

**Regular City Council Meeting
Meeting Minutes**



Tuesday, March 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 03/28/2023 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 PM.

Members Present:

Mayor Nate Pike

Council Member Kevin Toten

Council Member Danny Ussery

Council Member Pete Cain

Members Absent:

Mayor Pro Tem Lee Miller

Deputy Mayor Pro Tem Randy Atchley

Council Member Stan Carver

2. Invocation and Pledge of Allegiance.

Mayor Pike led the Invocation and Pledge of Allegiance.

3. Neighbor Comments.

No comments were given.

4. Reports.

- a. Recognition of Micah Noah Martinez. (Mayor Nate Pike)

Micah Noah Martínez is a resident of Anna who placed third in the 14/15-year-old Punt, Pass & Kick national championship that was held in Tampa, Florida on January 28, 2023.

- b. Preview 2022 State of the City Video. (Interim City Manager Ryan Henderson)

Every year since 2019, the Mayor has given the State of the City. This year's State of the City was filmed to capitalize on the organization's presence on the variety of social media platforms used to engage our neighbors.

5. Consent Items.

MOTION: Council Member Toten moved to approve items 5.a.-e. Council Member Ussery seconded. Motion carried 4-0.

- a. Approve City Council Meeting Minutes for March 14, 2023. (City Secretary Carrie Land)
- b. Review Minutes from the February 27, 2023 Parks Advisory Board Meeting. (Assistant Director of Neighborhood Services Jeff Freeth)
- c. Approve a Resolution awarding the Primary Bank Depository Services to Independent Financial. (Finance Director Alan Guard)

Chapter 105 (the "Depositories for Municipal Funds" Act) of the Local Government Code governs the process for selection and award of depository bank services and contracts. Valley View Consulting, L.L.C. has provided their expertise and assistance to address this statutory requirement.

The City received three proposals for primary bank depository services, Independent Financial, Cadence Bank, and First State bank. Finance staff along with Valley View Consulting have reviewed the proposals submitted by each of the parties.

Staff recommended that City Council approve the resolution awarding the primary bank depository services agreement to Independent Financial.

A RESOLUTION OF THE CITY OF ANNA, TEXAS AWARDING THE PRIMARY DEPOSITORY BANK SERVICES CONTRACT TO INDEPENDENT FINANCIAL AND AUTHORIZING THE CITY MANAGER TO ACT ON THE CITY'S BEHALF IN EXECUTING THE AGREEMENTS

- d. Approve Monthly Financial Report for the Month Ending February 28, 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 February 28, 2023. 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.

- e. Approve an Ordinance amending the FY2023 Budget to appropriate funding for stormwater program services, and additional promotional expense funding for economic development. (Budget Manager Terri Doby)

The proposed budget amendment includes funding for the following purposes:

- The City of Anna adopted a Stormwater Utility fee on April 12, 2022 that was implemented beginning October, 2022. With six months of history, staff is confident in projecting future revenue and beginning to program expenses. Budgeting the Stormwater Utility fee will allow the City to complete many needed maintenance and improvement projects.

This budget amendment will add the following additional staff:

- Two additional Maintenance Worker positions (2 FTEs) to provide stormwater maintenance and improvement projects including the maintenance of drainage systems, replacement of undersized and inadequate storm systems, and the improvement of flood prone areas.

Other additional expenditures include:

- Community Development (\$39,511) Increase to promotion expense
- Economic Development (\$21,147) Increase to promotion expense

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.

6. Items For Individual Consideration.

- a. Conduct a Public Hearing/Consider/Discuss/Action on an Ordinance for a Specific Use Permit for a Kennel (no outside pens) on a portion of one lot on 4.7± acres located on the east side of Victoria Falls Drive, 205± feet north of W. White Street. (Planner II Salena Tittle)

The applicant requested a Specific Use Permit (SUP) for a Kennel (no outside pens).

The Zoning Ordinance defines a kennel as:

Any structure, lot, or premises on which four or more dogs, cats, or other domestic animals more than four months of age are housed or accepted for boarding, breeding, training, selling, grooming and/or bathing for which remuneration is received.

The subject property is a multi-tenant shopping center zoned Planned Development-C-2 General Commercial (Ord. No. 119-2003). The applicant, Paw of the Family, is a current tenant in one of the suites is looking to expand their business to offer more services which fall under the definition of a kennel.

Surrounding Land Use and Zoning

North Residential subdivision zoned PD-Single Family Residential (PD-R-1) (Ord No. 2001-23)

East Residential subdivision zoned PD-SF-72 Single Family Residential (PD-SF72) (Ord. No. 673-2014)

South Bank zoned PD-C-2 General Commercial (PD-C-2) (Ord. No. 119-2003)

West Vacant lot zoned PD-C-2 General Commercial (PD-C-2) (Ord. No. 119-2003)

Specific Use Permit

The Zoning Ordinance designates certain uses as requiring a Specific Use Permit (SUP) to allow the Planning & Zoning Commission and City Council to review requests on a case-by-case basis as to its probable effect on the adjacent property and the community welfare. The request may be approved or denied as the findings indicate appropriate with regard to the health, safety and welfare of the general public.

The Zoning Ordinance allows for the use of a kennel within the C-2 General Commercial district with the approval of a Specific Use Permit (SUP).

Mayor Pike opened the public hearing at 6:14 PM.

No comments were given.

Mayor Pike closed the public hearing at 6:15 PM.

