

**Regular City Council Meeting
Meeting Minutes**



Tuesday, July 25, 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 July 25, 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 Elden Baker

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.

Nick Rubit expressed concern about car robberies in his neighborhood.

4. Reports.

No reports were given.

5. Consent Items.

MOTION: Mayor Pro Tem Miller moved to approve Items 5.a.-t. Council Member Toten seconded. Motion carried 7-0.

- a. Approve City Council Meeting Minutes for July 11, 2023. (City Secretary Carrie Land)
- b. Approve the Quarterly Investment report for the Period Ending June 30, 2023. (Finance Director Alan Guard)
- c. Review Monthly Financial Report for the Month Ending June 30, 2023. (Budget Manager Terri Doby)
- d. Review Minutes of the June 5, 2023 Planning & Zoning Commission Meeting. (Director of Development Services Ross Altobelli)
- e. Approve a Resolution regarding the 455/75 Business Addition, Block A, Lot 4R, Site Plan. (Director of Development Services Ross Altobelli)

A restaurant on one lot on 1.0± acre located on the west side of U.S. Highway 75, 455± feet south of W. White Street. Zoned C-2 General Commercial (C-2).

The Site Plan is in conformance with the city's Subdivision Regulations and Zoning Ordinances.

The Planning & Zoning Commission recommended approval subject to additions and/or alterations to the engineering plans as required by the Public Works Department.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING 455/75 BUSINESS ADDITION, BLOCK A, LOT 4R, SITE PLAN.

- f. Approve a Resolution regarding the Gateway at Buddy Hayes, Block A, Lot 2R, Replat. (Director of Development Ross Altobelli)

Multiple-family residences on one lot on 13.2± acres located on the west side of Buddy Hayes Boulevard, 1,220± feet south of W. White Street. Zoned: Planned Development (Ord. No. 1024-2022).

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

The Replat is in conformance with the adopted Planned Development standards and with the city's Subdivision Regulations and Zoning Ordinances.

The Planning & Zoning Commission recommended approval subject to additions and/or alterations to the engineering plans as required by the Public Works Department.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING GATEWAY AT BUDDY HAYES, BLOCK A, LOT 2R, REPLAT.

- g. Approve a Resolution regarding the Gateway at Buddy Hayes, Block A, Lot 2R, Site Plan. (Director of Development Services Ross Altobelli)

Multiple-family residences on one lot on 13.2± acres located on the west side of Buddy Hayes Boulevard, 1,200± feet south of W. White Street. Zoned: Planned Development (Ord. No. 1024-2022).

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

The Site Plan is in conformance with the adopted Planned Development standards and with the city's Subdivision Regulations and Zoning Ordinances.

The Planning & Zoning Commission recommended approval subject to additions and/or alterations to the engineering plans as required by the Public Works Department.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING GATEWAY AT BUDDY HAYES, BLOCK A, LOT 2R, SITE PLAN.

- h. Approve a Resolution regarding the Gateway at Buddy Hayes, Block C, Lot 1R, Replat. (Director of Development Services Ross Altobelli)

Multiple-family residences on one lot on 20.7± acres located on the east side of Buddy Hayes Boulevard, 1,220± feet south of W. White Street. Zoned: Planned Development (Ord. No. 1024-2022).

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

The Replat is in conformance with the adopted Planned Development standards and with the city's Subdivision Regulations and Zoning Ordinances.

The Planning & Zoning Commission recommended approval subject to additions and/or alterations to the engineering plans as required by the Public Works Department.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING GATEWAY AT BUDDY HAYES, BLOCK C, LOT 1R, REPLAT.

- i. Approve a Resolution regarding the Gateway at Buddy Hayes, Block C, Lot 1R, Site Plan. (Director of Development Services Ross Altobelli)

Multiple-family residences on one lot on 20.7± acres located on the east side of Buddy Hayes Boulevard, 1,200± feet south of W. White Street. Zoned: Planned Development (Ord. No. 1024-2022).

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

The Site Plan is in conformance with the adopted Planned Development standards and with the city's Subdivision Regulations and Zoning Ordinances.

The Planning & Zoning Commission recommended approval subject to additions and/or alterations to the engineering plans as required by the Public Works Department.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING GATEWAY AT BUDDY HAYES, BLOCK C, LOT 1R, SITE PLAN.

- j. Approve a Resolution regarding the Lorenzo Dow Hendricks Elementary Addition, Block A, Lot 1, Final Plat. (Director of Development Services Ross Altobelli)

Vacant lot on 14.4± acres located at the northwest corner of Hackberry Drive and N. Ferguson Parkway. Zoned: Planned Development (Ord. No. 839-2019 & Ord. No. 887- 2020).

The purpose for the Final Plat is to dedicate rights-of-way and lot and block boundaries for future development.

The Final Plat is in conformance with the city's Subdivision Regulations and Zoning Ordinances.

The Planning and Zoning Commission recommended approval subject to additions and/or alterations to the engineering plans as required by the Public Works Department.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A FINAL PLAT OF LORENZO DOW HENDRICKS ELEMENTARY ADDITION, BLOCK A, LOT 1.

- k. Approve a Resolution regarding the One Anna Two Addition, Block A, Lots 4R & 5, Preliminary Replat. (Director of Development Services Ross Altobelli)

Hotel on Lot 4R and vacant lot on 12.0± acres located on the east side of Standridge Boulevard, 1,040± feet north of Suzie Lane. Zoned: Planned

Development (Ord. No. 765-2018, Ord. No. 846-2020, & Ord. No. 1021-2022).

The purpose of the Preliminary Replat is to propose easements and lot and block boundaries necessary for the future construction of the hotel development.

The Preliminary Replat is in conformance with the adopted Planned Development standards and with the city's Subdivision Regulations and Zoning Ordinances.

The Planning & Zoning Commission recommended approval subject to additions and/or alterations to the engineering plans as required by the Public Works Department.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING ONE ANNA TWO ADDITION, BLOCK A, LOTS 4R & 5, PRELIMINARY REPLAT.

- I. Approve a Resolution regarding the S.E. Jenkins Estates, Block A, Lot 1, Final Plat. (Director of Development Services Ross Altobelli)

Single-family dwelling, detached lot on 0.6± acre located on the north side of E. White Street, 740± feet east of S. Sherley Avenue. Zoned: SF-1 Single-Family Residential (SF-1).

