

**Regular City Council Meeting
Meeting Minutes**



Tuesday, December 13, 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 at 6:00 PM, on December 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 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. Work Session.

- a. Discuss maintenance and operations within TxDOT corridors and potential options for City involvement. (Director of Public Works Greg Peters, P.E.)

Director of Public Works Greg Peters presented information to the City Council in regards to current maintenance and operations of TxDOT corridors in the City of Anna and potential options the City may consider to improve certain aspects of them. Staff sought feedback from the Council on the level of interest in funding enhancements which are above and beyond the level of service provided by the State.

- b. Update on the December 6, 2022 Joint City Council and Diversity and Inclusion Advisory Commission meeting (Assistant to the City Manager Kimberly Winarski)

Assistant to the City Manager Kimberly Winarski provided an update from the December 6, 2022 Joint City Council and Diversity and Inclusion Advisory Commission meeting.

On December 6, the Diversity and Inclusion Board held a joint meeting with the City Council to discuss goals and objectives and to get direction from the City Council for board operations going forward. The purpose of this item is to brief the Council on the meeting, seek direction from the Council, and discuss next steps.

3. Invocation and Pledge of Allegiance.

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

4. Neighbor Comments.

No public comments were given.

5. Reports.

a. Public Announcements (Mayor Nate Pike)

Commended the staff and everyone for a great evening at the Christmas Tree Lighting event.

Wished the community and staff members a Merry Christmas and Happy Holidays.

6. Consent Items.

MOTION: Mayor Pro Tem Miller moved to approve Items 6. a-o. Council Member Toten seconded. Motion carried 7-0.

- a. Approve City Council Meeting Minutes for November 22, 2022. (City Secretary Carrie Land)
- b. Review the Minutes from the October 17th Parks Advisory Board Meeting (Assistant Director of Neighborhood Services Jeff Freeth).
- c. Review Minutes of the November 7, 2022 Planning & Zoning Commission Meeting. (Director of Development Services Ross Altobelli)
- d. Approve a Resolution regarding the DHI Anna, Block A, Lots 1-3, Final Plat. (Director of Development Services Ross Altobelli)

Three multiple-family residence lots on 39.7± acres located at the northeast corner of future Throckmorton Boulevard and future Rosamond Parkway. Zoned: Planned Development (Ord. No. 881-2020).

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

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING DHI ANNA, BLOCK A, LOTS 1-3, FINAL PLAT.

- e. Approve a Resolution regarding the DHI Anna, Block A, Lot 1, Site Plan. (Director of Development Services Ross Altobelli)

Multiple-family residences on one lot on 11.7± acres located at the northeast corner of future Throckmorton Boulevard and future Rosamond Parkway. Zoned: Planned Development (Ord. No. 881-2020).

The purpose of the Site Plan is to show the proposed multiple-family residential development site improvements.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING DHI ANNA, BLOCK A, LOT 1, SITE PLAN.

- f. Approve a Resolution regarding the Facundo Addition, Block A, Lots 1-4, Minor Plat. (Director of Development Services Ross Altobelli)

Single-family dwelling, detached on one lot and three vacant lots on 4.0± acres located on the south side of County Road 370 (future Rollins Road), 170± feet west of Greywood Drive. Zoned: SF-E Single-Family – Large Lot.

The purpose for the Minor Plat is to dedicate right-of-way, lot and block boundaries, and easements necessary to subdivide the property.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING FACUNDO ADDITION, BLOCK A, LOTS 1-4, MINOR PLAT

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

Auto repair, minor on Lot 1, restaurant on Lot 2, and retail on Lot 3 on 3.8± acres located at the northeast corner of W. White Street and West Crossing Boulevard. Zoned: Planned Development (Ord. No. 442-2009).

The purpose of the Preliminary Plat is to dedicate lot and block boundaries and easements necessary for the future construction of the auto repair, minor on Lot 1, restaurant on Lot 2, and retail on Lot 3.

