

**Regular City Council Meeting
Meeting Minutes**



Tuesday, February 27, 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 February 27, 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 6:03 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.

Mayor Pike led the Invocation and Pledge of Allegiance.

3. Neighbor Comments.

No comments.

4. Reports.

- a. Review City of Anna 2024-2025 Strategic Work Plan. (Assistant City Manager Taylor Lough)

On January 24, 2023, the City Council approved a Resolution adopting City of Anna Success Statements. This action followed a workshop held on

December 9 and 10, 2022, in which members of the City Council drafted seven Strategic Outcome Areas that help define Anna's future identity. Staff presented the 2023-2024 operational work plan on February 14, 2023. Memorandum 23-151 provided an update on the work plan in August 2023 and Memorandum 23-163 provided a comprehensive list of accomplishments achieved during fiscal year 2023 (October 1, 2022 – September 30, 2023).

Staff provided a presentation outlining the 2024-2025 operational work plan using the adopted City of Anna Success Statements framework for City Council review and feedback.

5. Work Session.

- a. Review and discuss Section 3 policy and information for the City's TxCDBG Contract #CDV23-0230 and #CDM23-0231. (Assistant City Manager Greg Peters, P.E.)

The City council reviewed and discussed the Section 3 presentation required for the city's TxCDBG Contracts CDV23-0230 and CDM23-0231, including employment opportunities for Section 3 low-income workers, new hiring practices, contractor outreach, and tracking work hours for all CDBG grants and contracts.

6. Consent Items.

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

- a. Approve City Council Meeting Minutes for February 13, 2024. (City Secretary Carrie Land)
- b. Review Minutes of the January 4, 2024, 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 January 31, 2024. (Budget Manager Terri Doby)
- d. Approve an Ordinance amending Article 14.08 Rental Housing of the Code of Ordinances. (Assistant City Manager Taylor Lough)

The rental registration ordinance was adopted December 10, 2019. Effective October 1, 2022, rental registration fees for single-family homes are \$300 per property annually.

The rental housing ordinance aims to promote greater compliance with health and safety standards and preserve the quality of Anna's neighborhoods and available housing stock. All residential rental properties,

including single-family homes, duplexes, apartments, and mobile home parks, are required to register their properties annually with the city. The proposed amendments clarify properties being rented whether for more or less than 30 days must register with the City of Anna.

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

AN ORDINANCE OF THE CITY OF ANNA, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF ANNA, TEXAS, BY AMENDING ARTICLE 14.08 (RENTAL HOUSING), DIVISION 1 (SINGLE-FAMILY AND DUPLEX DWELLINGS); ESTABLISHING REGULATIONS FOR LANDLORDS AND OWNERS OF RENTAL PROPERTIES; OTHERWISE REGULATING RENTAL PROPERTIES; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENAL TY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND PROVIDING AN EFFECTIVE DATE.

7. Items For Individual Consideration.

- a. Consider/Discuss/Action approving a Resolution regarding the White & Powell, Development Agreement. (Planning Manager Lauren Mecke)

The intent of the development agreement is to ensure the use of .high quality, durable materials for nonresidential development within the city to create well designed and attractive architecture.

Recommended for approval subject to correction of the property owner's information and signature block(s).

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

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A DEVELOPMENT AGREEMENT WITH WHITE AND WILLOW - ANNA, LLC AND BRIAN ROPER RELATING TO DEVELOPMENT AND DESIGN REGULATIONS FOR MULTIPLEFAMILY RESIDENCE AND COMMERCIAL DEVELOPMENT LOCATED ON THE EAST SIDE OF U.S. HIGHWAY 75, 1,200± FEET SOUTH OF W. WHITE STREET.

- b. Conduct a Public Hearing/Consider/Discuss/Action on an Ordinance to rezone 9.9± acres from Single-Family Residential (SF-7.2) District, Local Commercial (C-1) District, & Agricultural (AG) District to Regional Commercial (C-2) District and Downtown (DT) District located at the southwest corner of S. Powell Parkway and W. White Street. (Planning Manager Lauren Mecke)

The applicant is requested to rezone the property to Regional Commercial (C-2) District and Downtown (DT) District zoning to allow for a retail, restaurant, office, and mixed-use development.

