

**Regular City Council Meeting
Meeting Minutes**



Tuesday, March 14, 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 03/14/2023 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 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- Arrived Late

Council Member Danny Ussery

Council Member Pete Cain

Members Absent:

None

2. Invocation and Pledge of Allegiance.

Mayor Pike led the Invocation and Pledge of Allegiance.

3. Neighbor Comments.

Jennifer Richardson and Blake Branson gave a presentation on behalf of their neighbors from the Urban Crossing Neighborhood in opposition to the Gas Metering Station and asked the Council to reconsider their previous decision.

4. Reports.

5. Work Session.

- a. Discuss Stormwater Utility Budget. (Interim Assistant City Manager Greg Peters, P.E.)

Now that the Stormwater Utility is generating funds, staff is able to predict the amount of monthly revenue the utility will generate. Staff presented service options and the associated budget needs for the Stormwater Utility for the remainder of Fiscal Year 2023. A new budget will be developed for the 2023-2024 Fiscal Year during the annual budget process.

6. Consent Items.

MOTION: Council Member Toten moved to approve items 6 a.- e. & g.- q. Council Member Ussery seconded. Motion carried 7-0.

- a. Approve the City Council Meeting Minutes for February 28, 2023. (City Secretary Carrie Land)
- b. Review Minutes for the February 6, 2023 Planning & Zoning Commission Meeting. (Director of Development Services Ross Altobelli)
- c. Review Minutes of the December 19, 2022, Joint Community Development Corporation and Economic Development Corporation Board Meetings. (Director of Economic Development Joey Grisham)
- d. Review Minutes from the December 19, 2022 and January 23, 2023 Parks Advisory Board Meetings. (Assistant Director of Neighborhood Services Jeff Freeth)
- e. Review Minutes from the September 6, 2022 and December 6, 2022 Diversity and Inclusion Advisory Commission Meetings (Assistant to the City Manager Kimberly Winarski)
- f. Approve the Quarterly Investment Report for the Period Ending December 31, 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 value vs. market value.
- Allocation information by fund.
- Charts showing historical activity.

The City's portfolio as of the quarter ending December 31, 2022 earned an average yield of 2.44%. This is an increase over the previous quarter of 0.66%. The City has taken advantage of increased interest rates with Independent Financial and the state pooled

funds, TexPool and Texas CLASS. The City has invested the \$65 million of Certificates of Obligation for the wastewater treatment plant in a new money market fund provided by Independent Financial. As a result, accrued interest for the first quarter is \$1,049,383, which is more than four times the previous quarter and more than two times all of FY 2022. Total investments have increased by almost \$103 million due to the October bond sale of \$34 million, \$65 million of Certificates of Obligation and collection of property taxes through December.

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

- g. Approve a Resolution regarding Nelson Ranch, Block A, Lots 1-6 & Block B, Lot 1, Amending Plat. (Director of Development Services Ross Altobelli)

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING NELSON RANCH, BLOCK A, LOTS 1-6 & BLOCK B, LOT 1, AMENDING PLAT

- h. Approve a Resolution regarding Anna Fire Station No. 2, Block A, Lot 1, Minor Plat. (Director of Development Services Ross Altobelli)

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING ANNA FIRE STATION NO. 2, BLOCK A, LOT 1, MINOR PLAT

- i. Approve a Resolution regarding Anna Ranch, Phase 1C, Final Plat. (Director of Development Services Ross Altobelli)

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING ANNA RANCH, PHASE 1C, FINAL PLAT.

- j. Approve a Resolution regarding Rodriguez Estates, Block A, Lots 1 & 2, Final Plat. (Director of Development Services Ross Altobelli)

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING RODRIGUEZ ESTATES, BLOCK A, LOTS 1 & 2, FINAL PLAT

- k. Approve a Resolution regarding The Grace and Peace Addition, Block A, Lot 1, Final Plat. (Director of Development Services Ross Altobelli)

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING THE GRACE AND PEACE ADDITION, BLOCK A, LOT 1, FINAL PLAT

- l. Approve a Resolution regarding Anna Town Center Addition, Block A, Lots 6R & 12, Replat. (Director of Development Services Ross Altobelli)

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING ANNA TOWN CENTER ADDITION, BLOCK A, LOTS 6R & 12, REPLAT.

