

**Regular City Council Meeting
Meeting Minutes**



Tuesday, January 23, 2024 @ 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 January 23, 2024 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 Pro Tem Miller called the meeting to order at 6:01 PM.

Members Present:

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:

Mayor Nate Pike

2. Invocation and Pledge of Allegiance.

Done during work session.

3. Neighbor Comments.

No comments.

4. Reports.

5. Work Session.

- a. Presentation from JPI (Jefferson on the Outer Loop). (Planning Manager Lauren Mecke)

The developer was looking for feedback from City Council regarding their proposed development.

6. Consent Items.

MOTION: Council Member Toten moved to approve items 6.a.-d. Council Member Cain seconded. Motion carried 6-0.

- a. Approve City Council Meeting Minutes for January 9, 2024. (City Secretary Carrie Land)
- b. Review Minutes of the December 7, 2023, Joint Community Development Corporation and Economic Development Corporation Board Meetings. (Interim Director of Economic Development Bernie Parker)
- c. Review Monthly Financial Report for the Month Ending December 31, 2023. (Budget Manager Terri Doby)
- d. Approve a Resolution Adopting the Anacapri Public Improvement District Improvement Area #2A Funding And Reimbursement Agreement. (Interim Director of Economic Development Bernie Parker)

The City Council approved a Development Agreement with Megatel in October 2021 and created the AnaCapri Public Improvement District on April 12, 2022. The City council approved on April 11, 2023 a resolution approving a reimbursement agreement with Megatel for the AnaCapri Public Improvement District Area #1.

Staff recommended that the City Council approve this item that includes a Resolution approving a Reimbursement Agreement with Megatel for the AnaCapri Public Improvement District to develop the Improvement Area #2A Assessed Property and be reimbursed for a specified portion of the public improvement projects using the Bond Proceeds.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A RESOLUTION ADOPTING THE ANACAPRI PUBLIC IMPROVEMENT DISTRICT IMPROVEMENT AREA #2A FUNDING AND REIMBURSEMENT AGREEMENT

7. Items For Individual Consideration.

- a. Consider/Discuss/Action on a Resolution amending the Development Agreement pertaining to the building materials requirement within Anacapri. (Planning Manager Lauren Mecke)

The Anacapri development standards were established by Development Agreement (Resolution No. 2020-12-831) in 2020 as the developer was in the process of purchasing the land. The developer is requesting to make changes to their Development Agreement pertaining only to the non-residential buildings and the garage door requirements for single-family dwellings, detached. The applicant has provided a letter from their architect

to describe the Caribbean architectural style desired for the non-residential buildings and provided an example of how an embossed metal garage door can achieve a similar appearance to a wood door.

If the City Council is in favor of amending the Development Agreement, staff recommended language as outlined below (deletions in ~~struck-through~~ red font and additions in underlined green font).

Nonresidential Buildings

~~A. At least 80% of the exterior walls (excluding doors, door frames, windows, and window frames) shall use only stone, brick, and/or split face concrete masonry units in the construction of the exterior facade that are visible to the public.~~

~~B. Other finishes and materials may be used at the sole discretion of the City Council if adopted as part of the site plan approval and if permitted by building and fire codes.~~

~~C. At least 60% of exterior façades not visible to the public (excluding doors, door frames, windows, and window frames) are required to be brick or rock veneer.~~

~~D. A maximum of 10% of any exposed exterior wall may consist of EIFS~~

A. Buildings shall utilize the architectural style and materials of Caribbean architecture in accordance with Exhibit 3.

B. Where the function of an individual business, or the recognized identity of a brand dictates a specific style, image, or building material associated with that company, the masonry provision may be modified; however, the development shall maintain harmony in terms of overall project design and appearance, and such design shall be subject to approval by the City Council after recommendation from the Planning & Zoning Commission.

Single-Family Residence Buildings (SF-60 and SF-Z)

A. Except as noted below, the exterior walls (excluding windows and doors) on the first-floor front elevation of any structure shall be 90 percent masonry and 80 percent on the second-floor front elevation. The total cumulative surface area of the remaining exterior walls (excluding windows and doors) shall be 80% masonry.

B. A maximum of 10% of any exposed exterior wall may consist of EIFS.

C. Second floor Dutch gable roof elements are not required to be masonry if set back at least 3 feet from the first-floor front elevation vertical plane.

