

**Regular City Council Meeting
Meeting Minutes**



Tuesday, February 13, 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 02/13/2024 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 Pike called the meeting to order at 6:11 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.

No comments were given.

4. Reports.

- a. Parks Advisory Board Update (Director of Neighborhood Services Marc Marchand)

Marc Marchand, the Director of Neighborhood Services, provided the City Council with an update on the work of the Parks Advisory Board. In the

January Parks Advisory Board meeting, the following items were received, discussed, and/or acted upon:

1. Park CIP project options at Sherley Heritage Park.
2. Park naming recommendation

5. Work Session.

- a. Liberty Hills Development (Planning Manager Lauren Mecke)

The in-city portion of the property was zoned to the Mantua Planned Development in 2011 as part of a larger development plan that extended into the Van Alstyne Extraterritorial Jurisdiction (ETJ). The portions of that original development plan within Anna's planning jurisdiction was recently purchased by a new development group. Both city staff and the developer feel that it is necessary to modernize or replace the existing Planned Development. Staff recommended the Council provide feedback to the developer.

6. Consent Items.

MOTION: Council Member Baker moved to approve items 6.a.-f. Council Member Totten seconded. Motion carried 7-0.

- a. Approve City Council Meeting Minutes for January 23, 2024. (City Secretary Carrie Land)
- b. Approve the Quarterly Investment Report for the Period Ending December 31, 2023. (Interim Finance Director Aimee Rae Ferguson)
- c. Approve Police Department Report on 2023 racial profiling data that was submitted to the Texas Commission on Law Enforcement (TCOLE). (Police Chief Dean Habel)
- d. Approve a Resolution authorizing the City Manager to execute a contract with Alliance Geotechnical Group for material testing services of the Collin Pump Station Ground Storage Tank No. 2 project. (CIP Manager Justin Clay)

This Item authorized the City Manager to execute a contract for professional services for material testing for the Collin Pump Station Phase 2 project. Materials testing is critical for the project, to ensure the tank and surrounding site paving is constructed in accordance with the engineering design and specifications.

Funding for the Collin Pump Station Ground Storage project was appropriated in the FY2024 Community Investment Program budget in the amount of \$11.6 million from the Water Impact Fee Fund, of which \$10.8

million has been allocated for construction. The estimated cost of material testing is \$96,605.

A RESOLUTION OF THE CITY OF ANNA, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH ALLIANCE GEOTECHNICAL GROUP FOR MATERIALS TESTING ON THE COLLIN PUMP STATION PHASE 2 PROJECT IN AN AMOUNT NOT TO EXCEED NINETY-SIX THOUSAND SEVEN HUNDRED DOLLARS AND ZERO CENTS (\$96,700.00); AND PROVIDING FOR AN EFFECTIVE DATE.

- e. Approve a Resolution for professional services project with Kimley-Horn for the extension of waterline located on the Outer Loop and CR 286. (CIP Manager Justin Clay)

This item authorized the City Manager to execute a contract for engineering services on a public water main in the southwest portion of the City. The scope includes approximately 6,500 linear feet of a proposed 12-inch water line to provide permanent water service to the Collin County Outer Loop area west of US 75 and the Hurricane Creek Regional Wastewater Treatment Plant.

Funding for this engineering services contract is available in the Water Impact Fee Fund in the amount of \$90,000. Once the engineering is complete, funding for construction will be planned in a future budget.

A RESOLUTION OF THE CITY OF ANNA, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR PROFESSIONAL SERVICES WITH KIMLEY-HORN AND ASSOCIATES FOR THE ENGINEERING DESIGN RELATED TO THE COLLIN COUNTY OUTER LOOP AND COUNTY ROAD 286 WATER IMPROVEMENT PROJECT, IN A FORM APPROVED BY THE CITY ATTORNEY PER THE PROPOSAL SHOWN IN EXHIBIT "A" ATTACHED HERETO, AND PROVIDING FOR AN EFFECTIVE DATE.