The intent of the Regional Commercial (C-2) District is to provide medium-to largescale development of retail, service, entertainment, and office necessary for a regional market.

The intent of the Downtown (DT) District is to:

1. Implement the Anna 2050 Downtown Master Plan adopted by City Council;
2. Facilitate pedestrian-oriented, mixed-use, urban infill development providing shopping, employment, housing, and business and personal services;
3. Promote an efficient, compact, and walkable development pattern;
4. Encourage pedestrian activity while reducing reliance on automobiles; and
5. Allow developers flexibility in land use and site design.

Surrounding Land Use and Zoning

North Industrial and Manufacturing, Heavy zoned Heavy Industrial (I-2) District

East Restaurant and Postal Services zoned Local Commercial (C-1) District

South Single-family dwelling, detached lot zoned Single-Family Residential (SF-7.2) District & Personal Services zoned Regional Commercial (C-2) District

West Single-family dwelling, detached lot zoned Agricultural (AG) District

Future Land Use Plan

The subject property is located within the Anna 2050 Downtown Master Plan, situated within the Downtown Core District, and identified as a Catalyst character area.

- Catalyst Areas are designated for redevelopment or new development based on its potential to spur activity, contribute to the urban fabric and to serve as a unique Downtown anchor or signature neighborhood. Investment in these areas will show confidence and commitment to Downtown and could help catalyze further economic growth in the district.

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

No comments were given.

Mayor Pike closed the public hearing at 6:29 PM.

MOTION: Mayor Pro Tem Miller moved to approve. Council Member Carver 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 at the southwest corner of S. Powell Parkway and W. White Street)

- c. Consider/Discuss/Action on a Resolution approving the White & Powell, Concept Plan. (Planning Manager Lauren Mecke)

Retail, Restaurant, Office, and Mixed-Use five lots on 9.9± acres located at the southwest corner of S. Powell Parkway and W. White Street.

The Concept Plan is associated with the zoning case and is contingent upon approval of the zoning case. The purpose for the Concept Plan is to show the conceptual layout and related site improvements and locations associated with the future commercial development.

The Concept Plan complies with the zoning district's area regulations as requested by the zoning case.

The Planning & Zoning Commission recommended approval subject to approval of the zoning 6-0.

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

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING WHITE & POWELL COMMERCIAL ADDITION, BLOCK A, LOTS 1-5, CONCEPT PLAN

- d. Consider/Discuss/Action authorizing the City Manager to execute a contract with Interstate Pipeline for the construction of the FM 455 water line. (CIP Manager Justin Clay)

The FM 455 water line project has been identified as a capital water line improvement project in the City of Anna's Capital Improvement Plan. It is shown on the City's Water Master Plan. Phase 1 of the FM 455 Water Improvement contract consists of over 4,200 linear feet of 12-inch water main along FM 455.

The City publicly advertised the project for bid. Bids were opened on February 9, 2024. Ten bids were received. The lowest qualified bid was received from Interstate Pipeline in the amount of \$762,005. Due to the rural location of the project, there are many small diameter water mains and other rural utility crossings which lack detailed plans and records. Due to this, staff recommended a construction budget of \$900,000 (contingency of \$137,995) to allow for unforeseen changes required during construction.

Staff recommended approval.

Funding for the FM455 Water Line project was appropriated in the FY2024 - 2027 Community Investment Program budget in the amount of \$3.8 million from the Water Impact Fee Fund. The estimated cost of this Phase 1 construction contract is \$900,000, including contingency.

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

A RESOLUTION OF THE CITY OF ANNA, TEXAS, AWARDED THE BID FOR PHASE 1 OF THE FM 455 WATERLINE PROJECT TO INTERSTATE PIPELINE UTILITY CONSTRUCTION, LLC IN THE AMOUNT NOT TO EXCEED NINE HUNDRED THOUSAND DOLLARS AND ZERO CENT (\$900,000.00); AND PROVIDING FOR AN EFFECTIVE DATE

- e. Consider/Discuss/Action on a Resolution of the City of Anna, Texas, authorizing the City Manager to execute a contract with Huitt-Zollars, Inc. to render Engineering, Surveyor, and Architectural Services in connection with a TxCDBG Project, Contract Number CDV23-0230-2023, known as the CDBG Riggins & Edwards Street Reconstruction (City Engineer Wes Lawson, P.E.)