The purpose for the Final Plat is to dedicate easements and lot and block boundaries necessary for future development.

Sec. 9.02.081 of the city's Subdivision Regulations require right-of-way dedication typically from the centerline of the existing right-of-way. However, the applicant has stated that TXDOT will not require right-of-way dedication on his property due to right-of-way takings along the south side of E. White Street which will exceed the minimum right-of-way width as shown on the city's Master Thoroughfare Plan.

The Final Plat is in conformance with the city's Subdivision Regulations and Zoning Ordinances.

The Planning & Zoning Commission recommended approval subject to: a. Additions and/or alterations to the engineering plans as required by the Public Works Department; and b. Prior to recordation of the Final Plat, correspondence from TXDOT releasing the applicant from right-of-way dedication requirements along E. White Street.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING S.E. JENKINS ESTATES, BLOCK A LOT 1, FINAL PLAT.

- m. Approve a Resolution regarding the Skyway Towers Addition, Block A, Lot 1, Development Plat. (Director of Development Services Ross Altobelli)

One lot on 1.6± acres located on the west side of Keith Lane, 1,180± feet northwest of County Road 419. Located in the Extraterritorial Jurisdiction (ETJ).

The Development Plat is in conformance with the city's Subdivision Regulations.

The Planning and Zoning Commission recommended approval.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A DEVELOPMENT PLAT OF SKYWAY TOWERS ADDITION, BLOCK A, LOT 1.

- n. Approve a Resolution regarding the Zee Addition, Block A, Lot 1, Final Plat. (Director of Development Services Ross Altobelli)

Single-family dwelling, detached lot on 0.2± acre located at the northwest corner of E. Seventh Street and S. Easton Drive. Zoned: SF-1 Single-Family Residential District.

The purpose for the Final Plat is to dedicate lot and block boundaries, and easements necessary for future development.

The Final Plat is recommended for approval.

The Planning & Zoning Commission recommended approval subject to the Board of Adjustment granting a variance to allow a reduced front yard setback and approval of the plat for the existing conditions not meeting the minimum lot depth, lot area, and buildable area.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING ZEE ADDITION, BLOCK A, LOT 1, FINAL PLAT.

- o. Approve a Resolution regarding the Arden Park Phase 2, Final Plat. (Director of Development Services Ross Altobelli)

24 single-family dwellings, attached lots and 31 single-family dwellings, detached lots on 7.4± acres located on the west side of West Crossing Boulevard, 330± feet south of W. White Street. Zoned Planned Development (Ord. No. 961-2022 & Ord. No. 1009-2022).

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

The Final Plat is in conformance with the adopted Planned Development standards and with the city's Subdivision Regulations and Zoning Ordinances. The Planning & Zoning Commission recommended approval

subject to additions and/or alterations to the engineering plans as required by the Public Works Department.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING ARDEN PARK PHASE 2, FINAL PLAT.

- p. Approve a Resolution regarding the Arden Park Phase 2, Site Plan. (Director of Development Services Ross Altobelli)

24 single-family dwellings, attached lots and 31 single-family dwellings, detached lots on 7.4± acres located on the west side of West Crossing Boulevard, 330± feet south of W. White Street. Zoned Planned Development (Ord. No. 961-2022 & Ord. No. 1009-2022).

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

The Final Plat is in conformance with the adopted Planned Development standards and with the city's Subdivision Regulations and Zoning Ordinances.

The Planning & Zoning Commission recommended approval subject to additions and/or alterations to the engineering plans as required by the Public Works Department.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING ARDEN PARK PHASE 2, SITE PLAN.

- q. Approve a Resolution regarding an amendment to the Woods at Lindsey Place Development Agreement. (Director of Development Services Ross Altobelli)

At the Tuesday, July 11, 2023 City Council meeting, the council recommended approving amendments to the multifamily building material requirements contained within the original Woods at Lindsey Place Development Agreement (Resolution 2020- 11-813A.). Based on feedback received from Council members, the applicant has updated Exhibit 1 to include additional elevations to further diversify the proposed "casita" building product.

The original Development Agreement was approved on November 10, 2020 as part of the Woods at Lindsey Place master planned community.

The current building material requirements for multiple-family residence buildings are for typical mid-rise multiple-family residence buildings. The applicant is proposing to construct a one and two-story "casita" product that will consist of individual units with one, two, and three bedrooms.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A SECOND AMENDMENT TO DEVELOPMENT AGREEMENT AND TO THE WOODS AT LINDSEY PLACE SUBDIVISION IMPROVEMENT AGREEMENT WITH D.R. HORTON – TEXAS, LTD., RELATING TO DEVELOPMENT AND DESIGN REGULATIONS FOR MULTIUSE DEVELOPMENT LOCATED AT THE NORTHWEST AND SOUTHWEST CORNERS OF FUTURE ROSAMOND PARKWAY AND FUTURE FERGUSON PARKWAY.

- r. Approve a Resolution adopting a Chapter 380 Agreement with Megatel AnaCapri, LLC. (Director of Economic Development Joey Grisham)

This item was approved at the June 27th Council Meeting but the developer requested that the entity name be changed. This resolution also rescinds the previous resolution.

The projection is that the City will receive approximately \$3,800,000 over the course of the agreement.

As a part of the AnaCapri Development Agreement with Megatel, the company agreed to enter into a Chapter 380 Agreement with the city and purchase construction materials using a Texas Direct Payment Permit to generate local sales tax for the City of Anna. It will be divided up as follows: 65% to the city and 35% to the developer. Similar agreements have been approved in the past with Bloomfield Homes, First Texas Homes, and Riverside East Homebuilders.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS APPROVING A CHAPTER 380 AGREEMENT WITH MEGATEL ANACAPRI, LLC AND RESCINDING RESOLUTION NO. 2023-06-1459

- s. Approve an Ordinance adopting the 2023 Annual Service Plan Update to the Service and Assessment Plan and Assessment Roll, including the collection for the 2023-2024 annual installments for the Hurricane Creek Public Improvement District (PID). (Director of Economic Development Joey Grisham)

The Service and Assessment Plan (SAP) sets forth the costs of the Authorized Improvements, and the manner of assessing the property in the District for the costs of such Authorized Improvements based on the benefit provided to the Assessed Property. Pursuant to the PID Act, the SAP must be reviewed and updated annually. This document is the Annual Service Plan Update for 2023. The City Council also adopted an Assessment Roll identifying the Assessments on each Lot within the District, based on the method of assessment identified in the SAP. This 2023 Annual Service Plan Update also updates the Assessment Roll for 2023.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS APPROVING THE 2023 ANNUAL SERVICE PLAN UPDATE TO THE SERVICE AND ASSESSMENT PLAN, INCLUDING THE ASSESSMENT ROLL, FOR THE VILLAGES OF HURRICANE CREEK PUBLIC IMPROVEMENT DISTRICT IN ACCORDANCE WITH CHAPTER 372, TEXAS LOCAL GOVERNMENT CODE, AS AMENDED; AND PROVIDING AN EFFECTIVE DATE.