- f. Approve a Resolution authorizing the City Manager to execute a contract for professional services with CMJ Engineering for Material Testing Services for the Hurricane Creek Regional Wastewater Treatment Plant project. (CIP Manager Justin Clay)

CMJ Engineering was utilized by the design engineer for the Hurricane Creek Regional Wastewater Treatment Plant project to complete the initial geotechnical analysis and provide foundation recommendations for the design phase of the project. They are intimately familiar with the project, and are best prepared to provide the materials testing services needed for construction to ensure the construction meets all specifications in the design.

Funding for the Hurricane Creek Regional Wastewater Treatment Plant project was appropriated in the FY2024 Community Investment Program budget in the amount of \$65 million in bond funds issued in 2022. \$18.6 million has been allocated for construction and installation of equipment and materials. The estimated cost of the contract for materials testing is \$179,882.

A RESOLUTION OF THE CITY OF ANNA, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH CMJ ENGINEERING FOR MATERIALS TESTING ON THE HURRICANE CREEK REGIONAL WASTEWATER TREATMENT PLANT PROJECT IN AN AMOUNT NOT TO EXCEED ONE HUNDRED AND SEVENTY-NINE THOUSAND EIGHT HUNDRED AND EIGHTY-TWO DOLLARS AND ZERO CENTS. (\$179,882.00); AND PROVIDING FOR AN EFFECTIVE DATE.

7. Items For Individual Consideration.

- a. Consider/Discuss/Action on a Resolution regarding a Services Agreement for Westminster Original Donation, Lot 8. (Planning Manager Lauren Mecke)

The Agreement for Services is required by state law prior to approval of annexation. D&V Stores, LLC has submitted a petition to annex 0.04 acre of land.

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

A RESOLUTION ADOPTING A CONDITIONAL AGREEMENT REGARDING SERVICES RELATED TO ANNEXATION OF A 0.04± ACRE TRACT OF LAND

- b. Conduct a Public Hearing/Consider/Discuss/Action on an Ordinance to annex an existing convenience store on 0.04± acre located at the northwest corner of W. Austin Street and S. College Street. Located in the ETJ. (Planning Manager Lauren Mecke)

D&V Stores, LLC submitted an annexation petition for an existing convenience store on 0.04± acre located at the northwest corner of W, Austin Street and S. College Street. The property owner did not request to zone the property at this time. The property is zoned Agricultural (AG) district until it is zoned.

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 Cain moved to approve. Council Member Baker seconded. Motion carried 7-0.

AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF ANNA, COLLIN COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID MUNICIPALITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID MUNICIPAL CORPORATE LIMITS AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY AS SET FORTH HEREIN; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

- c. Consider/Discuss/Action on an Ordinance Ordering a general and special election on May 4, 2024. (City Secretary Carrie Land)

In accordance with the general laws and Constitution of the State of Texas and the Charter of the City of Anna, Texas, a City Council election is to be held on the first Saturday in May for the voters to elect members of the City of Anna, Texas' governing body.

It is necessary that the City Council order a general election to be held on the 4th day of May 2024, 7:00 a.m. to 7:00 p.m., for the purpose of electing a Mayor and one (1) City Council Member for Place 1.

It is necessary that the City Council order a special election to be held on the 4th day of May 2024, 7:00 a.m. to 7:00 p.m., for the purpose of filling vacant places on the City Council.

The general election and special election shall be held as a joint election administered by the Collin County Elections Administrator in accordance with the provisions of the Texas Election Code, the Charter of the City of Anna, and an Election Services Contract between the Collin County Elections Administrator, the City of Anna, and various other political subdivisions in Collin County.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON MAY 4, 2024 FOR THE PURPOSE OF ELECTING A MAYOR AND ONE (1) CITY

COUNCIL MEMBER; ORDERING A SPECIAL ELECTION TO BE HELD ON MAY 4, 2024 FOR THE PURPOSE OF FILLING VACANT PLACES ON THE CITY COUNCIL; DESIGNATING POLLING PLACES; ORDERING NOTICES OF ELECTION TO BE GIVEN; ADOPTING A VOTING SYSTEM; AUTHORIZING EXECUTION OF JOINT ELECTION CONTRACTS; PROVIDING SAVINGS, SEVERABILITY, AND REPEALING CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