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

- h. Approve a Resolution regarding the Strickland Brothers Center Addition, Block A, Lot 1, Site Plan. (Director of Development Services Ross Altobelli)

Auto repair, minor on one lot on 0.6± acre located on the north side of W. White Street, 125± feet east of West Crossing Boulevard. Zoned: Planned Development (Ord. No. 442-2009).

The purpose of the Site Plan is to show the proposed auto repair, minor site improvements.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING STRICKLAND BROTHERS CENTER ADDITION, BLOCK A, LOT 1, SITE PLAN.

- i. Approve a Resolution regarding the Anna Town Square Addition, Block A, Lot 2R, Replat. (Director of Development Services Ross Altobelli)

Multiple-family residences on one lot on 11.1± acres located on the west side of E. Finley Boulevard, 515± feet south of Florence Way. Zoned: Planned Development (Ord. No. 983-2022).

The purpose of the Replat is to dedicate lot and block boundaries and easements necessary for the construction of the multiple-family residential development.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING ANNA TOWN SQUARE ADDITION, BLOCK A, LOT 2R, REPLAT.

- j. Approve a Resolution regarding the Anna Town Square Addition, Block A, Lot 2R, Site Plan. (Director of Development Services Ross Altobelli)

Multiple-family residences on 11.1± acres located on the west side of E. Finley Boulevard, 515± feet south of Florence Way. Zoned Planned Development (Ord. No. 983-2022).

The purpose of the Site Plan is to show the proposed multiple-family residence site improvements.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING ANNA TOWN SQUARE ADDITION, BLOCK A, LOT 2R, SITE PLAN.

- k. Approve a Resolution regarding the Oak Briar Addition, Block A, Lots 1R, 2R, & 3, Replat. (Director of Development Services Ross Altobelli)

Three lots on 14.3± acres located at the southeast corner of County Road 513 and County Road 1067. Zoned: Extraterritorial Jurisdiction (ETJ).

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

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING OAK BRIAR ADDITION, BLOCK A, LOT 1R, 2R, & 3, REPLAT

- l. Approve a Resolution regarding the Anna Town Center Addition, Block A, Lot 12, Site Plan. (Director of Development Services Ross Altobelli)

Restaurant on one lot on 2.8± acres located on the east side of U.S. Highway 75, 1,680± feet north of W. White Street. Zoned: Planned Development (Ord. No. 648-2014).

The purpose of the Site Plan is to show the proposed restaurant and related site improvements.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A SITE PLAN OF ANNA TOWN CENTER ADDITION, BLOCK A, LOT 12.

- m. Approve the Quarterly Investment Report for the Period Ending September 30, 2022. (Finance Director Alan Guard)

In accordance with the Public Funds Investment Act (PFIA), the City of Anna is required to submit a quarterly report on the investments of all public funds held by the City. The report includes:

- Review of the City's holdings.
- Comparison of book vs. market value.
- Allocation information by fund.
- Charts showing historical activity.

The City's portfolio as of the quarter ending September 30, 2022 earned an average yield of 0.66%. The total fiscal year-to-date interest earned is \$484,916. Total investments increased by \$14.7 million. This was due primarily to the sale of the business park and receipt of the second tranche of ARPA funds. The City has also started to diversify its portfolio with the investment of \$9.0 million in CD's with Independent Bank (\$2.0 million for the General Fund, \$2.0 million for the Utility Fund and \$5.0 million for the EDC).

- n. Approve a Resolution authorizing the City Manager to enter into a Wastewater Regionalization Agreement with North Texas Municipal Water District in a form approved by the City Attorney (Director of Public Works Greg Peters, P.E.)

The City of Anna submitted a discharge permit request to the TCEQ in September of 2022. During the process, North Texas Municipal Water District identified themselves as an affected party in the review process, and ultimately decided to issue a challenge to the permit request.

TCEQ staff has informed the City of Anna that as soon as NTMWD removes their challenge to the permit, the discharge permit will go through the final approval process and a permit can be issued.