- t. Approve a Resolution authorizing the City Manager to sign a proposal from Precision Fence to install 421 linear feet of 6ft wrought iron fence and two gates for the Police Department. (CIP Manager Justin Clay)

The City of Anna has solicited bids for the installation and materials for a new fence that will surround the east parking lot of the Municipal Campus.

Funding for the City Hall project (furniture, fixtures, and equipment) was appropriated in the FY2023 Community Investment Program budget in the amount of \$460,000 from the Infrastructure Investment Fund. The estimated cost of the fencing is \$70,000.

A RESOLUTION OF THE CITY OF ANNA, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH PRECISION FENCING FOR THE POLICE STATION FENCE PROJECT, AS SHOWN IN EXHIBIT "A", ATTACHED HERETO, IN AN AMOUNT NOT TO EXCEED SEVENTY THOUAND DOLLARS (\$70,000), WHICH INCLUDES TEN THOUSAND SEVEN HUNDRED (\$10,700) FOR CONTINGENCY AND PROVIDING FOR AN EFFECTIVE DATE.

6. Items For Individual Consideration.

- a. Consider/Discuss/Action on a Resolution entering into a Development Agreement with Anna 31 Retail, LP, to establish development timelines and design regulations for a self-storage, mini-warehouse development on 2.0± acres located 370± feet east of U.S. Highway 75, 510± feet south of W. White Street. (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 development deadlines associated with the construction of the property.

The development agreement is associated with a proposed zoning to allow for a self-storage, mini-warehouse development.

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

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A DEVELOPMENT AGREEMENT WITH ANNA 31 RETAIL, LP, RELATING TO DEVELOPMENT AND DESIGN REGULATIONS FOR SELF-STORAGE, MINI-WAREHOUSE DEVELOPMENT GENERALLY LOCATED 370± FEET EAST OF U.S. HIGHWAY 75, 510± FEET SOUTH OF W. WHITE STREET.

- b. Conduct a Public Hearing/Consider/Discuss/Action on an Ordinance to rezone 2.0± acres located 370± feet east of U.S. Highway 75, 510± feet south of W. White Street from C-2 General Commercial to Planned Development-C-2 General Commercial to allow for the use of Self-Storage, mini-warehouse with modified development standards. (Director of Development Services Ross Altobelli)

The applicant is requesting to allow this land use by-right and to permit truck leasing as an accessory use to a self-storage, mini-warehouse development.

Surrounding Land Use and Zoning

- North Truck stop (Love's), zoned C-2 General Commercial District
- East Vacant land, zoned C-2 General Commercial District.
- South Future multi-family residence development, zoned Planned Development-Multiple-Family Residential-High Density (Ord. No. 972-2022).
- West Multi-tenant commercial building, zoned C-2 General Commercial District

Proposed Planned Development Stipulations

The requested zoning is PD-C-2. There are two primary parts to this request: land use and development standards.

Land Use - The applicant is proposing a Planned Development (PD) for the subject property to allow the land use of Self-storage, mini-warehouse with Truck leasing as a permitted accessory use.

Development Standards -The language in the proposed PD district will modify Planning and Development Regulations and current development standards by.

Accessory Use – Allow Truck leasing as an accessory use to a self-storage, mini-warehouse development and limit the accessory use to a maximum of 10 trucks on site.

Storage - Prohibit outside storage or boat/RV storage.

Maximum Height – Increase allowed maximum height to 3 story/50 feet.

- The C-2 zoning district area regulations has a maximum height allowance of 35 feet. The requested increase will support the interior floor dimensions and to properly screen mechanical equipment that will be located on the roof.

Parking - Reduce parking requirement to 1 space per 40 storage cubicles and require 10 spaces for truck leasing.

- Sec. 9.04.037 (Parking space regulations) of the Zoning Ordinance requires a minimum of 1 space per 20 storage cubicles plus 1 per 1,000 sf GFA of office and 2 per living quarters.

Screening - Not require a wall or fence along the southern property boundary.

- The C-2 zoning requires a wall or fence of not less than six feet whenever a C-2 use abuts a multi-family residence zoning district. A future multi-family residence development will be located immediately to the south of the proposed development. Between the developments is a shared fire lane that will serve the purpose of east/west spine road between U.S. Highway 75 and future Buddy Hayes Boulevard. To improve the aesthetics the development is requesting to waive the fencing requirement and propose a 15-foot landscape buffer adjacent to the fire lane.

Landscaping - Enhance the screening along the northern property boundary shared with the truck stop with the following.

- a. Minimum 6-foot wood fencing with masonry columns every 20 feet.
- b. Enhanced planting within the required 5-foot perimeter landscape area between the parking spaces and adjacent property to include:
 - i. Evergreen trees, minimum three feet in height at planting, spaced every 20 feet; and
 - ii. Canopy trees, minimum three inches in caliper and seven feet in height at planting, spaced every 40 feet.

Hours of operation: Daily Building Hours: 6:00 A.M. – 10:00 P.M. (including holidays)

At the Thursday, July 6, 2023 Planning and Zoning Commission meeting, the commission recommended approval subject to the restrictions listed below.

Restrictions:

- A. The location of the planned development zoning district shall be in substantial conformance with the Concept Plan
- B. Standards and Area Regulations: Development must comply with the development standards for use, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, and lighting, set forth in C-2 General Commercial district and the Planning and Development Regulations except as otherwise specified herein. i.