- m. Approve a Resolution regarding Willow Creek Addition, Phase 1B, Block G, Lots 1R & 2, Replat. (Director of Development Services Ross Altobelli)

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING WILLOW CREEK ADDITION, PHASE 1B, BLOCK G, LOT 1R & 2, REPLAT

- n. Approve a Resolution regarding Willow Creek Addition, Phase 1B, Block G, Lots 1R & 2, Revised Site Plan. (Director of Development Services Ross Altobelli)

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING WILLOW CREEK ADDITION, PHASE 1B, BLOCK G, LOT 1R & 2, REVISED SITE PLAN.

- o. Approve a Resolution regarding Anna Station, Block A, Lot 1, Preliminary Plat. (Director of Development Services Ross Altobelli)

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING ANNA STATION, BLOCK A, LOT 1, PRELIMINARY PLAT

- p. Approve a Resolution regarding Chambers Grove, Revised Preliminary Plat. (Director of Development Services Ross Altobelli)

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING CHAMBERS GROVE, REVISED PRELIMINARY PLAT.

- q. Approve a Resolution regarding Anacapri Laguna, Phase 1, Block A, Lots 1, 2, 3, 4, & 5, Final Plat. (Director of Development Services Ross Altobelli)

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING ANACAPRI LAGUNA, PHASE 1, BLOCK A, LOTS 1, 2, 3, 4, & 5, FINAL PLAT.

7. Items For Individual Consideration.

- a. Consider/Discuss/Action on a discussion regarding a Specific Use Permit for a gas 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 per Section 9.04.043 (Amendments) of Article 9.04 (Zoning Ordinance).(Director of Development Services Ross Altobelli)

On November 8, 2022, City Council voted to approve a Specific Use Permit to allow for a gas 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. The City of Anna Zoning Ordinance allows gas metering stations within residential zoning districts with approval of a Specific Use Permit.

At the Tuesday, February 28, 2023 City Council meeting, the council requested a discussion item be placed on an upcoming council meeting to discuss a Specific Use Permit that was granted for a gas metering station in November 2022.

MOTION: Council Member Carver moved to put the Specific Use Permit for a gas metering station through the process again. Council Member seconded Ussery. Council Member Toten, and Council Member Cain Opposed. Motion carried 5-2.

- b. Conduct a Public Hearing on levying of assessments in Improvement Area #1 of The Woods at Lindsey Place Public Improvement District and Consider/Discuss/Action on adoption of an Ordinance of the City Council of the City of Anna, Texas accepting and

approving a Service and Assessment Plan and Assessment Roll for The Woods at Lindsey Place Public Improvement District; making a finding of special benefit to the property in the District; levying special Assessments against property within 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. (Director of Economic Development Joey Grisham)

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

No comments were given.

Mayor Pike closed the public hearing at 7:14 PM.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS ACCEPTING AND APPROVING A SERVICE AND ASSESSMENT PLAN AND ASSESSMENT ROLL FOR THE WOODS AT LINDSEY PLACE PUBLIC IMPROVEMENT DISTRICT; MAKING A FINDING OF SPECIAL BENEFIT TO THE PROPERTY IN THE DISTRICT; LEVYING SPECIAL ASSESSMENTS AGAINST PROPERTY WITHIN 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.

- c. Consider/Discuss/Act on a Resolution approving and authorizing the Mayor to execute The Woods at Lindsey Place Public Improvement District Improvement Area #1 Funding and Reimbursement Agreement, and resolving other matters related thereto. (Director of Economic Development Joey Grisham)

Staff recommended that the City Council approve the Resolution approving a Reimbursement Agreement with D.R Horton for The Woods at Lindsey Place Public Improvement District to develop the Improvement Area #1 Assessed Property and be reimbursed for a specified portion of the public improvement projects using the Bond Proceeds.