D. The masonry standards that apply to the front elevation of a structure as described in subsection (A) above shall also apply to any exterior walls on a structure that are: (i) adjacent to and face a public street or right-of-way; or (ii) visible from and located immediately adjacent to a public park, reserved open space or neighborhood common area, or an undeveloped flood hazard or drainage area that is also adjacent to a public street.

E. Roofing materials of a structure may only consist of architectural asphalt shingles (including laminated dimensional shingles), clay and concrete tile, metal shingles, mineral-surfaced row roofing, slate and slate-type shingles, wood shingles, wood shakes or an equivalent or better product as compared with said materials. Should architectural shingles be used as roofing material, said shingles shall be accompanied with a minimum 25-year warranty. Under no circumstance shall three-tab shingles be used as roofing material.

F. Garages

~~All garages must also incorporate wood clad (or equivalent) garage doors or wood composite doors and contain at least two of the following enhancements:~~

1. All garage doors must be:

- i. Wood clad (or equivalent) garage doors,
- ii. Wood composite doors, or
- iii. Embossed single metal garage door with an appearance and/or color similar to a wood door as depicted in Exhibit 4.

2. All garage doors shall contain at least two of the following enhancements:

- i. Two single garage doors (in lieu of double doors);
- ii. Decorative windows;
- iii. Decorative hardware;
- iv. Garage door recessed a minimum of 12 inches from the garage face;
- v. Cast stone surround.
- vi. Eight-foot tall garage doors.

G. All doors on the front facade of a residence shall be constructed of wood, iron, glass, and/or architectural fiberglass.

MOTION: Council Member Toten moved to approve. Council Member Carver seconded. Motion carried 6-0.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A DEVELOPMENT AGREEMENT WITH ANACAPRI LAGUNA AZURE LLC RELATING TO DEVELOPMENT AND DESIGN REGULATIONS FOR A MUTI-USE DEVELOPMENT GENERALLY LOCATED ON THE EAST AND WEST SIDES OF FUTURE FERGUSON PARKWAY, NORTH OF HACKBERRY DRIVE, AND SOUTH OF MANTUA ROAD.

- b. Conduct a Public Hearing/Consider/Discuss/Action on an Ordinance to amend an existing Planned Development (Ord. No. 887-2020) on 341± acres generally located on the east and west sides of future Ferguson Parkway, north of Hackberry Drive and south of County Road 371. (Planning Manager Lauren Mecke)

The applicant submitted a withdrawal letter pertaining to their zoning request.

- c. Consider/Discuss/Action to approve a Resolution approving a professional services project order amending the master services agreement with Huitt-Zollars for landscape architecture and park planning services for Anna Crossing Park. (Assistant City Manager Greg Peters)

The City of Anna 2050 Parks/Open Space/Trails/Recreation Master Plan identified the need for the City to develop an existing 28-acre parcel of undeveloped park land within the Anna Crossing neighborhood. The property is listed in the Master Plan as Anna Crossing Park, but a formal naming process will be completed when the park is developed. The project has been identified in the City's FY2023-2024 Capital Improvement Plan, and received partial funding in the FY2023-2024 Budget.

Staff selected Huitt-Zollars from the City's 2021 RFQ Selection to perform the planning and design work needed for the project. The scope includes the following items:

- Public input processes with neighborhood meetings, Park Board Meetings, and City Council Meetings to determine needs and solicit feedback
- The development of a master plan for the park, showing proposed amenities and phasing.
- Landscaping and irrigation system design.
- Services for platting, surveying, and geotechnical investigation are also included in the scope.

- Preparation of construction documents for the final improvements.

The design portion of the project is expected to take nine to twelve months to complete. Construction funding will be considered for next year's budget during the FY2024-2025 Annual Budget process.

MOTION: Council Member Toten moved take no action. No one seconded. Motion failed.

MOTION: Council Member Atchley moved to approve. Council Member Baker seconded. Motion carried 5-1. Council Member Toten opposed.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A PROFESSIONAL SERVICES PROJECT ORDER FOR DESIGN SERVICES RELATED TO ANNA CROSSING PARK BY HUITT-ZOLLARS.

- d. Consider/Discuss/Action on a Resolution awarding the Leonard Avenue Extension project to ANA Site Construction. (CIP Manager Justin Clay)

As the city has grown, traffic congestion has increased in and around the Anna Crossing neighborhood located off of State Highway 5 and Finley Boulevard. The City of Anna Master Thoroughfare Plan shows a proposed future arterial road connecting Leonard Avenue from the neighborhood to the Collin County Outer Loop. With the addition of a new Middle School on Leonard, the need for an improved arterial roadway network in this area has continued to rise.

