

**Regular City Council Meeting
Meeting Minutes**



Tuesday, October 10, 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 October 10, 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 6:03 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.

Pastor Lafe Angell led the Invocation and Mayor Pike Pledge of Allegiance.

3. Neighbor Comments.

Pastor Lafe Angell and his wife, Hope Angell, spoke about wanting to establish a Community Center through Grace Place that serves and embraces all ages by providing a safe place.

4. Reports.

Mayor Pike thanked the staff for all the hard work they put into Anna Fest.

5. Work Session.

- a. Receive a presentation regarding a future Collin County Bond Election. (Interim City Manager Ryan Henderson)

Interim City Manager Ryan Henderson thanked Mr. Brian Loughmiller for coming out to present information on the upcoming bond election for the neighbors and stated for the record that we are not advocating the bonds and the presentation given is solely for informational purposes.

6. Consent Items.

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

- a. Approve City Council Meeting Minutes for September 26, 2023. (City Secretary Carrie Land)
- b. Review Minutes of the September 6, 2023 Planning & Zoning Commission Meeting. (Director of Development Services Ross Altobelli)
- c. Approve an Ordinance designating the Official Newspaper for the City of Anna. (City Secretary Carrie Land)

City Charter § 11.02

Official Newspaper.

The City Council must declare an official newspaper of general circulation in the City. All ordinances, captions, notices, and other matters required by this Charter, City ordinance, or state or federal law to be published must be published in the official newspaper. Notwithstanding the foregoing and to the extent that state law provides for an applicable alternate method for publication, the City may forgo newspaper publication and publish the ordinance, caption, notice, or other matter in accordance with the applicable state law. (Ordinance 764-2018, sec. 2.10 (prop. E), adopted 2/13/18, approved at election of 5/5/18)

The official newspaper of the City is the Anna Melissa Tribune; however, they have stopped publication. This Ordinance names the Herald Democrat as the official newspaper of the City. The Herald Democrat is published Tuesday, Wednesday, Thursday, Friday and Sunday. Costs for advertising are the same as the Anna Melissa Tribune.

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

AN ORDINANCE OF THE CITY OF ANNA, TEXAS PROVIDING FOR THE DESIGNATION OF THE OFFICIAL NEWSPAPER BY THE CITY OF ANNA, TEXAS.

7. Items For Individual Consideration.

- a. Consider/Discuss/Action on Amendment One to the Advanced Funding Agreement by and between the City of Anna, Texas and the Texas Department of Transportation for the Ferguson Parkway Project. (CIP Manager Justin Clay)

Ferguson Parkway is included in the City of Anna Master Thoroughfare Plan as a major arterial roadway.

This item authorized the City Manager to execute an amendment to the existing Advanced Funding Agreement between the State of Texas and the City of Anna for the environmental and engineering design scope of the Ferguson Parkway project from Elm Street to the Collin County Outer Loop. The original agreement was approved by the City Council via Resolution 2021-02-865. The scope of work required for the environmental study and design has increased, requiring the Advanced Funding Agreement to be revised. The North Central Texas Council of Governments has agreed to fund their full 80% match of the increase, with the City being responsible for 20% of the cost. This agreement represents excellent value to Anna neighbors, as the partnership results in the design of a major project with the City only being responsible for 20% of the cost.

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

A RESOLUTION OF THE CITY OF ANNA, TEXAS, APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE ADVANCE FUNDING AGREEMENT BY AND BETWEEN THE CITY OF ANNA, TEXAS, AND THE TEXAS DEPARTMENT OF TRANSPORT FOR FERGUSON PARKWAY, WITH AN EFFECTIVE DATE.

- b. Consider/Discuss/Action awarding the construction of the Downtown Street Improvement project to Wall Contractors, LLC. (CIP Manager Justin Clay)

The project is included in the FY23 and FY24 Capital Improvement Plan.

The Downtown Street Improvement project includes the reconstruction and improvement of 5th Street, 7th Street, and Riggins Street. The project scope includes paving, drainage, and water system improvements, along with the construction of on-street parking for public use. The project will enhance the downtown area and provide the infrastructure required for redevelopment

of the downtown. The project was publicly bid using the City's IonWave online bidding program. Bids were opened on September 22, 2023. Three bids were received. Wall Contractors, LLC was the lowest qualified bidder for the project. Staff has reviewed the experience and qualifications of Wall Contractors, LLC, and recommended awarding the project to them. Construction is set to begin before the end of the year.