A RESOLUTION OF THE CITY OF ANNA, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE A REGIONALIZATION AGREEMENT BY AND BETWEEN THE CITY OF ANNA, TEXAS, AND THE NORTH TEXAS MUNICIPAL WATER DISTRICT, IN A FORM APPROVED BY THE CITY ATTORNEY, FOR THE DEVELOPMENT OF A REGIONAL WASTEWATER TREATMENT FACILITY KNOWN AS THE HURRICANE CREEK REGIONAL WASTEWATER TREATMENT PLANT; AND PROVIDING FOR AN EFFECTIVE DATE.

- o. Discuss/Consider/Action a Resolution authorizing the City Manager to execute documents for the purchase of a portion of real property and permanent drainage easements located at 506 Hackberry Drive necessary for the construction of Hackberry Drive roadway improvements west of State Highway 5 in accordance with certified appraisals and in a form approved by the City Attorney. (Director of Public Works Greg Peters, P.E.)

Staff worked with a real estate professional to acquire the required land with the use of certified appraisals. Multiple strips have already been purchased as they were smaller in size and impact on the property owner, and well below the City Manager's approval maximum of \$50,000. This is one of a small group of parcels which is at a value above the \$50,000 threshold based on the appraised value of

the property being acquired and the appraised land damages, necessitating City Council authorization. This item authorized the City Manager to complete the purchase process. Once the properties are purchased, staff will bid the project for construction.

A RESOLUTION OF THE CITY OF ANNA, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF AGREEMENT AND ASSOCIATED DOCUMENTS, IN A FORM APPROVED BY THE CITY ATTORNEY, FOR THE PURCHASE OF A PORTION OF REAL PROPERTY AND PERMANENT EASEMENTS LOCATED AT 506 HACKBERRY DRIVE, ANNA, TEXAS 75409; AND PROVIDING FOR AN EFFECTIVE DATE.

7. Items For Individual Consideration.

- a. Consider/Discuss/Action on a Resolution regarding One Anna Two Addition, Block A, Lot 4R Development Agreement. (Director of Development Services Ross Altobelli)

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

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A DEVELOPMENT AGREEMENT WITH NORTH TEXAS HOCO, LLC RELATING TO DEVELOPMENT AND DESIGN REGULATIONS FOR MOTOR HOTEL LOCATED ON THE EAST SIDE OF STANDRIDGE BOULEVARD, 1,040± FEET NORTH OF SUZIE LANE.

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

- b. 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. (Director of Development Services Ross Altobelli)

The public hearing was initially opened at the Tuesday, November 22, 2022 City Council meeting and continued and held open until the Tuesday, December 13, 2022 City Council meeting.

The applicant is requesting a Specific Use Permit (SUP) for a motor hotel.

The subject property is undeveloped and zoned Planned Development (Ord. No. 765-2018).

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 6:46 PM.

No public comments were given.

Mayor Pike closed the public hearing at 6:47 PM.

AN ORDINANCE OF THE CITY OF ANNA, TEXAS AMENDING THE CITY'S COMPREHENSIVE PLAN, ZONING MAP, AND ZONING ORDINANCE AND APPROVING A SPECIFIC USE PERMIT ON 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: Mayor Pro Tem Miller moved to approve. Council Member Carver seconded. Motion carried 7-0.

- c. Consider/Discuss/Action on a Resolution regarding One Anna Two Addition, Block A, Lot 4R, Concept Plan. (Director of Development Services Ross Altobelli)

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. Council Member Ussery seconded. Motion carried 7-0.

- d. Consider/Discuss/Action on a Resolution regarding the Anna Station Development Agreement (Planning Manager Lauren Mecke).

The applicant is requesting to amend the Development Agreement (DA) previously approved May 24, 2022. Modifications to the DA include:

- Adding the Developer to the agreement;
- Adding renderings and elevation plan;
- Clarifying the requirements for masonry percentages adjacent to public streets, fire lanes, and open space;
- Modifying building articulation features; and
- Modifying timelines.