In 2023 the City of Anna EDC/CDC contracted with Public Management to assist the City in the application for grants for infrastructure improvements in the downtown area. The City was successful in receiving approval for two grants, including this TxCDBG Grant for improvements to Riggins and Edwards south of FM 455.

The City of Anna desires to reconstruct approximately 1,800 linear feet of streets to include the southern portion of Riggins Street, Edwards Street and a street just north of Edwards Street under the general direction of the

Texas Community Development Block Grant (hereinafter called "TxCDBG") Program administered by the Texas Department of Agriculture (TDA).

The City has selected Huitt-Zollars, Inc. to provide the required engineering and land surveying services in connection with the TxCDBG Project, Contract Number CDV23- 0230-2023 CDBG Riggins Street Reconstruction. Huitt Zollars, Inc. was pre-selected for roadway design in the City's multidisciplinary RFQ process.

Funding for this project was appropriated in the FY2024 Anna EDC/CDC Department budget in the amount of \$75,000. The City is receiving an 85/15 match from the TxCDBG Grant in the amount of \$500,000.

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

A RESOLUTION OF THE CITY OF ANNA, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR PROFESSIONAL SERVICES WITH HUITT-ZOLLARS, INC. FOR THE ENGINEERING DESIGN RELATED TO THE TEXAS COMMUNITY BLOCK GRANT (TxCDBG) RIGGINS STREET RECONSTRUCTION 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. Consider/Discuss/Action a Resolution of the City of Anna, Texas, authorizing the City Manager to execute a contract with Huitt-Zollars, Inc. to render Engineering, Surveyor, and Architectural Services in connection with TxCDBG Project, Contract Number CDM23-0231-2023 Downtown Revitalization Grant 4th Street sidewalks (City Engineer, Wes Lawson).

In 2023 the City of Anna EDC/CDC contracted with Public Management to assist the City in the application for grants for infrastructure improvements in the downtown area. The City was successful in receiving approval for two grants, including this Downtown Revitalization Grant for pedestrian/sidewalk/ADA ramp/lighting improvements to 4th Street between SH5 and Riggins Street.

The City of Anna desires to construct approximately 500 linear feet of sidewalks and streetlights on both north and south sides of 4th Street, from Highway 5 to S. Riggins Street under the general direction of the Texas Community Development Block Grant (hereinafter called "TxCDBG") Program administered by the Texas Department of Agriculture (TDA).

The City has selected Huitt-Zollars, Inc. to provide the required engineering/surveyor/architectural services in connection with the TxCDBG Project, Contract Number CDM23-0231-2023 Downtown Revitalization

Grant 4th Street sidewalks. Huitt Zollars was pre-selected for roadway design in the City's multidisciplinary RFQ process.

Funding for this project was appropriated in the FY2024 Anna EDC/CDC Department budget in the amount of \$75,000. The City is receiving an 85/15 match from the Downtown Revitalization Grant in the amount of \$500,000.

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

A RESOLUTION OF THE CITY OF ANNA, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR PROFESSIONAL SERVICES WITH HUITT-ZOLLARS, INC. FOR THE ENGINEERING DESIGN RELATED TO THE TEXAS COMMUNITY BLOCK GRANT (TxCDBG) 4TH STREET SIDEWALKS AND STREET LIGHTING PROJECT, IN A FORM APPROVED BY THE CITY ATTORNEY PER THE PROPOSAL SHOWN IN EXHIBIT "A" ATTACHED HERETO, AND PROVIDING FOR AN EFFECTIVE DATE.

- g. Conduct a Public Hearing and Consider/Discuss/Action on a Resolution to adopt necessary civil rights and fair housing policies associated with the City of Anna TxCDBG Grants. (Assistant City Manager Greg Peters, P.E.)

Approval of the Resolution is a requirement of the TxCDBG Grant Program. The City adopted the Resolution in order to receive grant funds for the two active TxCDBG projects.

