

**Regular City Council Meeting
Meeting Minutes**



Tuesday, February 28, 2023 @ 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 February 28, 2023 at 6:00 PM in 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 6:06 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. Neighbor Comments.

Stuart Brown, Jennifer Richardson, Tom Longmire, Kylee Kelley, and Ted Hout all spoke in opposition of the Atmos Metering Station in Urban Crossing.

Glen Brown congratulated and showed appreciation for opening Rosamond Pkwy connecting Hwy 5 and US 75, for bringing Home Depot to Anna, and asking for construction of roads and traffic lights for better traffic flow.

Tana Brown requested a temporary traffic light at Finley until a permanent one is placed and spoke in opposition to Nexmetro. Tana reiterated a comment Mr. Greer made, feels like Anna is being used as staging area for people looking to move to North Collin County. She also thanked Council for continuing to open with prayer and pledge of allegiance.

Becky Greer, Joe Greer, and Stephanie Dingle also spoke in opposition to Nexmetro.

4. Reports.

a. Recognition of the 2023 Art Night Anna High School contest winners.

On February 23, the City held its first Art Night contest with Neighbor Academy alumni, local high school art students, and the wider community. This event was created by this fall's Neighbor Academy for their community project as a way to engage with our local youth and celebrate their artistic talents. They sought to create an event to engage youth and increase opportunities for public art within the City of Anna, and ultimately bring a little more life into the Municipal Complex. This is our first time putting on this art contest and partnership, and we hope to make it reoccur in the future. This time we created a layout for a basic art program and build a strong foundation for the potentially reoccurring art events. In the future, there is the opportunity to expand the contest to other grades, potentially give the contest a theme, and more.

Winners are:

First Place - Zaylie Harris

Second Place - Annatte Adusei

Third Place - Keely McGrath

b. Proclamation - March 2023 "Ask a Master Gardener Month"

Residents of Anna benefit from the services of trained Master Gardeners and from science-based horticultural information provided through Texas A&M AgriLife. Teaching local residents about sustainable gardening can help improve their quality of life and the environment.

Master Gardeners Lenda Fidelman, Mary Linda Jones, Jim Ewolsen, Barron Bozeman, Diane Taylor and Francisco Almaguer were present to accept the Proclamation proclaiming March 2023 as Ask a Master Gardener's Month.

5. Consent Items.

MOTION: Mayor Pro Tem Miller moved to approve consent items 5. a.-c. Council Member Ussery seconded. Motion carried 7-0.

- a. Approve City Council Meeting Minutes for February 14, 2023. (City Secretary Carrie Land)
- b. Review Monthly Financial Report for the Month Ending January 31, 2023. (Budget Manager Terri Doby)

The City of Anna's financial policies require the publication of a financial report monthly. This report covers the financial performance for Fiscal Year 2023 through January 31, 2023. Enclosed in the report is an executive dashboard that provides a high level look at major funds along with detailed reporting of sales tax collections.

The financial condition of the City remains strong and the reported funds adhere to fund balance requirements.

- c. Approve a Resolution authorizing the City Manager to enter into an Interlocal Agreement with the City of Howe for the purchase of Howe's contract minimum water supply through the Greater Texoma Utility Authority. (Interim Director of Public Works Steven Smith)

This item approved an interlocal agreement with the City of Howe for the purchase of a portion of their unused water allocation. The total cost is \$71,457.70. The City of Anna has been purchasing unused water allocations from Howe and Van Alstyne over the past several years through the collective Collin Grayson Municipal Alliance. This is the most efficient and financially prudent way for Anna to receive adequate water supply without triggering an increase to the city's take or pay volume.