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

A RESOLUTION OF THE CITY OF ANNA, TEXAS, AWARDED THE DOWNTOWN STREETS IMPROVEMENT PROJECT TO WALL CONTRACTORS, LLC, IN THE AMOUNT NOT TO EXCEED TWO MILLION NINE HUNDRED AND SIXTY SIX THOUSAND FOUR HUNDRED AND THIRTY-NINE DOLLARS AND TWENTY-FIVE CENTS (2,966,439.25), INCLUDING A 10% CONTINGENCY, WITH AN EFFECTIVE DATE

- c. Consider/Discuss/Action of an Ordinance authorizing the Issuance of the "City of Anna, Texas, Special Assessment Revenue Bonds, Series 2023 (AnaCapri Public Improvement District Improvement Area #1 Project)" in a principal amount not to exceed \$20,343,000 payable from Special Assessments levied upon Improvement Area #1 of AnaCapri Public Improvement District to fund Public Improvements in said District; approving and authorizing an Indenture of Trust, a Bond Purchase Agreement, a Limited Offering Memorandum, a Continuing Disclosure Agreement and other agreements and documents in connection therewith; making findings with respect to the issuance of such Bonds; and providing an effective date, subject to approval as to legal form. (Director of Economic Development Joey Grisham)

Mayor Pike recused himself at 6:37 PM.

Council Member Toten left the meeting at 6:37 PM.

The preliminary limited offering memorandum was approved by the City Council on September 12, 2023.

The next step in the PID bond process for AnaCapri Improvement Area #1 is approval of the indenture of trust, bond purchase agreement, limited offering memorandum, continuing disclosure agreement, and other documents in connection with the project.

MOTION: Council Member Carver moved to approve. Council Member Atchley seconded. Motion carried 5-0.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE "CITY OF ANNA, TEXAS, SPECIAL ASSESSMENT REVENUE BONDS, SERIES 2023 (ANACAPRI PUBLIC IMPROVEMENT DISTRICT IMPROVEMENT AREA #1 PROJECT)" IN A PRINCIPAL AMOUNT NOT TO EXCEED \$20,343,000 PAYABLE FROM SPECIAL ASSESSMENTS LEVIED UPON IMPROVEMENT AREA #1 OF ANACAPRI PUBLIC IMPROVEMENT DISTRICT TO FUND PUBLIC IMPROVEMENTS IN SAID DISTRICT; APPROVING AND AUTHORIZING AN INDENTURE OF TRUST, A BOND PURCHASE AGREEMENT, A LIMITED OFFERING MEMORANDUM, A CONTINUING DISCLOSURE AGREEMENT AND OTHER AGREEMENTS AND DOCUMENTS IN CONNECTION THEREWITH; MAKING FINDINGS WITH RESPECT TO THE ISSUANCE OF SUCH BONDS; AND PROVIDING AN EFFECTIVE DATE.

- d. Consider/Discuss/Action of an Ordinance of the City Council of the City of Anna, Texas Approving an Amended and Restated Service and Assessment Plan, including a revised Assessment Roll, for AnaCapri Public Improvement District in accordance with Chapter 372, Texas Local Government Code, as amended; and providing an effective date, subject to approval as to legal form. (Director of Economic Development Joey Grisham)

This item is the latest Amended and Restated Service and Assessment Plan (SAP) for the AnaCapri PID developed and reviewed by P3 Works in partnership with Hilltop Securities, city staff, and legal counsel.

MOTION: Council Member Carver moved to approve. Council Member Cain seconded. Motion carried 5-0.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS APPROVING AN AMENDED AND RESTATED SERVICE AND ASSESSMENT PLAN, INCLUDING A REVISED ASSESSMENT ROLL, FOR ANACAPRI PUBLIC IMPROVEMENT DISTRICT IN ACCORDANCE WITH CHAPTER 372, TEXAS LOCAL GOVERNMENT CODE, AS AMENDED; AND PROVIDING AN EFFECTIVE DATE.

8. Closed Session (Exceptions).

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

- 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). Charter and Constitutional provisions for vacancies, appointments, and related matters, ordinances and regulations, jurisdictional boundaries and related matters.

- 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). Potential developments in City and ETJ.
- d. Discuss or deliberate personnel matters (Tex. Gov't Code §551.074). City Manager.

MOTION: Council Member Cain moved to enter closed session. Council Member Baker seconded. Motion carried 5-0.

Mayor Pro Tem Miller recessed the meeting at 6:42 PM.

Mayor Pike reconvened the meeting at 8:00 PM.

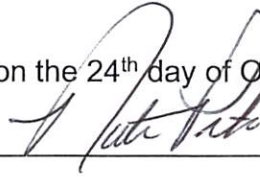
- 9. Consider/Discuss/Action on any items listed on any agenda - work session, regular meeting, or closed session - that is duly posted by the City of Anna for any City Council meeting occurring on the same date as the meeting noticed in this agenda.

MOTION: Mayor Pike made a motion as follows, "the City Council of the City of Anna, Texas, formally appoints Ryan Henderson as the City Manager of the City of Anna effective immediately, and that the City Council approves and adopts the City Manager Agreement with Ryan Henderson in the form approved by the City's Legal Counsel." . Mayor Pro Tem Miller and Council Member Cain seconded. Motion carried 6-0.

10. Adjourn.

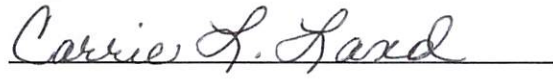
Mayor Pike adjourned the meeting at 8:01 PM.

Approved on the 24th day of October 2023



Mayor Nate Pike

ATTEST:



City Secretary Carrie L. Land