MOTION: Council Member Toten moved to approve. Council Member Cain seconded. Motion carried 4-0.

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.

- b. Consider/Discuss/Action on a Resolution approving the emergency purchase of materials, labor, and services for the construction of a sanitary sewer main near Slayter Creek in the City of Anna, Texas. (Interim Assistant City Manager Greg Peters, P.E.)

The City of Anna is currently under construction for a new splash pad to replace an old splash pad in Slayter Creek Park. The old splash pad discharged chlorinated water from the facility into an existing drainage channel within the park. This is not in conformance with TCEQ guidelines regarding how to properly handle discharge from aquatic facilities. As such, the new splash pad must have a connection to a public sanitary sewer main, so that the discharge is properly conveyed to a wastewater treatment facility.

Due to the short project timeline, the city did not have reasonable time to go through the standard process of design-bid-build for this sewer extension. City staff coordinated with the City Attorney to confirm that the emergency extension of a sewer main to the facility meets State Law requirements regarding emergency purchases.

Staff reached out to reputable contractors experienced with performing this type of work in the region. Quirino Construction was the first to respond and are able to mobilize immediately to ensure the project could be completed as fast as possible. Quirino Construction has mobilized to the site and begun work. This item authorizes the City Manager to execute purchase orders for the construction and survey work associated with the extension of the sewer line. City staff is overseeing the project and providing engineering guidance under the direction of the Interim Assistant City

Manager Greg Peters, P.E., who is a Licensed Professional Engineer in the State of Texas.

MOTION: Council Member Toten moved to approve. Mayor Pike seconded. Motion carried 4-0.

A RESOLUTION OF THE CITY OF ANNA, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE PURCHASE ORDERS FOR A SANITARY SEWER MAINTENANCE CONSTRUCTION PROJECT AS SHOWN IN EXHIBIT "A" ATTACHED HERETO, IN THE AMOUNT NOT TO EXCEED ONE HUNDRED THIRTY FIVE THOUSAND DOLLARS AND ZERO CENTS (\$135,000); AND PROVIDING FOR AN EFFECTIVE DATE.

- c. Consider/Discuss/Action on a Resolution awarding the Phase 1 Downtown Utility Rehabilitation Project to Canary Construction. (CIP Manager Justin Clay)

The City of Anna approved Resolution 2022-04-1157 authorizing the execution of professional services to Grantham & Associates for the Downtown Utility Rehabilitation project. The consultant and city staff have been working on preparing plans and construction documents for the rehabilitation of key water and sewer systems in downtown over the past year. Phase 1 of the project has been bid and is ready for construction. The city publicly advertised the project and opened bids on March 10, 2023. Seven bids were received, with the lowest qualified bid from Canary Construction, in the amount of \$325,333.00. Staff recommended a total budget of \$365,333.00 for the project to provide \$40,000 in contingencies. The funding source is the Coronavirus Local Fiscal Recovery as shown in the Fiscal Year 2022-2023 Budget.

The contractor will be installing new water mains on Riggins from 4th Street to 7th Street, and from 7th Street to Interurban. A new sewer line will also be installed on Interurban, crossing under 5th Street.

The 2nd phase of the project will include a larger scope of utility replacements, and is planned to be advertised for bid later this year.

MOTION: Council Member Cain moved to approve. Council Member Toten seconded. Motion carried 4-0.

A RESOLUTION OF THE CITY OF ANNA, TEXAS AWARDED THE BID FOR PHASE 1 OF THE DOWNTOWN UTILITY REHABILITATION PROJECT TO CANARY CONSTRUCTION, INCORPORATED IN THE AMOUNT NOT TO EXCEED THREE HUNDRED SIXTY FIVE THOUSAND

THREE HUNDRED THIRTY THREE DOLLARS (\$365,333.00); AND PROVIDING FOR AN EFFECTIVE DATE.

- d. Consider/Discuss/Action on a Resolution authorizing the City Manager to execute Professional Services Project Order number PARKS8 for the design of trail system improvements adjacent to the Pecan Grove Subdivision. (Parks Planning & Development Manager Dalan Walker)

The proposed design services include the development of 100% construction documents for a 10' wide concrete trail between Luscombe Lane and Leslie Drive. The proposed trail segments run the length of Pecan Grove Park. Jacobs Engineering will also provide 10% plans for a connection to the Park Place trail to the north, which will require a bridge crossing. They will also perform a hydraulic analysis to determine the location of bridge abutments and the specifications of the bridge.

MOTION: Council Member Toten moved to approve. Mayor Pike seconded. Motion carried 4-0.

A RESOLUTION OF THE CITY OF ANNA, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE A TASK ORDER FOR THE DESIGN OF A NEW HIKE AND BIKE TRAIL ADJACENT TO THE PECAN GROVE SUBDIVISION IN THE AMOUNT NOT TO EXCEED ONE HUNDRED FOURTEEN THOUSAND DOLLARS (\$114,000.00); AND PROVIDING FOR AN EFFECTIVE DATE.

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). Utility Facilities
- 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).
Boards and Commissions

MOTION: Mayor Pike moved to enter closed session. Council Member Toten seconded. Motion carried 4-0.

Mayor Pike recessed the meeting at 6:29 PM.

Mayor Pike reconvened the meeting at 6:44 PM.

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

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 6:44 PM.

Approved on the 11th day of April 2023



Nate Pike

Mayor Nate Pike

ATTEST:

Carrie L. Land

City Secretary Carrie L. Land