Modifications to Masonry Requirements

The change to the masonry includes a reduction in the front elevation of structures from 70% on the first floor and 50% on the second floor to 70% on the first floor of 50% or more of the buildings and 20% on the remaining structures. This will allow the applicant to provide more variation in the building appearances. Additionally, the applicant is increasing the masonry requirement on the remaining sides of the buildings from 40% cumulative to a minimum of 20% masonry per side.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A DEVELOPMENT AGREEMENT WITH ANNA 1340 HOLDINGS, LLC, RELATING TO DEVELOPMENT AND DESIGN REGULATIONS FOR MULTIPLE-FAMILY RESIDENCE DEVELOPMENT GENERALLY LOCATED ON THE SOUTH SIDE OF COUNTY ROAD 1106, 175± FEET EAST OF STATE HIGHWAY 5.

MOTION: Council Member Carver moved to postpone. Council Member Atchley seconded. Motion withdrawn.

MOTION: Council Member Atchley moved to approve. Council Member Totten seconded. Motion carried 4-3. Opposed by Mayor Pike, Council Member Carver, and Council Member Ussery.

- e. Conduct a Public Hearing/Consider/Discuss/Action on an Ordinance to amend zoning for multiple-family residences on one lot on 16.3± acres located on the south side of County Road 1106, 185± feet east of N. Powell Parkway. (Planning Manager Lauren Mecke)

The subject property was initially rezoned in May 2022 as a Planned Development (PD) to allow for a medium-density, multiple-family residence. The property is under contract with a new developer and the applicant is requesting to modify the PD to better accommodate their product type.

Mayor Pike opened the public hearing at 7:04 PM.

No public comments were given.

Mayor Pike closed the public hearing at 7:04 PM.

AN ORDINANCE OF THE CITY OF ANNA, TEXAS AMENDING THE CITY'S COMPREHENSIVE PLAN, ZONING MAP, AND ZONING ORDINANCE AND CHANGING THE ZONING OF CERTAIN PROPERTY AS DESCRIBED HEREIN; PROVIDING FOR SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR A PENALTY CLAUSE NOT TO EXCEED \$2,000 OR THE HIGHEST PENALTY AMOUNT ALLOWED BY LAW, WHICHEVER IS LESS; AND, PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

MOTION: Mayor Pro Tem Miller moved to approve. Council Member Totten seconded. Motion carried 6-1. Opposed by Mayor Pike.

- f. Consider/Discuss/Action on a Resolution regarding Anna Station, Concept Plan. (Planning Manager Lauren Mecke)

Multiple-Family Residences on 16.2± acres located on the south side of County Road 1106, 175± feet east of State Highway 5.

This concept plan is associated with the zoning case and is contingent upon approval of the zoning case. The purpose for the concept plan is to show the conceptual layout and related site improvements associated with the future multiple-family development. The concept plan complies with the zoning districts area regulations as requested by the zoning case.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A CONCEPT PLAN FOR ANNA STATION, BLOCK A, LOT 1.

MOTION: Council Member Toten moved to approve. Council Member Atchley seconded. Motion carried 6-1. Opposed by Mayor Pike.

- g. 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. (Director of Development Services Ross Altobelli)

The City is requesting to rezone the subject property to a Planned Development District "PD" to allow for a park, playground, and service yard of governmental agency with modified development standards. A PD is intended to provide for combining and mixing of uses allowed in various districts with appropriate regulations and to permit flexibility in the use and design of land and buildings in situations where modification of specific provisions of this article is not contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the community.

The subject property is currently developed as a city park with ground storage tanks and ground water wells.

Mayor Pike opened the public hearing at 7:07 PM.

No public comments were given.

Mayor Pike closed the public hearing at 7:07 PM.