- d. Consider/Discuss/Action on a Resolution awarding the Collin Pump Station Ground Storage Tank No. 2 to Red River Construction Company. (CIP Manager Justin Clay)

The project is a single bid package that includes the construction of a 4,000,000-gallon ground storage tank, two 2,733-gpm vertical turbine booster pumps, an emergency diesel generator, electrical modifications including a new MCC building, SCADA integration with the existing City's SCADA system, security system, piping including a new connection into the existing welded steel ground storage tank, and site drainage including swales that will flow into existing roadside ditches.

The project was advertised for bid in November, and bids were opened on January 25, 2024. Two bids were received, with the lowest bid submitted by Red River Construction in the amount of \$10,843,400. The staff reviewed Red River Construction's qualifications and experience and also received a letter of recommendation from the design engineer for the project. Staff recommended awarding the project to Red River Construction for not exceeding \$10,843,000.

Funding for the Collin Pump Station Ground Storage project was appropriated in the FY2024 Community Investment Program budget in the amount of \$11.6 million from the Water Impact Fee Fund. The estimated cost of this construction contract is \$10,843,000.

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

A RESOLUTION OF THE CITY OF ANNA, TEXAS, AWARDING THE COLLIN PUMP STATION PHASE 2 PROJECT, LOCATED AT THE CORNER OF THE COLLIN COUNTY OUTER LOOP AND STATE HIGHWAY 5, TO RED RIVER CONSTRUCTION COMPANY, IN THE AMOUNT NOT TO EXCEED TEN MILLION EIGHT HUNDRED FORTY-THREE THOUSAND AND FOUR HUNDRED DOLLARS (\$10,843,400.00)

- e. Consider/Discuss/Action on a Resolution authorizing the City Manager to execute purchase orders in a second amendment to the Construction Manager at Risk contract for the construction of improvements at the

Hurricane Wastewater Treatment Plant with Garney Construction. (CIP Manager Justin Clay).

Garney Construction is the Construction Manager At Risk for the Hurricane Creek Regional Wastewater Treatment Plant. City staff worked with the design engineer (Kimley Horn) and Garney to successfully bid three site construction packages for the project, including:

1. BP1.01 - AMS- Site grading, import fill, box culverts, fences. Total Price=1,055,000
2. BP1.02 - FSG- Temporary Power, Procure Electrical equipment, site lighting, conduits, and wire installation. Total Price=1,495,000
3. BP1.03 - Garney- Procurement of materials, installation of manholes and pipes, building structures. Total Price= 10,520,299

Garney will self-perform the work identified in BP1.03. These three bid packages are the next step in the construction of the treatment plant. As the project continues to move forward additional portions of the project will be bid, and brought before the City Council for approval. Garney will be responsible for managing all contractors on the project, and performing some portions of the work themselves, where it makes the most sense from a cost, efficiency, and labor perspective.

Staff reviewed all three bid packages and the bid results, and recommended approval.

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

A RESOLUTION OF THE CITY OF ANNA, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE PURCHASE ORDERS IN THE AMOUNT NOT TO EXCEED EIGHTEEN MILLION FIVE HUNDRED AND SIXTY NINE THOUSAND FIVE HUNDRED AND FIFTY-THREE DOLLARS AND ZERO CENTS (\$18,569,553) TO GARNEY COMPANIES, INCORPORATED FOR THE CONSTRUCTION AND INSTALLATION OF EQUIPMENT AND MATERIALS AT THE HURRICANE CREEK REGIONAL WASTEWATER TREATMENT PLANT; AND PROVIDING FOR AN EFFECTIVE DATE.

- f. Consider/Discuss/Action on a Resolution authorizing the City Manager to execute a Subdivision Improvement Agreement with Grand Homes for the Somerset Farms development, in a form approved by the City Attorney. (Assistant City Manager Greg Peters)

Grand Homes is seeking to develop a 27.806 acre tract of land in the City of Anna known as Somerset Farms Subdivision. The property was

previously known as the Sweet Cow development. They are following the existing zoning of the property, which includes 92 residential lots and is zoned SF-72 per the zoning approved in 2021.