A RESOLUTION OF THE CITY OF ANNA, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT BY AND BETWEEN THE CITY OF ANNA AND THE CITY OF HOWE FOR THE PURCHASE OF A PORTION OF THE CITY OF HOWE'S CONTRACT MINIMUM WATER SUPPLY THROUGH THE GREATER TEXOMA UTILITY AUTHORITY; AND FURTHER AUTHORIZING THE CITY MANAGER TO MAKE PAYMENT TO THE CITY OF HOWE FOR THE PURCHASE OF SAID ADDITIONAL WATER SUPPLY AS SET FORTH IN THE TERMS AND CONDITIONS OF THE INTERLOCAL AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

6. Items For Individual Consideration.

- a. Consider/Discuss/Action on a Resolution regarding NexMetro CR 423, Development Agreement. (Planner II, Salena Tittle)

The intent of the development agreement is to ensure the use of high quality, durable materials for 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 commercial collector road and upsized utilities.

MOTION: Mayor Pro Tem Miller moved to take no action. Council Member Carver seconded. Motion carried 2-5. Motion Failed.

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

- b. Conduct a Public Hearing/Consider/Discuss/Action on an Ordinance to rezone 24.3± acres located at the northwest corner of State Highway 5 and County Road 423 from SF-E Single-Family Residential – Large Lot to Planned Development to allow for a multiple-family residential development with modified development standards. (Planner II, Salena Tittle)

The applicant proposed a multiple-family residential development on one lot with modified development standards consisting of one- and two-unit buildings, maximum height of one story/35 feet, consisting of one-bedroom, two-bedroom, and three-bedroom units.

The Planning & Zoning Commission recommended denial of the Planned Development zoning request unanimously. Approval by City Council would require a supermajority vote.

A Planned Development (PD) district 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. A PD district may be used to permit new and innovative concepts in land utilization. While great flexibility is given to provide special restrictions which will allow development not otherwise permitted, procedures are established herein to insure against misuse of the increased flexibility.

Mayor Pike opened the public hearing at 7:03 PM.

Glen Brown- Opposition to the location of a multi-family development.

Mayor Pike closed the public hearing at 7:06 PM.

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

- c. Consider/Discuss/Action on a Resolution regarding the NexMetro CR 423, Concept Plan. (Planner II, Salena Tittle)

Multiple-family residences on one lot on 24.3± acres located at the northwest corner of State Highway 5 and County Road 423.

The Planning & Zoning Commission recommended denial of the Concept Plan at the February 6, 2023 Planning & Zoning Commission Meeting.

The concept plan is associated with the zoning case and is contingent upon approval of the zoning case. The purpose of the concept plan is to show the

conceptual layout and related site improvements associated with the future multiple-family residential development. The concept plan complies with the Planning and Development regulations as requested by the zoning case.

MOTION: Council Member Toten moved to deny. Council Member Ussery seconded. Motion carried 7-0.

- d. Consider/Discuss/Action on a Resolution authorizing engineering/architectural/surveying service provider to complete project implementation for the City of Anna's 2023/2024 Texas Community Development Block Grant Program - Community Development (CD) Grant funded and administered through the Texas Department of Agriculture. (Economic Development Coordinator, Kimberly Garduno)

The Revitalization of Downtown Anna is considered a top priority as outlined by City Council. City staff identified two grant programs funded and administered through the Texas Department of Agriculture. The city has potential to rank high in the selection process and has a good chance to receive CDBG funding for 2023-24. At the January 24th City Council meeting, Council approved the selection of Public Management Inc. to assist city staff with the grant administration and application process. The next step is the selection of an engineering firm with extensive Community Development Block Grant (CDBG) project management experience.