AN ORDINANCE OF THE CITY OF ANNA, TEXAS AMENDING THE CITY'S COMPREHENSIVE PLAN, ZONING MAP, AND ZONING ORDINANCE AND CHANGING THE ZONING OF CERTAIN PROPERTY AS DESCRIBED HEREIN; PROVIDING FOR SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR A PENALTY CLAUSE NOT TO EXCEED \$2,000 OR THE HIGHEST PENALTY AMOUNT ALLOWED BY LAW, WHICHEVER IS LESS; AND, PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

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

- h. Conduct a Public Hearing/Consider/Discuss/Action on a Resolution regarding Sherley Park Addition, Block A, Lots 1 and 2, Replat. (Director of Development Services Ross Altobelli)

Park, playground, and service yard of governmental agency on 1.2± acres located at the southeast corner of E. Fourth Street and S. Sherley Avenue. Zoned: Planned Development.

The purpose for the Replat is to dedicate lot and block boundaries, easements, and abandon rights-of-way necessary for existing and proposed improvements to the park, playground, and service yard.

Mayor Pike opened the public hearing at 7:09 PM.

No public comments were given.

Mayor Pike closed the public hearing at 7:09 PM.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING SHERLEY PARK ADDITION, BLOCK A, LOTS 1 AND 2, REPLAT.

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

- i. Consider/Discuss/Action on a Resolution regarding Sherley Park Addition, Block A, Lots 1 and 2, Site Plan. (Director of Development Services Ross Altobelli)

Park, playground, and service yard of a governmental agency on 1.2± acres located at the southeast corner of E. Fourth Street and S. Sherley Avenue. Zoned: Planned Development.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A SITE PLAN OF SHERLEY PARK ADDITION, BLOCK A, LOTS 1 AND 2.

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

- j. Consider/Discuss/Action on a Resolution regarding the NexMetro/SWBC Anna, Development Agreement. (Director of Development Services Ross Altobelli)

The intent of the development agreement is to ensure the use of high quality, durable materials for nonresidential and residential development within the city to create well designed and attractive architecture. Additionally, the development agreement includes construction deadlines associated with the single-family for rent product and impact fee reimbursements associated with the construction of a major thoroughfare and upsized utilities. The applicant is proposing the following masonry standards:

Single-Unit and Two-Unit Multiple-Family Residence Buildings

Front elevation: 80% masonry

Remaining cumulative surface (excluding windows and doors): 60% masonry

Multiple-Family Residence Buildings

80% masonry

Restricted Commercial

Exterior facade visible from US Highway 75: 100% masonry

Exterior facade visible to the public: 75% masonry

Exterior facade not visible to the public: 60% masonry

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A DEVELOPMENT AGREEMENT WITH CAALMS GROUP, LLC RELATING TO DEVELOPMENT AND DESIGN REGULATIONS FOR MULTIPLE-FAMILY

RESIDENCE AND COMMERCIAL DEVELOPMENT LOCATED ON THE EAST SIDE OF U.S. HIGHWAY 75, 1,200± FEET SOUTH OF W. WHITE STREET.

MOTION: Council Member Ussery moved to approve. Mayor Pro Tem Miller seconded. Motion withdrawn.

MOTION: Council Member Ussery moved to approve, subject to Attorney's approval of form. Mayor Pro Tem Miller seconded. Motion carried 7-0.

- k. Conduct a Public Hearing/Consider/Discuss/Action on an Ordinance to rezone 65.0± acres located on the east side of U.S. Highway 75, 1,200± feet south of W. White Street from Planned Development-C-1 Restricted Commercial District (PD-C-1) (Ord. No. 107-2003) to Planned Development. (Director of Development Services Ross Altobelli)

Request to rezone 65.0± acres located on the east side of U.S. Highway 75, 1,200± feet south of W. White Street from Planned Development-C-1 Restricted Commercial District (PD-C-1) (Ord. No. 107-2003) to Planned Development (PD).