After receiving feedback from the community, developers, and elected officials, the City increased the priority of constructing Leonard Avenue to the south. In October of 2022 the City submitted the Leonard Avenue Extension project to Collin County for consideration of receiving County Bond Funds through their 2022 Collin County Call for Projects. The County selected the project to receive a 70/30 match, with the City being responsible for 30% of the cost of construction.

Design for the project was completed last year, and the project was bid for construction. The bid opening was held on January 8, 2024. Three bids were received, with the lowest bid from ANA Site Construction, LLC, in the amount of \$3,518,892.90. In order to account for unforeseen changes during construction, Staff recommended including an 8% contingency in the approved project budget. Upon review of all the information presented, Staff determined that ANA Site Construction is qualified and capable of doing the work and recommended awarding the project to them.

The project is included in the FY2023 - 2027 Capital Improvement Plan and the FY2023-2024 Budget.

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

A RESOLUTION OF THE CITY OF ANNA, TEXAS, AWARDED THE LEONARD AVENUE EXPANSION PROJECT TO ANA SITE CONSTRUCTION, LLC, IN THE AMOUNT NOT TO EXCEED THREE MILLION EIGHT HUNDRED THOUSAND FOUR HUNDRED AND FOUR DOLLARS AND THIRTY-THREE CENTS (\$3,800,404.33), INCLUDING A 8% CONTINGENCY, WITH AN EFFECTIVE DATE

- e. Consider/Discuss/Action on a Resolution awarding the Phase 2 Downtown Utility Rehabilitation Project and Slater Creek Road Water Improvement projects to ANA Site Construction. (CIP Manager Justin Clay)

The Downtown Utility Rehabilitation project includes improvements in various locations throughout downtown Anna to upgrade the public infrastructure as required for current uses and future development. The Slater Creek Road water improvement project is for the replacement of an undersized 1.5-inch water main with a new 6" water main and fire hydrants in order to improve water flow and pressure for domestic use and firefighting capability. The projects have been combined in order to obtain better pricing through a larger volume of work. Both projects are being funded through the American Recovery Act State and Local Government Fiscal Recovery Fund (SLFRF).

The project was advertised for bid in December, and bids were opened on January 11, 2024. Four bids were received, with the lowest bid submitted by ANA Site Construction, LLC in the amount of \$924,481. Staff recommended a 15% contingency for the project due to the high potential of unforeseen underground conflicts in both project locations. Staff reviewed the qualifications and experience of ANA Site Construction, LLC, and has also received a letter of recommendation from the design engineer for the project. Staff recommended awarding the project to ANA Site Construction in an amount not to exceed \$1,063,153.15.

The projects are included in the FY2023-2024 Capital Improvement Plan and FY2023- 2024 Budget.

MOTION: Council Member Carver moved to approve. Council Member Totten seconded. Motion carried 6-0.

A RESOLUTION OF THE CITY OF ANNA, TEXAS, AWARDED THE DOWNTOWN UTILITY IMPROVEMENT PHASE 2 PROJECT TO ANA SITE CONSTRUCTION, LLC, IN THE AMOUNT NOT TO EXCEED ONE MILLION SIXTY-THREE THOUSAND ONE HUNDRED AND FIFTY-

THREE DOLLARS AND FIFTEEN CENTS (1,063,153.15), INCLUDING A 15% CONTINGENCY, WITH AN EFFECTIVE DATE

8. Closed Session (Exceptions).

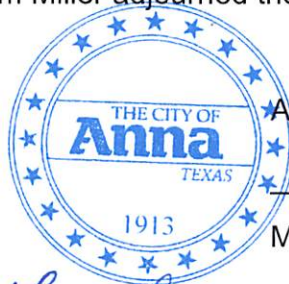
Under Tex. Gov't Code Chapter 551, the City Council may enter into Closed Session to discuss any items listed or referenced on this Agenda under the following exceptions:

- 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).
 - 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).
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.

No action taken.

10. Adjourn.

Mayor Pro Tem Miller adjourned the meeting at 7:23 PM.



Approved on the 13th day of February 2024

Mayor Pro Tem Miller

ATTEST:

Carrie L. Land

City Secretary Carrie L. Land