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

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A RESOLUTION ADOPTING THE WOODS AT LINDSEY PLACE PUBLIC IMPROVEMENT DISTRICT IMPROVEMENT AREA #1 FUNDING AND REIMBURSEMENT AGREEMENT

- d. Consider/Discuss/Action on a Resolution authorizing the City Manager to execute documents for the purchase of right-of-way for Leonard Avenue on and across a 2.89 acre tract of land located north of East Foster Crossing Road and approve an ordinance

amending the FY2023 Roadway Impact Fee Funds budget. (Interim Assistant City Manager Greg Peters, P.E.)

The City of Anna Master Thoroughfare Plan shows Leonard Avenue to be constructed as a divided arterial roadway from the Anna Crossing neighborhood to the Collin County Outer Loop. This item is to purchase the right-of-way needed from a parcel of land located just south of the new Anna ISD Middle School. The City has negotiated a purchase-sale agreement in the amount of \$191,000 for the purchase of the right-of-way. The funds for the purchase will come from Roadway Impact Fees. Purchasing this right-of-way will allow the City to move forward in working with the developer of the property to the south of this parcel on the design and construction of the western half of Leonard Avenue from Foster Crossing to the middle school property. A separate project is already underway for the design of Leonard Avenue from Foster Crossing to the Collin County Outer Loop.

MOTION: Council Member Toten moved to approve the Ordinance Amending the Fiscal Year 2023 budget for the purchase of real property. Mayor Pro Tem Miller seconded. Motion carried 7-0.

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 Pike 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 SALE AGREEMENT AND CLOSING DOCUMENTS, IN A FORM APPROVED BY THE CITY ATTORNEY, FOR THE PURCHASE OF REAL PROPERTY LOCATED AT WEST LINE OF LEONARD AVENUE (CR 422), ANNA, TEXAS 75409; AND PROVIDING FOR AN EFFECTIVE DATE.

- e. Consider/Discuss/Action on a Resolution awarding the bid for the Municipal Complex Parking Expansion and approve an ordinance amending the FY2023 Non-Bond Capital Improvement Fund (Interim Assistant City Manager Greg Peters, P.E.)

The Adopted FY2023 budget included \$400,000 to fund improvements on the Municipal Complex property which were not included in the building construction project but were deemed important for the use of the facilities. The primary need at the new facility is additional parking, which was originally an "add-alternate" item in the building construction project, but was not included due to the project budget.

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 on 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 March 3rd. The project was advertised in the Anna Melissa Tribune. The City received 5 bids on the project.

The overall lowest qualified bid was received from Piazza Construction for an amount of \$437,742.50. A budget of \$460,000 is recommended to provide a small amount of funding for contingencies, which will only be used to address unforeseen issues during construction.

Staff reviewed Piazza's references and work history and determined they have the necessary experience and capability to complete the project. Work is anticipated to begin early April. If approved by the Council, staff will work with the contractor to prepare a detailed project schedule.

MOTION: Council Member Carver moved to approve the budget amendment for the Municipal Complex Parking Expansion Project. Council Member Cain seconded. Motion carried 7-0.

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 Pike moved to approve a Resolution regarding the parking lot expansion on the East side of our Municipal Complex in regards to the recent amendment that was just approved. Mayor Pro Tem Miller. Motion carried

A RESOLUTION OF THE CITY OF ANNA, TEXAS AWARDING THE MUNICIPAL COMPLEX PARKING EXPANSION PROJECT TO CALD & A CONSULTING, LLC, IN THE AMOUNT NOT TO EXCEED FOUR HUNDRED FIFTY-SEVEN THOUSAND SEVEN HUNDRED FOURTY-TWO DOLLARS AND FIFTY CENTS (\$457,742.50); AND PROVIDING FOR AN EFFECTIVE DATE.

- f. Consider/Discuss/Action on a Resolution from the City Council of the City of Anna, Texas, approving a waiver request from the Pecan Grove Homeowner's Association and authorizing the City Manager to execute an agreement in a form approved by the City Attorney for the waiver of impact fees related to the construction of a new amenity in the Pecan Grove neighborhood. (Interim Assistant City Manager Greg Peters, P.E.)

Council Member Toten recused himself at 7:25 PM.