Fiscal Year 2023-24 CDBG Funding provided by TDA:

- Grant Maximum \$500,000
- Grant is competitive within our region
- Engineering Fee - up to \$75,000 or 25 percent of construction budget (from awarded amount). Final fee will be negotiated with awarded firm. If a fee cannot be agreed upon, the city will negotiate with the 2nd rated firm.
- Eligible activities include sidewalks and lighting, eliminating architectural barrier, water/sewer lines, road reconstruction, etc. Sidewalks required for maximum points.
- Project must benefit 51% Low to Moderate Income (LMI) area to receive maximum points
- Current SAM registration is required
- Application deadline is April 3, 2023

Federal Grants require an extensive amount of paperwork throughout the process. To meet all the documentation requirements on federal grants, cities find it beneficial to hire engineering, architectural, and surveying firms that have experience and knowledge to assist City staff during the application process and ensure funding. Therefore, staff recommended City Council approve hiring an engineering firm to assist with the grant application and administration process.

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

A RESOLUTION OF THE CITY OF ANNA, TEXAS, AUTHORIZING ENGINEERING/ARCHITECTURAL/SURVEYING SERVICE PROVIDER TO COMPLETE PROJECT IMPLEMENTATION FOR THE CITY OF ANNA'S 2023/2024 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM – COMMUNITY DEVELOPMENT (CD) GRANT FUNDED AND ADMINISTERED THROUGH THE TEXAS DEPARTMENT OF AGRICULTURE.

- e. Consider/Discuss/Action on a Resolution authorizing engineering/architectural/surveying service provider to complete project implementation for the City of Anna's 2023 Texas Community Development Block Grant Program – Downtown Revitalization Program (DRP) Grant funded and administered through the Texas Department of Agriculture. (Economic Development Coordinator, Kimberly Garduno)

The Revitalization of Downtown Anna is considered a top priority as outlined by City Council. City staff identified two grant programs funded and administered through the Texas Department of Agriculture. The city has potential to rank high in the selection process and has a good chance to receive CDBG funding for 2023 Downtown Revitalization Program (DRP). At the January 24th City Council meeting, Council approved the selection of Public Management Inc. to assist City staff with the grant administration and application process. The next step is the selection of an engineering firm with extensive Community Development Block Grant (CDBG) project management experience.

Fiscal Year 2023 DRP CDBG Funding provided by TDA:

- Grant Maximum \$500,000
- Grant is competitive within our region
- Engineering Fee - up to \$75,000 or 25 percent of construction budget (from awarded amount). Final fee will be negotiated with awarded firm. If a fee cannot be agreed upon, the city will negotiate with the 2nd rated firm.
- Eligible activities include sidewalks and lighting, eliminating architectural barrier, water/sewer lines, road reconstruction, etc. Sidewalks required for maximum points.
- Current SAM registration is required
- Application deadline is May 3, 2023

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

A RESOLUTION OF THE CITY OF ANNA, TEXAS, AUTHORIZING ENGINEERING/ARCHITECTURAL/SURVEYING SERVICE PROVIDER TO COMPLETE PROJECT IMPLEMENTATION FOR THE CITY OF ANNA'S 2023

TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM –
DOWNTOWN REVITALIZATION PROGRAM (DRP) GRANT FUNDED AND
ADMINISTERED THROUGH THE TEXAS DEPARTMENT OF AGRICULTURE.

- f. Consider/Discuss/Act on a Resolution approving an Economic Development Incentive Agreement with Home Depot U.S.A., INC. (Asst. Director of Economic Development Taylor Lough)

Staff recommended approval of the Economic Development Incentive Agreement with Home Depot U.S.A, INC. Home Depot is working on developing a 13.71 acre site located at the intersection of Buddy Hayes Blvd. and Hackberry Drive at the north end of Anna Town Center (Walmart Development). They are looking to build 137,812 square feet, including a garden center. The Agreement requires Home Depot to complete construction by April 10, 2025 to receive incentives. They are currently in the due diligence phase.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS
APPROVING AN INCENTIVE AGREEMENT WITH HOME DEPOT U.S.A., INC.

- g. Consider/Discuss/Action on a Resolution authorizing the City Manager to execute a purchase order for the construction of a construction road for the Hurricane Creek Regional Wastewater Treatment Plant. (Interim Assistant City Manager Greg Peters, P.E.)