Zoning District Area Regulations:

- 1. Maximum height (feet): 3 story / 50 feet ii.

Permitted Uses:

- 1. All uses allowed by-right and by specific use permit in the C-2 General Commercial zoning districts with the following exceptions:
 - a. Self-storage, mini-warehouse with Truck leasing as a permitted accessory use.

Storage:

Outside storage and/or boat/RV storage is prohibited.

Screening:

- 1. No wall or fence shall be required along the southern property boundary.
- 2. Truck leasing vehicles are not required to be screened.

Parking:

Self-service warehouse - 1 per 40 storage cubicles and 10 spaces for truck leasing.

Landscaping –

Landscaping shall conform to City ordinances with the following exception along the northern property boundary within the required 5-foot perimeter landscape area between the parking spaces and adjacent property:

- 1. Evergreen trees, minimum three feet in height at planting, spaced every 20 feet; and
- 2. Canopy trees, minimum three inches in caliper and seven feet in height at planting, spaced every 40 feet.
- 3. A minimum 6-foot wood fencing with masonry columns every 20 feet.

Hours of Operation:

Daily Building Hours: 6:00 A.M. – 10:00 P.M. (including holidays).

C. Plats and/or site plans submitted for the development of the PD shall conform to the data presented and approved on the Concept Plan. Non-substantial changes of detail on the final development plan(s) that differ from the Concept Plan may be authorized by the City Council with the approval of the final development plan(s) and without public hearing.

D. The Concept Plan will expire after two (2) years of approval.

Mayor Pike opened the public hearing at 6:10 PM.

No comments.

Mayor Pike closed the public hearing at 6:13 PM.

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

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.

- c. Consider/Discuss/Action on a Resolution regarding the Anna Retail Addition, Block A, Lot 9, Concept Plan. (Director of Development Services Ross Altobelli)

Self-storage, mini-warehouse on one lot on 2.0± acres located 370± feet east of U.S. Highway 75, 510± feet south of W. White Street.

The Planning & Zoning Commission recommended approval at the July 6, 2023 Planning & Zoning Commission meeting subject to City Council approval of the zoning request.

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

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A
CONCEPT PLAN FOR ANNA RETAIL ADDITION, BLOCK A, LOT 9.

- d. Conduct a Public Hearing/Consider/Discuss/Action on a Ordinance to request to rezone one lot on 3.0± acres located at the southeast corner of future Rosamond Parkway and N. Shadybrook Trail to allow for a Communications Tower. (Planning Manager Lauren Mecke)

At the Thursday, July 6, 2023 Planning & Zoning Commission meeting, the Commission voted unanimously to recommend approval of the zoning amendment with the following restrictions.

Restrictions:

1. The location of the commercial Radio, television, or microwave communications operation (commercial communications tower) shall be in substantial conformance with the Site Plan (Exhibit A).

2. Standards and Area Regulations: Development must comply with the development standards for use, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, and lighting, set forth in the Planned Development (Ord. No. 931-2021) zoning district and the Planning and Development Regulations except as otherwise specified herein.

a. Commercial Communications Towers:

i. Maximum height: 90 feet including mast and antennas, measured from the ground.

ii. Minimum front yard setback: 60 feet iii. Minimum setback from the southern property line: 20 feet iv. Minimum residential adjacency separation:

1. Tower: 140 feet

2. Accessory equipment: 80 feet

v. Design: The commercial communication towers shall utilize a stealth design and screening elements in substantial conformance with the Site Plan.

b. Landscaping:

i. The existing stand of trees located to the east and south of the proposed commercial communication tower enclosure shall be preserved.

- ii. Landscaping and enclosure screening shall be in substantial conformance as shown on the Site Plan.

Mayor Pike opened the public hearing at 6:28 PM.

No comments.

Mayor Pike closed the public hearing at 6:28 PM.

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

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. (Property zoned under this ordinance is generally located at the southeast corner of future Rosamond Parkway and N. Shadybrook Trail.)

- e. Consider/Discuss/Action on a Resolution for the Villages of Hurricane Creek - North, Block K, Lot 7X, Site Plan. (Planning Manager Lauren Mecke)

The purpose of the Site Plan is to show the proposed communications tower site improvements.

The Planning and Zoning Commission recommended approval subject to additions and/or alterations to the engineering plans as required by the Public Works Department.

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

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A SITE PLAN OF VILLAGES OF HURRICANE CREEK - NORTH, BLOCK K, LOT 7X.

- f. Conduct a Public Hearing/Consider/Discuss/Act on a Ordinance for Amendments to Article 9.07 Tree Preservation of The City of Anna Code of Ordinances, Text Amendment. (Director of Development Services Ross Altobelli)

In order to remove conflicting language, simplify the development process, and add additional protections to meet the intent and purpose of the article, planning staff is recommending amendments to the Tree Preservation Ordinance.

At the July 6, 2023 Planning & Zoning Commission meeting, the Commission recommended City Council approve the proposed amendments to Article 9.07 Tree Preservation of the City of Anna Code of Ordinances and associated Tree Appendices and Fee Schedule regulations as drafted by staff.

Mayor Pike opened the public hearing at 6:30 PM.

No comments.

Mayor Pike closed the public hearing at 6:39 PM.

MOTION: Council Member Toten moved to approve Item 7.f. [*sic - motion pertained to item 6.f*] with removing the section 9.07004, subsection three and four. Council Member Cain seconded. Motion carried 7-0.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS REPEALING ARTICLE 9.07 (TREE PRESERVATION) OF CHAPTER 9 (PLANNING AND DEVELOPMENT REGULATIONS) OF THE ANNA CITY CODE OF ORDINANCES AND REPLACING SAID ARTICLE WITH A NEW ARTICLE 9.07 (TREE PRESERVATION) OF CHAPTER 9 (PLANNING AND DEVELOPMENT REGULATIONS) OF SAID CODE; AMENDING CERTAIN APPENDICES TO SAID ARTICLE; PROVIDING A PENALTY FOR VIOLATION OF THIS ORDINANCE IN ACCORDANCE WITH SAID CODE; PROVIDING FOR SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF

- g. Conduct a Public Hearing/Consider/Discuss/Action on an Ordinance to amend zoning on one lot on 8.2± acres located at the northeast corner of W. 7th Street and S. Powell Parkway to allow for a proposed library and existing civic center uses with modified development standards. (Director of Development Services Ross Altobelli)

The property's current zoning, established in 2019 (Ord. No. 831-2019), is a Planned Development with the base zoning of CBRD Central Business Redevelopment District (CBRD). The request is to amend standards established as part of the 2019 zoning and current CBRD development

standards to accommodate the construction of the new community library and existing municipal complex site improvements.