The Pecan Grove Homeowner's Association is seeking to construct a new amenity in the Pecan Grove neighborhood, which includes a new swimming pool for the neighbors residing in Pecan Grove. The subdivision is now built-out, and the original developer of the project is no longer managing the Homeowner's Association, or any development or improvements within the neighborhood. As such, the Homeowner's Association is funding the design and construction of the amenity - the project is not being completed by the developer.

The Pecan Grove Homeowners Association is requesting the City Council to consider granting a waiver of the water and wastewater impact fees for the project.

In accordance with Article 9.08 Impact Fees, section 9.08.006 Credits and Offsets, subsection 9.08.006(g)(3), "the City, at its sole discretion, may authorize alternative credit or offset agreements upon request by the property owner in accordance with guidelines promulgated by the City Council."

Currently there are no proposed development agreements or subdivision improvement agreements by and between the City of Anna and the Pecan Grove HOA. Based on that, staff is processing this request as a waiver request made by the HOA to the City Council.

Some of the key factors for the request are listed in the bullet points below:

- Nature of the request: request to waive water and sewer impact fees
- Financial component of the request: \$22,267.00 (\$15,334 - water, \$6,933 - sewer)
- Unique Reason/Hardship faced by the requestor: the HOA amenity was not constructed by the developer, and the impact fees were not paid by the developer. This cost is now falling on the homeowners through their Homeowners Association.
- Timing of construction of the improvements: The HOA plans to open the pool in May of this year.

Staff reviewed the request and determined that this is a very unique situation which is uncommon for an amenity center in a neighborhood. Staff's findings include:

- Amenity centers in residential neighborhoods are usually constructed by the developer as a part of the construction phase of the project.
- The HOA is not requesting the City to waive inspection fees, permit fees, or plan review fees - which are fees that go directly into the General Fund to fund the staff positions who perform this work.
- Approval of the waiver of impact fees will not impact the City's operating budget.
- The dollar amount of the impact fees is not at a level where the waiver would prevent the City from moving forward with upcoming water and sewer capital projects.
- The nature of this request is very specific - and it is unlikely for the City to receive more requests of this specific nature in the future, as the impact fees associated with amenity centers are typically paid by the developer, and the amenity is typically constructed prior to the HOA being homeowner controlled.
- Approval of the request would fit with 2 of the City Council's Strategic Plan Outcomes: active (swimming pool is an active place neighbors can exercise and be active outside), and neighborly (approval of the request would have a positive

impact on the neighborhood's ability to successfully create a communal space for neighbors residing in Pecan Grove)

Based on the findings listed above, staff is recommended approval of the waiver request as shown in resolution. The waiver request is specific to the swimming pool amenity project. If the project is not constructed, any future consideration of waiving fees for a different amenity or improvement on the property would require City Council approval.

If the City Council approves the resolution, the City Manager or his/her designee will coordinate with the City Attorney and the Pecan Grove Homeowners Association to craft and execute a formal agreement. Said agreement will then be filed with the City Secretary.

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

A RESOLUTION OF THE CITY OF ANNA, TEXAS AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE PECAN GROVE HOMEOWNERS ASSOCIATION FOR THE WAIVER OF WATER AND SEWER IMPACT FEES FOR THE PECAN GROVE HOMEOWNERS ASSOCIATION POOL AMENITY LOCATED AT 1004 CHERRY BLOSSOM STREET, IN A FORM APPROVED BY THE CITY ATTORNEY.

Council Member Toten returned at 7:35 PM.

8. Future Agenda Consideration

- a. Consider/Discuss/Action on Work Session Item for Future Agenda: Golf Cart Ordinance (Councilman Kevin Toten)

MOTION: Mayor Pike moved to approve adding this to a future agenda to be discussed. Council Member Toten seconded. Motion carried 7-0.

9. 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). Council liaison positions.

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

Mayor Pike recessed the meeting at 7:35 PM.

Mayor Pike reconvened the meeting at 8:44 PM.

Returned to Item 8.a.

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.

10. 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.

11. **Adjourn.**

Mayor Pike adjourned the meeting at 8:46 PM.



Approved on the 28th day of March 2023

Mayor Nate Pike

Attested:

City Secretary Carrie L. Land