The proposed zoning will be Planned Development with the following zoning district, each having modified development standards:

- MF-1 Multiple-Family Residential – Medium Density
- MF-2 Multiple-Family Residential – High Density
- C-2 General Commercial District

Mayor Pike opened the public hearing at 7:13 PM.

Developer Josh Ettie spoke on behalf of the company.

Mayor Pike closed the public hearing at 7:23 PM.

AN ORDINANCE OF THE CITY OF ANNA, TEXAS AMENDING THE CITY'S COMPREHENSIVE PLAN, ZONING MAP, AND ZONING ORDINANCE AND CHANGING THE ZONING OF CERTAIN PROPERTY AS DESCRIBED HEREIN; PROVIDING FOR SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR A PENALTY CLAUSE NOT TO EXCEED \$2,000 OR THE HIGHEST PENALTY AMOUNT ALLOWED BY LAW, WHICHEVER IS LESS; AND, PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

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

- l. Consider/Discuss/Action on a Resolution regarding NexMetro / SWBC Anna, Concept Plan. (Director of Development Services Ross Altobelli)

Multiple-family residential dwellings on two lots and commercial uses on 65.0± acres located on the east side of U.S. Highway 75, 1,200± feet south of W. White Street. Zoned: Planned Development (Ord. No. 107-2003).

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A CONCEPT PLAN FOR NEXMETRO / SWBC ANNA.

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

- m. Conduct a Public Hearing/Consider/Discuss/Action on the Avery Pointe, Phase 1, Block U, Lots CA-67R & 68, Replat. (Director of Development Services Ross Altobelli)

Two vacant lots on 6.4± acres located on the north side of W. White Street, 143± feet west of Buffalo Bill Drive. Zoned: Planned Development (Ord. No. 673-2014).

The purpose of the Replat is to dedicate lot and block boundaries and easements necessary to subdivide the property.

Mayor Pike opened the public hearing at 7:28 PM.

No public comments were given.

Mayor Pike closed the public hearing at 7:28 PM.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING AVERY POINTE, PHASE 1, BLOCK U, LOTS CA-67R & 68, REPLAT.

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

- n. First reading of a Resolution approving an Anna Community Development Corporation project for Phase I of City of Anna Wayfinding Program and approving the CDC entering into a Professional Services Agreement with Lee Engineering, L.L.C. (Director of Economic Development Joey Grisham)

Two readings are required--the CDC Board approved the project on November 9, 2022. This is the first reading. Mayor Pike read the following:

A Resolution of the City of Anna, Texas City Council ratifying and approving an Anna Community Development Corporation Project for Phase 1 of the City of Anna Wayfinding Program and Approving the Anna CDC entering into a Professional Services Agreement with Lee Engineering, LLC.

- o. Second reading of a Resolution approving an Anna Community Development Corporation project for Phase I of City of Anna Wayfinding Program and approving the CDC entering into a Professional Services Agreement with Lee Engineering, L.L.C. (Director of Economic Development Joey Grisham)

This is the 2nd Reading of the Resolution. Mayor Pike read the following:

A Resolution of the City of Anna, Texas City Council ratifying and approving an Anna Community Development Corporation Project for Phase 1 of the City of Anna Wayfinding Program and Approving the Anna CDC entering into a Professional Services Agreement with Lee Engineering, LLC.

- p. Consider/Discuss/Action on a Resolution approving an Anna Community Development Corporation project for Phase I of City of Anna Wayfinding Program and approving the CDC entering into a Professional Services Agreement with Lee Engineering, L.L.C. (Director of Economic Development Joey Grisham)