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.

Proposed Planned Development Stipulations

The language in the proposed PD district will modify existing PD standards and current development standards by:

- Removing an existing PD stipulation requiring 25-foot landscape areas at intersection corners of two public streets.
- Modify the CBRD height and front yard setback requirements.
- Exempt the property from the 20-foot landscape setback requirement and 600 square foot landscape area requirement at the intersection of two dedicated streets.
- Exempt the property from the signage regulations.

The land use is not proposing to change on the property. The zoning amendment request modifies the existing zoning to accommodate the proposed library and existing municipal complex site improvements.

At the Thursday, July 6, 2023 Planning & Zoning Commission meeting, the Commission voted unanimously to recommend approval of the zoning amendment with the following restrictions.

Restrictions:

A. The location of the planned development zoning district shall be in substantial conformance with the Concept Plan.

B. Standards and Area Regulations: Development must comply with the development standards for use, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, and lighting, set forth in the CBRD Central Business Redevelopment District (CBRD) zoning district and the Planning and Development Regulations

except as modified per Ord. No. 831-2019 and as otherwise specified herein. (Additions are indicated in underlined text; deletions are indicated in ~~striketrough text~~.)

i. Parking shall be 1 parking stall per 1,000 square feet, gross floor area. Parking may be shared between buildings on the same block.

ii. For all nonresidential parcels at least 2% of the street yard shall be permanent landscape area. The street yard shall be defined as the area between the front property line and the minimum front setback line.

iii. For all nonresidential parcels, there shall be required to plant one large tree per every 150 linear feet, or portion thereof, of street frontage. Trees may be grouped or clustered anywhere on the site to facilitate site design.

~~iv. For all nonresidential parcels located at the intersection of two dedicated public streets (rights-of-way), 25-foot landscape areas shall be provided at the intersection corners within 3 years of a third building being constructed on the site.~~

iv. Zoning District Area Regulations:

1. Maximum height (feet): 50

2. Front yard (feet):

a. 5th Street and Riggins Street: 0

b. S. Powell Parkway: 40

c. 7th Street: 45

v. Landscaping shall conform to City ordinances with the following exceptions:

1. Exempt from the 20-foot landscape setback requirement along major thoroughfares.

2. Exempt from the 600 square foot landscape area at the intersection of two dedicated public streets.

vi. Signage: The property shall be exempt from the signage regulations.

C. Plats and/or site plans submitted for the development of the PD shall conform to the data presented and approved on the Conceptual Development plan. Non-substantial changes of detail on the final development plan(s) that differ from the Conceptual Development plan may be authorized by the City Council with the approval of the final development plan(s) and without public hearing.

D. The Revised Site Plan will expire after two (2) years of approval.

Mayor Pike opened the public hearing at 6:43 PM.

No comments.

Mayor Pike closed the public hearing at 6:43 PM.

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

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. (Property zoned under this ordinance is generally located at the northeast corner of W. 7th Street and S. Powell Parkway)

- h. Consider/Discuss/Action on a Resolution for Anna Municipal Complex Addition, Block A, Lot 1, Revised Site Plan. (Director of Development Services Ross Altobelli)

Library and existing civic center uses on one lot on 8.2± acres located at the northeast corner of W. 7th Street and S. Powell Parkway.

The Planning & Zoning Commission recommended approval of the Revised Site Plan at the July 6, 2023 Planning & Zoning Commission meeting subject to:

- a. City Council approval of the zoning request; and
- b. Subject to additions and/or alterations to the engineering plans as required by the Public Works Department.

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

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING ANNA MUNICIPAL COMPLEX ADDITION, BLOCK A, LOT 1, REVISED SITE PLAN.

- i. Conduct a Public Hearing/Consider/Discuss/Action on a Ordinance to request to rezone one lot on 0.4± acre located on the north side of

Hackberry Drive, 320± feet east of N. Powell Parkway from SF-1 Single-Family Residential to C-1 Restricted Commercial to allow for a proposed general office use. (Planner II Salena Tittle)

The applicant is requesting to rezone the property to the Restricted Commercial (C-1) zoning district to allow for general office use.

The intent of the C-1 zoning district is to accommodate the shopping needs of residents in adjacent residential areas and where service establishments deal directly with customers.

The Future Land Use Plan and Downtown Master Plan should not be viewed as a parcel-based map. The proposed zoning request involves the conversion of a former home to a small business which is in alignment of the Adaptive Reuse/Infill designation.

The Planning & Zoning Commission recommended approval of the zoning request at the July 6, 2023 Planning & Zoning Commission meeting.

Mayor Pike opened the public hearing at 6:44 PM.

No Comments.

Mayor Pike closed the public hearing at 6:46 PM.

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

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. (Property rezoned under this ordinance is generally located on the north side of Hackberry Drive, 320± feet east of N. Powell Parkway)

- j. Consider/Discuss/Action on a Resolution for the J.A. Greer Addition, Block A, Lot 1, Site Plan. (Planner II Salena Tittle)

General office on one lot on 0.4± acre located on the north side of Hackberry Drive, 320± feet east of N. Powell Parkway.

The purpose of the Site Plan is to show the related site improvements associated with the proposed general office development. The Site Plan complies with the Planning and Development regulations as requested by the zoning case.

The Planning & Zoning Commission recommended approval of the Site Plan at the July 6, 2023 Planning & Zoning Commission meeting subject to City Council approval of the zoning request.

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

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING J.A. GREER ADDITION, BLOCK A, LOT 1, SITE PLAN.

- k. Consider/Discuss/Action on a Resolution of the City Council of the City of Anna, Texas, finding that a public necessity exists for acquisition of a permanent water line easement providing limited rights on and under 0.017 acres of real property, more or less, and a temporary construction easement providing temporary limited rights on and under 0.001 acres of real property, more or less, as further described in Exhibit A of said resolution with said easements being part of tract of land recorded in Document No. 20110729000793490 of the Official Public Records of Collin County, Texas granted to Sueko Nakama Hoff; authorizing the City Manager, staff, contractors, and the city's attorneys to acquire said easements by any lawful means, including but not limited to negotiations, and, if necessary, proceedings in eminent domain; providing an effective date. (Interim Assistant City Manager Greg Peters, P.E.)