The City of Anna is seeking to construct a regional wastewater Treatment Facility in the southwest portion of the extraterritorial jurisdiction of the City. As a part of the project, the City must construct a construction road. This construction road is to be located within the existing right-of-way of County Road 286, where the existing road is a dirt path. Later in the construction of the treatment facility, this construction road will be improved to be a public road.

The City is proposing to utilize the Collin County Purchasing Cooperative to "piggyback" on an existing contract Collin County has with WOPAC Construction, Incorporated. The total cost of the work is \$116,272.50, and the proposed funding source is the Certificate of Obligation Bond issued for the Hurricane Creek Regional Wastewater Treatment Plant. If approved, work is expected to begin in the next 30 days.

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

A RESOLUTION OF THE CITY OF ANNA, TEXAS AUTHORIZING THE CITY
MANAGER TO EXECUTE A PURCHASE ORDER FOR THE CONSTRUCTION
OF A CONSTRUCTION ROAD AS PART OF THE HURRICANE CREEK
REGIONAL WASTEWATER TREATMENT PLANT PROJECT TO WOPAC
CONSTRUCTION, INCORPORATED IN THE AMOUNT NOT TO EXCEED ONE
HUNDRED SIXTEEN THOUSAND TWO HUNDRED SEVENTY-TWO DOLLARS

AND FIFTY CENTS (\$116,272.50); AND PROVIDING FOR AN EFFECTIVE DATE.

- h. Consider/Discuss/Action on an Ordinance authorizing audits of the City and/or its departments, appointed boards, corporations, or other entities concerning financial, accounting, and/or related information and policies to assess and improve compliance with state and federal laws and for other lawful purposes. (Interim City Manager Ryan Henderson)

Moved to Closed Session.

The ordinance amends Anna Code Section 2.02, to add a new Section 2.02.015, giving the City Manager the authority to conduct external or internal audits of the City and/or its accounts, departments, personnel, systems, or other City related entities. This is in addition to the annual independent audit required under City of Anna Home-Rule Charter.

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

AN ORDINANCE OF THE CITY OF ANNA, TEXAS AUTHORIZING CERTAIN AUDITS OF THE CITY AND/OR ITS DEPARTMENTS, APPOINTED BOARDS, CORPORATIONS, OR OTHER ENTITIES CONCERNING FINANCIAL, ACCOUNTING, AND/OR RELATED INFORMATION AND POLICIES TO ASSESS AND IMPROVE COMPLIANCE WITH STATE AND FEDERAL LAWS AND FOR OTHER LAWFUL PURPOSES; PROVIDING A SAVINGS, SEVERABILITY, AND REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

7. Closed Session (Exceptions).

Under Tex. Gov't Code Chapter 551, the City Council may enter into Closed Session to discuss any items listed or referenced on this Agenda under the following exceptions:

- a. Consult with legal counsel regarding pending or contemplated litigation and/or on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Government Code (Tex. Gov't Code §551.071).
- b. Discuss or deliberate the purchase, exchange, lease, or value of real property (Tex. Gov't Code §551.072).
- c. Discuss or deliberate Economic Development Negotiations: (1) To discuss or deliberate regarding commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay, or expand in or near the territory of the City of Anna and with which the City is conducting economic development negotiations; or (2) To deliberate the offer of a financial or other incentive to a business prospect described by subdivision (1). (Tex. Gov't Code §551.087).

- d. Discuss or deliberate personnel matters (Tex. Gov't Code §551.074).

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

Mayor Pike recessed the meeting at 7:34 PM.

Mayor Pike reconvened the meeting at 8:14 PM.

Returned to Item 6.h.

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.

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

9. **Adjourn.**

Mayor Pike adjourned the meeting at 8:15 PM.



Approved on the 14th day of March, 2023

Mayor Nate Pike

Attested:

City Secretary Carrie L. Land