Following the sale of the Anna Business Park, the CDC/EDC Boards held a special called meeting with the City Council in June 2022. Members discussed various projects related to the development of the downtown and Citywide. One Citywide project that was identified as a priority was wayfinding and gateway signage that will help attract visitors and provide a sense of place and direction to destinations. As much as the City of Anna's major ROW entrances are owned by TxDOT, we coordinated with the City's engineering team to select Lee Engineering to lead the study and design of gateway entrance and wayfinding signage. MERJE will serve as a subcontractor and has extensive experience in community wayfinding programs. The scope and methodology as well as project timelines are attached, with Phase I expected to cost \$35,960.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS APPROVING AN ANNA COMMUNITY DEVELOPMENT CORPORATION PROJECT FOR PHASE I OF CITY OF ANNA WAYFINDING PROGRAM AND APPROVING THE ANNA COMMUNITY DEVELOPMENT CORPORATION ENTERING INTO A PROFESSIONAL SERVICES AGREEMENT WITH LEE ENGINEERING, L.L.C.

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

- q. Conduct a Public Hearing on the Levying of Assessments in Improvement Area #2 within the Hurricane Creek Public Improvement District. (Director of Economic Development Joey Grisham)

This item is required for the levying of assessments for Improvement Area #2 in the Hurricane Creek Public Improvement District.

Mayor Pike opened the public hearing at 7:35 PM.

No public comments were given.

Mayor Pike closed the public hearing at 7:35 PM.

- r. Consider/Discuss/Action on an Ordinance accepting and approving a Service and Assessment Plan and Assessment Roll for Improvement Area#2 of the Hurricane Creek Public Improvement District; Making a finding of Special Benefit to the property in Improvement Area #2 of the District; Levying Special Assessments against property within Improvement Area #2 of 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, proving penalties and interest on delinquent assessments, providing for severability, and proving an effective date. (Director of Economic Development Joey Grisham)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS ACCEPTING AND APPROVING A SERVICE AND ASSESSMENT PLAN AND ASSESSMENT ROLL FOR IMPROVEMENT AREA #2 OF THE HURRICANE CREEK PUBLIC IMPROVEMENT DISTRICT; MAKING A FINDING OF SPECIAL BENEFIT TO THE PROPERTY IN IMPROVEMENT AREA#2 OF THE DISTRICT; LEVYING SPECIAL ASSESSMENTS AGAINST PROPERTY WITHIN IMPROVEMENT AREA #2 OF 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..

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

- s. Consider/Discuss/Action on adoption of an Ordinance authorizing the issuance of the "City of Anna, Texas, Special Assessment Revenue Bonds, Series 2022 (Hurricane Creek Public Improvement District Improvement Area #2 Project)" approving and authorizing an Indenture of Trust, A Bond Purchase Agreement, A Limited Offering Memorandum, A Continuing Disclosure Agreement and Other Agreements and Documents in connection therewith; making findings with respect to the issuance of such bonds; and providing an effective date." (Director of Economic Development Joey Grisham)

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE "CITY OF ANNA, TEXAS, SPECIAL ASSESSMENT REVENUE BONDS, SERIES 2022 (HURRICANE CREEK PUBLIC IMPROVEMENT DISTRICT IMPROVEMENT AREA #2 PROJECT)"; APPROVING AND AUTHORIZING AN INDENTURE OF TRUST, A BOND PURCHASE AGREEMENT, A LIMITED OFFERING MEMORANDUM, A CONTINUING DISCLOSURE AGREEMENT AND OTHER AGREEMENTS AND DOCUMENTS IN CONNECTION THEREWITH; MAKING FINDINGS WITH RESPECT TO THE ISSUANCE OF SUCH BONDS; AND PROVIDING AN EFFECTIVE DATE.

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

- t. Consider/Discuss/Action on a Resolution authorizing the City Manager to execute documents for the purchase of a portion of real property located at 510 Hackberry Drive necessary for the construction of Hackberry Drive roadway improvements west of State Highway 5 in accordance with certified appraisals and in a form approved by the City Attorney. (Director of Public Works Greg Peters, P.E.)

The City of Anna has a Capital Improvement Plan project to improve Hackberry Drive from State Highway 5 to Bamborough Drive. As a part of the project, the City must purchase strips of real property from the adjacent landowners to provide for the width required for the new road.