The City has a Capital Improvement Project to re-locate and expand water and sanitary sewer utilities in the SH5 corridor. TxDOT is seeking to widen SH5 to a 4-lane divided roadway, which requires this work to be completed in the very near future. The design plans for the utilities are complete, and the City has acquired the majority of the required easements for the project. This item is in regard to an easement which has not yet been acquired.

It is important to note that TxDOT requires the City to relocate our water mains and sewer mains outside of their new right-of-way - which is the reason the City must acquire the easements where the new utilities will be located. TxDOT cannot construct SH5 until the City has relocated all of our utilities.

Staff and our property acquisition team will continue to work to reach a reasonable negotiated settlement with the owners and acquire the easement. However, we want to make sure that the City Council has granted staff all options available, including condemnation. If approved, this

item will authorize the City to negotiate with the landowner's agent for the purchase of the necessary water easement based on the appraised value of the property and in accordance with state law.

Staff recommends approval of the resolution of the City Council of the City of Anna, Texas, finding that a public necessity exists for acquisition of a permanent water line easement providing limited rights on and under 0.066 acres of real property, more or less; authorizing the City Manager, staff, contractors, and the city's attorneys to acquire said easements by any lawful means, including but not limited to negotiations, and, if necessary, proceedings in eminent domain; providing an effective date.

MOTION: Mayor Pike moved that the City of Anna, Texas authorizes the use of the power of eminent domain to acquire an easement that is 0.066 acres of real property described in detail in the document labeled Exhibit "A" attached to the resolution for agenda item 6.k. of tonight's Council meeting agenda and said easement being part of a tract of land located at the address of 2012 S. Powell Pkwy, Anna, Texas, 75409 in Collin County, Texas for a permanent water line easement and all related facilities and appurtenances. Mayor Pro Tem Miller seconded. Motion carried 7-0.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS, FINDING THAT A PUBLIC NECESSITY EXISTS FOR ACQUISITION OF A PERMANENT WATER LINE EASEMENT PROVIDING LIMITED RIGHTS ON AND UNDER 0.017 ACRES OF REAL PROPERTY, MORE OR LESS, AND A TEMPORARY CONSTRUCTION EASEMENT PROVIDING TEMPORARY LIMITED RIGHTS ON AND UNDER 0.001 ACRES OF REAL PROPERTY, MORE OR LESS; AUTHORIZING THE CITY MANAGER, STAFF, CONTRACTORS, AND THE CITY'S ATTORNEYS TO ACQUIRE SAID EASEMENTS BY ANY LAWFUL MEANS, INCLUDING BUT NOT LIMITED TO NEGOTIATIONS, AND, IF NECESSARY, PROCEEDINGS IN EMINENT DOMAIN; PROVIDING AN EFFECTIVE DATE.

- I. Consider/Discuss/Action on a Resolution of the City Council of the City of Anna, Texas, finding that a public necessity exists for acquisition of a permanent water line easement providing limited rights on and under 0.066 acres of real property, more or less, as further described in Exhibit A of said resolution with said easement being part of a tract of land located at the address of 2012 S. Powell Pkwy, Anna, Texas, 75409 in Collin County, Texas; authorizing the City Manager, staff, contractors, and the city's attorneys to acquire said easements by any lawful means, including but not limited to negotiations, and, if necessary, proceedings in eminent domain; providing an effective date. (Interim Assistant City Manager Greg Peters, P.E.)

The City has a Capital Improvement Project to re-locate and expand water and sanitary sewer utilities in the SH5 corridor. TxDOT is seeking to widen SH5 to a 4-lane divided roadway, which requires this work to be completed in the very near future. The design plans for the utilities are complete, and the City has acquired the majority of the required easements for the project. This item is in regard to an easement which has not yet been acquired.

It is important to note that TxDOT requires the City to relocate our water mains and sewer mains outside of their new right-of-way - which is the reason the City must acquire the easements where the new utilities will be located. TxDOT cannot construct SH5 until the City has relocated all of our utilities.

Staff and our property acquisition team will continue to work to reach a reasonable negotiated settlement with the owners and acquire the easement. However, we want to make sure that the City Council has granted staff all options available, including condemnation. If approved, this item will authorize the City to negotiate with the landowner's agent for the purchase of the necessary water easement based on the appraised value of the property and in accordance with state law.

Staff recommends approval of the resolution of the City Council of the City of Anna, Texas, finding that a public necessity exists for acquisition of a permanent water line easement providing limited rights on and under 0.100 acres of real property, more or less; authorizing the City Manager, staff, contractors, and the city's attorneys to acquire said easements by any lawful means, including but not limited to negotiations, and, if necessary, proceedings in eminent domain; providing an effective date.

MOTION: Council Member Atchley moved that the City of Anna, Texas authorizes the use of the power of eminent domain to acquire an easement that is 0.0100 acres of real property described in detail in the document labeled Exhibit "A" attached to the resolution for agenda item 6.I. of tonight's Council meeting agenda and being part of tract of land recorded in Document No. 20181221001551200 of the Official Public Records of Collin County, Texas granted to Steve Malampy and Susan Malampy for a permanent water line easement and all related facilities and appurtenances. Council Member Baker seconded. Motion carried 7-0.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS, FINDING THAT A PUBLIC NECESSITY EXISTS FOR ACQUISITION OF A PERMANENT WATER LINE EASEMENT PROVIDING LIMITED RIGHTS ON AND UNDER 0.066 ACRES OF REAL PROPERTY, MORE OR LESS; AUTHORIZING THE CITY MANAGER, STAFF, CONTRACTORS, AND THE CITY'S ATTORNEYS TO ACQUIRE

SAID EASEMENTS BY ANY LAWFUL MEANS, INCLUDING BUT NOT LIMITED TO NEGOTIATIONS, AND, IF NECESSARY, PROCEEDINGS IN EMINENT DOMAIN; PROVIDING AN EFFECTIVE DATE.

