Facility Corporation Board of Directors, Consider/Discuss/Action on a resolution authorizing the formation of and APFC as sole member of (i) APFC Waters Creek Member, LLC, as special member and landlord, (ii) APFC Waters Creek Contractor, LLC, as general contractor, and (iii) APFC Waters Creek Development, LLC, as co-developer, all in relation to the financing, acquisition, construction and development of the Jefferson Villages at Waters Creek multifamily affordable housing development.(Director of Economic Development Joey Grisham)

As the PFC Board will recall, the Villages of Waters Creek is a Class A Multifamily project being developed by JPI, who is also doing the Parmore Senior Living project in Anna Town Square. The Anna PFC approved an MOU for this project earlier this year. This item approves the necessary documents for the partnership structure. 50% of the units will be targeted for those who earn 80% AMI, while the remaining 50% will be market rate units.

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

- f. Acting as the Anna Public Facility Corporation Board of Directors, Consider/Discuss/Action on a resolution as sole member of APFC Waters Creek Member, LLC and APFC Waters Creek Contractor, LLC, to take certain actions and enter into certain documents relating to the financing of the Jefferson Villages at Waters Creek multifamily affordable housing development. (Director of Economic Development Joey Grisham)

As the Anna PFC Board will recall, the Villages of Waters Creek is a Class A Multifamily project being developed by JPI, who is also doing the Parmore Senior Living project in Anna Town Square. The Anna PFC Board approved an MOU for this project earlier this year. This item approves the necessary documents for the partnership structure. 50% of the units will be targeted for those who earn 80% AMI, while the remaining 50% will be market rate units.

RESOLUTION OF THE SOLE MEMBER OF APFC WATERS CREEK MEMBER, LLC

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

- g. Consider/Discuss/Act on an Ordinance re-naming Throckmorton Boulevard to Buddy Hayes Boulevard. (Director of Public Works Greg Peters, P.E.)

This item is to officially change the name of Throckmorton Boulevard to Buddy Hayes Boulevard. Throckmorton Boulevard requires a name change due to a road with the same name being located just south of Anna. In addition, this is an opportunity to celebrate the life of one of Anna's most distinguished neighbors.

Changing the name of Throckmorton Boulevard to Buddy Hayes Boulevard will honor the contributions of Mr. Hayes, his wife Juanita, and his family to the Anna community.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS, RENAMING THROCKMORTON BOULEVARD; PROVIDING A SAVINGS, SEVERABILITY AND REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

- h. Consider/Discuss/Action to fill an EDC/CDC Boards vacancy. (City Secretary Carrie Land)

Shane Williams, Place 1 has submitted his resignation. The vacancy is a partial term, expiring May 2023.

MOTION: Mayor Pro Tem Miller moved to Postpone until Dec 13, 2022. Council Member Toten seconded. Motion carried 7-0.

- i. Consider/Discuss/Action to fill a BOA vacancy. (City Secretary Carrie Land)

Place 1A is currently vacant. The term is a partial term, expiring May 2023.

MOTION: Mayor Pro Tem Miller moved to Postpone until Dec. 13th, 2022. Council Member Atchely 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).
- 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).

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

Mayor Pike recessed the meeting at 7:57 PM.

Mayor Pike reconvened the meeting at 8:34 PM.

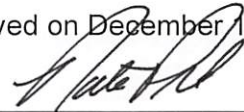
9. Consider/Discuss/Action on any items listed on any agenda - work session, regular meeting, or closed session - that is duly posted by the City of Anna for any City Council meeting occurring on the same date as the meeting noticed in this agenda.

No action was taken.

10. **Adjourn.**

Mayor Pike adjourned the meeting at 8:34 PM.

Approved on December 13, 2022



Mayor Nate Pike

ATTEST:



City Secretary Carrie L. Land