Staff worked with a real estate professional to acquire the required land with the use of certified appraisals. Multiple strips have already been purchased as they were smaller in size and impact on the property owner, and well below the City Manager's approval maximum of \$50,000. This is one of a small group of parcels which is at a value above the \$50,000 threshold based on the appraised value of the property being acquired and the appraised land damages, necessitating City Council authorization. This item will authorize the City Manager to complete the purchase process. Once the properties are purchased, staff will bid the project for construction.

A RESOLUTION OF THE CITY OF ANNA, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF AGREEMENT AND ASSOCIATED DOCUMENTS, IN A FORM APPROVED BY THE CITY ATTORNEY, FOR THE PURCHASE OF A PORTION OF REAL PROPERTY LOCATED AT 510 HACKBERRY DRIVE, ANNA, TEXAS 75409; AND PROVIDING FOR AN EFFECTIVE DATE.

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

- u. Consider/Discuss/Action on a Resolution authorizing the City Manager to execute a purchase order for the relocation of overhead poles and utilities located adjacent to the City of Anna Municipal Complex as a part of the Downtown Street Improvements capital project. (Director of Public Works Greg Peters, P.E.)

This item is intended to improve the aesthetics of our downtown area and allow for roadway improvements. As re-development of downtown occurs, the City is seeking to bury overhead lines in order to beautify the area and allow for enhanced streets, sidewalks, and landscaping. The City has already removed existing Oncor power poles which were previously located on the Municipal Complex property. This item is to remove the AT&T poles surrounding the Municipal Complex property, creating a more professional and aesthetic appearance downtown and allowing for the re-construction of 5th Street, 7th Street, and Riggins.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A LETTER OF AGREEMENT BY AND BETWEEN THE CITY OF ANNA, TEXAS AND AT&T, FOR THE REMOVAL OF OVERHEAD LINES AND POLES AND THE INSTALLATION OF UNDERGROUND TELECOMMUNICATION CABLES AS A PART OF THE DOWNTOWN STREET IMPROVEMENTS CAPITAL PROJECT, 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.

- v. Consider/Discuss/Action on a Resolution awarding the bid for the Municipal Complex Parking Expansion (Director of Public Works Greg Peters, P.E.)

Now that the Municipal Complex is in use, it is clear that additional parking is required for the public, public safety staff, and general staff. This project will add 90 additional parking spaces to the property. The paved areas will not only improve parking for regular use of the facilities, but it will also provide the City with a larger area for attractions and booths when the City hosts special events on the property. The City publicly bid the project and opened up bids on December 1st. The project was advertised in the Anna Melissa Tribune.

Item was skipped to seek legal counsel in closed session, went to item 7.w..

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

- w. 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.

Jody Bills was appointed.

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

- x. Consider/Discuss/Action to fill a Board of Adjustment vacancy. (City Secretary Carrie Land)

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

Appointed Jody Bills to fill vacancy pending legal.

MOTION: Council Member Toten moved to approve pending legal council. Mayor Pro Tem Miller seconded. Motion withdrawn.

MOTION: Council Member Toten moved to postpone until the January 10, 2023 meeting at the Anna Municipal Complex - Council Chambers. Mayor Pro Tem 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:

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

Mayor Pike recessed the meeting at 7:51 PM.

Mayor Pike reconvened the meeting at 8:47 PM.

- 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). EDC-CDC Boards
- 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.

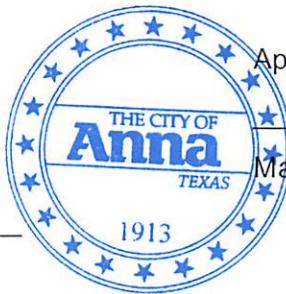
10. Adjourn.

Mayor Pike adjourned the meeting at 8:48 PM.

ATTEST:

Carrie L. Land

City Secretary Carrie L. Land



Approved on January 10, 2023

Nate Pike

Mayor Nate Pike