- m. Consider/Discuss/Action on a Resolution of the City Council of the City of Anna, Texas, finding that a public necessity exists for acquisition of a permanent water line easement providing limited rights on and under 0.100 acres of real property, more or less, as further described in Exhibit A of said resolution with said easement being part of tract of land recorded in Document No. 20181221001551200 of the Official Public Records of Collin County, Texas granted to Steve Malampy and Susan Malampy; authorizing the City Manager, staff, contractors, and the city's attorneys to acquire said easements by any lawful means, including but not limited to negotiations, and, if necessary, proceedings in eminent domain; providing an effective date. (Interim Assistant City Manager Greg Peters, P.E.)

The City has a Capital Improvement Project to re-locate and expand water and sanitary sewer utilities in the SH5 corridor. TxDOT is seeking to widen SH5 to a 4-lane divided roadway, which requires this work to be completed in the very near future. The design plans for the utilities are complete, and the City has acquired the majority of the required easements for the project. This item is in regard to an easement which has not yet been acquired.

It is important to note that TxDOT requires the City to relocate our water mains and sewer mains outside of their new right-of-way - which is the reason the City must acquire the easements where the new utilities will be located. TxDOT cannot construct SH5 until the City has relocated all of our utilities.

Staff and our property acquisition team will continue to work to reach a reasonable negotiated settlement with the owners and acquire the easement. However, we want to make sure that the City Council has granted staff all options available, including condemnation. If approved, this item will authorize the City to negotiate with the landowner's agent for the purchase of the necessary water easement based on the appraised value of the property and in accordance with state law.

Staff recommends approval of the resolution of the City Council of the City of Anna, Texas, finding that a public necessity exists for acquisition of a permanent water line easement providing limited rights on and under 0.100 acres of real property, more or less; authorizing the City Manager, staff, contractors, and the city's attorneys to acquire said easements by any lawful means, including but not limited to negotiations, and, if necessary, proceedings in eminent domain; providing an effective date.

MOTION: Mayor Pro Tem Miller moved that the City of Anna, Texas authorizes the use of the power of eminent domain to acquire an easement that is 0.0100 acres of real property described in detail in the document labeled Exhibit "A" attached to the resolution for agenda item 6.n. of tonight's Council meeting agenda and being part of tract of land recorded in Document No. 20181221001551200 of the Official Public Records of Collin County, Texas granted to Steve Malampy and Susan Malampy for a permanent water line easement and all related facilities and appurtenances. . Council Member Carver seconded. Motion carried 7-0.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS, FINDING THAT A PUBLIC NECESSITY EXISTS FOR ACQUISITION OF A PERMANENT WATER LINE EASEMENT PROVIDING LIMITED RIGHTS ON AND UNDER 0.100 ACRES OF REAL PROPERTY, MORE OR LESS; AUTHORIZING THE CITY MANAGER, STAFF, CONTRACTORS, AND THE CITY'S ATTORNEYS TO ACQUIRE SAID EASEMENTS BY ANY LAWFUL MEANS, INCLUDING BUT NOT LIMITED TO NEGOTIATIONS, AND, IF NECESSARY, PROCEEDINGS IN EMINENT DOMAIN; PROVIDING AN EFFECTIVE DATE.

- n. Consider/Discuss/Action on a Resolution of the City Council of the City of Anna, Texas, finding that a public necessity exists for acquisition of a permanent water line easement providing limited rights on and under 0.430 acres of real property, more or less, said easement being part of tract of land recorded in Document No. 20180427000512810 of the Official Public Records of Collin County, Texas granted to Destination Friendship, LLC, a Louisiana limited liability company; authorizing the City Manager, staff, contractors, and the city's attorneys to acquire said easements by any lawful means, including but not limited to negotiations, and, if necessary, proceedings in eminent domain; providing an effective date. (Interim Assistant City Manager Greg Peters, P.E.)

The City has a Capital Improvement Project to re-locate and expand water and sanitary sewer utilities in the SH5 corridor. TxDOT is seeking to widen SH5 to a 4-lane divided roadway, which requires this work to be completed in the very near future. The design plans for the utilities are complete, and the City has acquired the majority of the required easements for the project. This item is in regard to an easement which has not yet been acquired.

It is important to note that TxDOT requires the City to relocate our water mains and sewer mains outside of their new right-of-way - which is the reason the City must acquire the easements where the new utilities will be located. TxDOT cannot construct SH5 until the City has relocated all of our utilities.

Staff and our property acquisition team will continue to work to reach a reasonable negotiated settlement with the owners and acquire the easement. However, we want to make sure that the City Council has granted staff all options available, including condemnation. If approved, this item will authorize the City to negotiate with the landowner's agent for the purchase of the necessary water easement based on the appraised value of the property and in accordance with state law.

Staff recommends approval of the resolution of the City Council of the City of Anna, Texas, finding that a public necessity exists for acquisition of a permanent water line easement providing limited rights on and under 0.430 acres of real property, more or less; authorizing the City Manager, staff, contractors, and the city's attorneys to acquire said easements by any lawful means, including but not limited to negotiations, and, if necessary, proceedings in eminent domain; providing an effective date.

MOTION: Mayor Pro Tem Miller moved that the City of Anna, Texas authorizes the use of the power of eminent domain to acquire an easement that is 0.430 acres of real property described in detail in the document labeled Exhibit "A" attached to the resolution for agenda item 6.o. of tonight's Council meeting agenda said easement being part of tract of land recorded in Document No. 20180427000512810 of the Official Public Records of Collin County, Texas granted to Destination Friendship, LLC, a Louisiana limited liability company for a permanent water line easement and all related facilities and appurtenances. Mayor Pike seconded. Motion carried 7-0.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS, FINDING THAT A PUBLIC NECESSITY EXISTS FOR ACQUISITION OF A PERMANENT WATER LINE EASEMENT PROVIDING LIMITED RIGHTS ON AND UNDER 0.430 ACRES OF REAL PROPERTY, MORE OR LESS; AUTHORIZING THE CITY MANAGER, STAFF, CONTRACTORS, AND THE CITY'S ATTORNEYS TO ACQUIRE SAID EASEMENTS BY ANY LAWFUL MEANS, INCLUDING BUT NOT LIMITED TO NEGOTIATIONS, AND, IF NECESSARY, PROCEEDINGS IN EMINENT DOMAIN; PROVIDING AN EFFECTIVE DATE.