Since the developer is following the existing zoning, the project will not require additional action by the City Council. The Developer provided staff with some sample elevations of homes they are building in similar neighborhoods in other parts of the metroplex for reference purposes. The final floor plan and elevation options for the Anna project will be determined as they move forward with the project.

Sewer service for the property is challenging. The closest available sewer to the project will be the Coyote Meadows Lift Station, which is currently in the early stages of construction to the southwest of this development. The Developer requested the City to enter into an agreement to provide them with options for sanitary sewer should their project be completed ahead of the Coyote Meadows Lift Station construction. Staff found the request to be sensible, given the size of Somerset Farms and the speed at which Grand Homes is seeking to move forward on the project.

Deal Points

- Developer Obligations and Options

- o If the lift station is not complete within 30 days of the Somerset Farms Subdivision being deemed "Substantially Complete" by the City Engineer, the Developer may, at their discretion, construct off-site sanitary sewer improvements necessary to serve the property.
- o If the lift station is not complete within 30 days of the Somerset Farms Subdivision being deemed "Substantially Complete" by the City Engineer, the Developer may, at their discretion, request for the City to provide pump and haul sewer services at the City's cost.
- o Developer agrees to meet the City of Anna Development Standards as identified in the City of Anna Code of Ordinances and Subdivision Regulations.

- City Obligations and Options

- o The off-site improvements shall be eligible for reimbursement from the City from Sewer Impact Fees generated by development of the property and other properties which tie into/benefit from the improvements.
- o The City shall be responsible for acquiring off-site easements necessary for the off-site improvements should the Developer seek to construct them.

- o The City shall add the off-site improvements to the City's Capital Improvement Plan to serve the proposed development and adjacent properties, should the Developer seek to construct them.

Staff found the terms of the proposed agreement to be reasonable and consistent with past agreements for similar development scenarios. An additional exhibit, Exhibit E, was prepared and added to the agreement prior to the City Council meeting. Exhibit E clarified the Texas Local Government Code bidding requirements for the offsite sewer which may be constructed by the Developer, if required to provide sewer access. Staff recommended approval as presented, with the addition of Exhibit E, which was presented to the City Council at the meeting and included in the final document.

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

A RESOLUTION OF THE CITY OF ANNA, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE A SUBDIVISION IMPROVEMENT AGREEMENT WITH GRAND HOMES DEVELOPMENT, LLC FOR OFF-SITE SANITARY SEWER SERVICES RELATED TO THE SOMERSET FARMS SUBDIVISION, IN A FORM APPROVED BY THE CITY ATTORNEY; AND PROVIDING FOR AN EFFECTIVE DATE.

- g. Consider/Discuss/Action on an appointment to the Parks and Recreation Advisory Board to fill a vacancy. (Interview Committee)

The Interview Committee came to the City Council with a nomination to fill an unexpired vacancy on the Parks and Recreation Advisory Board that resulted from the resignation of Mr. Justin Inesta.

Mr. Inesta served in Place 3 with a term expiring in 2025.

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

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).
Boards and Commissions

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

Mayor Pike recessed the meeting at 7:07 PM.

Mayor Pike reconvened the meeting at 8:10 PM.

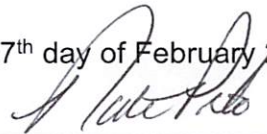
- 9. Consider/Discuss/Action on any items listed on any agenda - work session, regular meeting, or closed session - that is duly posted by the City of Anna for any City Council meeting occurring on the same date as the meeting noticed in this agenda.

No action taken.

10. Adjourn.

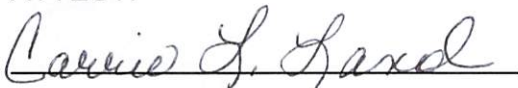
Mayor Pike adjourned the meeting at 8:10 PM.

Approved on the 27th day of February 2024



Mayor Nate Pike

ATTEST:



City Secretary Carrie L. Land