- o. Consider/Discuss/Action on a Resolution of the City Council of the City of Anna, Texas, finding that a public necessity exists for acquisition of a permanent water line easement providing limited rights on and under 0.168 acres of real property, more or less, said easement being part of tract of land recorded in Document No. 20190313000263910 of the Official Public Records of Collin County, Texas granted to J. Clayton Kennedy, Trustee of the Kennedy 2012 Investment Trust; authorizing the City Manager, staff, contractors, and the city's attorneys to acquire said easements by any lawful

means, including but not limited to negotiations, and, if necessary, proceedings in eminent domain; providing an effective date. (Interim Assistant City Manager Greg Peters, P.E.)

The City has a Capital Improvement Project to re-locate and expand water and sanitary sewer utilities in the SH5 corridor. TxDOT is seeking to widen SH5 to a 4-lane divided roadway, which requires this work to be completed in the very near future. The design plans for the utilities are complete, and the City has acquired the majority of the required easements for the project. This item is in regard to an easement which has not yet been acquired.

It is important to note that TxDOT requires the City to relocate our water mains and sewer mains outside of their new right-of-way - which is the reason the City must acquire the easements where the new utilities will be located. TxDOT cannot construct SH5 until the City has relocated all of our utilities.

Staff and our property acquisition team will continue to work to reach a reasonable negotiated settlement with the owners and acquire the easement. However, we want to make sure that the City Council has granted staff all options available, including condemnation. If approved, this item will authorize the City to negotiate with the landowner's agent for the purchase of the necessary water easement based on the appraised value of the property and in accordance with state law.

Staff recommends approval of the resolution of the City Council of the City of Anna, Texas, finding that a public necessity exists for acquisition of a permanent water line easement providing limited rights on and under 0.168 acres of real property, more or less; authorizing the City Manager, staff, contractors, and the city's attorneys to acquire said easements by any lawful means, including but not limited to negotiations, and, if necessary, proceedings in eminent domain; providing an effective date.

MOTION: Mayor Pike moved that the City of Anna, Texas authorizes the use of the power of eminent domain to acquire an easement that is 0.168 acres of real property described in detail in the document labeled Exhibit "A" attached to the resolution for agenda item 6.o. of tonight's Council meeting agenda with said easements being part of tract of land recorded in Document No. 20190313000263910 of the Official Public Records of Collin County, Texas granted to J. Clayton Kennedy, Trustee of the Kennedy 2012 Investment Trust for a permanent water line easement and all related facilities and appurtenances. Mayor Pro Tem Miller seconded. Motion carried 7-0.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS, FINDING THAT A PUBLIC NECESSITY EXISTS FOR

ACQUISITION OF A PERMANENT WATER LINE EASEMENT PROVIDING LIMITED RIGHTS ON AND UNDER 0.168 ACRES OF REAL PROPERTY, MORE OR LESS; AUTHORIZING THE CITY MANAGER, STAFF, CONTRACTORS, AND THE CITY'S ATTORNEYS TO ACQUIRE SAID EASEMENTS BY ANY LAWFUL MEANS, INCLUDING BUT NOT LIMITED TO NEGOTIATIONS, AND, IF NECESSARY, PROCEEDINGS IN EMINENT DOMAIN; PROVIDING AN EFFECTIVE DATE.

- p. Consider/Discuss/Action on a Resolution authorizing the City Manager to execute a contract with Garney Companies, Incorporated, for Construction Manager At Risk Services for the Hurricane Creek Regional Wastewater Treatment Plant Facility. (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 City of Anna Extraterritorial Jurisdiction. The facility will serve the west side of Anna and the communities of Weston and Van Alstyne, which will be entering into contracts with the City of Anna to provide wastewater treatment. The City received a discharge permit for the project from the Texas Commission on Environmental Quality (TCEQ) earlier this year. Site construction has begun on the project, including site grading, vegetation removal, and construction of a temporary construction road.

The City of Anna publicly advertised a request for proposals for Construction Manager at Risk services (CMAR) for the construction of the Hurricane Creek Regional Wastewater Treatment Plant. Proposals were received and opened on June 29, 2023. Three proposals were received. The lowest qualified submittal was received from Garney Companies, Incorporated. This item is to award the CMAR contract to Garney Companies, Inc. and to authorize the City Manager to execute a contract in a form approved by the City Attorney.

Funding for the Hurricane Creek Regional Wastewater Treatment Plant project was appropriated in the FY2023 Community Investment Program budget for a total project cost of \$80.0 million. Revenue Bonds were issued in September 2023 in the amount of \$65.0 million. The balance of any needed funds will come from other sources as needed. The estimated cost of CMAR proposal is \$12.4 million.

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

A RESOLUTION OF THE CITY OF ANNA, TEXAS AWARDING THE CONSTRUCTION MANAGER AT RISK CONTRACT FOR THE HURRICANE CREEK REGIONAL WASTEWATER TREATMENT PLANT TO GARNEY COMPANIES, INCORPORATED; AUTHORIZING THE CITY

MANAGER TO EXECUTE A CONTRACT FOR CONSTRUCTION
MANAGER AT RISK SERVICES FOR THE PROJECT IN A FORM
APPROVED BY THE CITY ATTORNEY; 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). Zoning and Related Ordinances. City Regulations.
- 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. Mayor Pike seconded. Motion carried 7-0.

Mayor Pike recessed the meeting at 7:05 PM.

Mayor Pike reconvened the meeting at 7:30 PM.

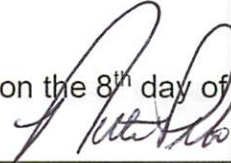
- 8. Consider/Discuss/Action on any items listed on any agenda - work session, regular meeting, or closed session - that is duly posted by the City of Anna for any City Council meeting occurring on the same date as the meeting noticed in this agenda.**

No action taken.

9. **Adjourn.**

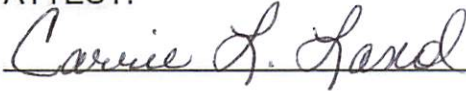
Mayor Pike adjourned the meeting at 7:30 PM.

Approved on the 8th day of August 2023



Mayor Nate Pike

ATTEST:



City Secretary Carrie L. Land