In 2023, the City of Anna EDC/CDC contracted with Public Management, Incorporated to assist the City in the application for and management of Community Development Block Grant funds and Texas Rural Community Loan funds for constructing roadway and pedestrian improvements in the downtown area of the City. Anna was successful in being awarded funding for both projects submitted, including:

- \$500,000 for the design and reconstruction of South Riggins Street and Edwards Street (Texas Rural Community)
- \$500,000 for the design and construction of pedestrian improvements and ADA improvements on 4th Street from SH5 to Riggins Street (CDBG)

The City match is \$75,000 for each project based on an 85/15 match. The projects will be managed by the Engineering Department.

In order to receive the funds for the two projects, the City is required to follow specific processes associated with the programs. One requirement is to adopt policies regarding civil rights and fair housing policies. The Resolution includes the specific language required for the programs.

Staff recommended approval of the item, as these programs provide significant benefit to Anna neighbors, including funding for infrastructure projects which may not otherwise be possible.

Mayor Pike opened the public hearing at 6:40 PM.

No comments were given

Mayor Pike closed the public hearing at 6:40 PM.

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

A RESOLUTION OF THE CITY OF ANNA, TEXAS, REGARDING CIVIL RIGHTS; ADOPTING CERTAIN POLICIES, AFFIRMING CERTAIN COMMITMENTS, AND AGREED UPON ACTIONS AS NECESSARY TO MAINTAIN PROGRAM COMPLIANCE PERTAINING TO THE RECEIPT OF TxCDBG GRANT FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.

UNA RESOLUCIÓN DE LA CIUDAD DE ANNA, TEXAS, SOBRE DERECHOS CIVILES; ADOPTANDO CIERTAS POLÍTICAS, AFIRMANDO CIERTOS COMPROMISOS Y ACORDANDO ACCIONES SEGÚN NECESARIO PARA MANTENER EL CUMPLIMIENTO DEL PROGRAMA RELACIONADO CON LA RECIBICIÓN DE FONDOS DE SUBVENCIÓN DE TxCDBG; Y ESTABLECIENDO UNA FECHA DE VIGENCIA.

- h. Consider/Discuss/Action a Resolution authorizing the City Manager to execute a construction agreement with A T Construction, LLC to construct a restroom building and associated infrastructure at Slayter Creek Park. (Assistant City Manager Greg Peters, P.E.)

A restroom building was planned southeast of the splash pad to provide bathroom facilities closer to the splash pad, playground, pickle ball courts and skatepark. The only other restrooms in the park are between the baseball fields. The plans for the restroom project were developed in-house, saving on design fees.

The Slayter Creek Park restroom building project was originally advertised for bid late last year, but insufficient bid competition resulted in unacceptable results.

The project was re-bid on January 11, 2024, and the request for bids was closed on February 16th. Four bids were received. The lowest qualified bid was received from A T Construction, LLC in the amount of \$161,300. The

bid is within the project budget. The construction agreement includes the contractor's bid amount as well as a \$20,000 owner's contingency.

The process of re-bidding the project saved the City more than \$150,000, but has shortened the timeline for completion of the project. Due to the importance of the project and the need to open the restroom building before the splash pad opens, a \$25,000 early completion bonus has been included in the construction agreement. This bonus provides the contractor with a strong incentive to complete the project on an accelerated schedule. The accelerated completion date is May 16, 2024, which is one week before the opening of the splash pad. In order for the contractor to receive this early completion bonus, the restroom must receive a certificate of occupancy from our Building Department and be deemed open for public use. The current project budget allows for this bonus to be included with no additional funding needed.

The restroom building is of similar design to the restroom at Johnson Park with some aesthetic modifications. It will have a metal roof, and the colors will generally match the splash pad equipment building.

Water and sanitary sewer lines were designed and installed up to the building site during the construction of the splash pad. The electrical panel in the splash pad equipment room was designed to accommodate service to the restroom.

Staff recommended awarding the project to A T Construction, LLC with \$20,000 for owner contingency and a \$25,000 early completion bonus.

Funding for the restroom building and associated infrastructure at Slayter Creek Park was appropriated in the FY2024 Community Investment Program in the amount of \$200,000 from the 2021 Bond Fund Proposition C – Parks, Trails, Recreation and Sports. The estimated cost of this construction contract is \$201,300 (including \$20,000 for contingency). Also included in the contract is a \$25,000 early completion bonus.

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

A RESOLUTION OF THE CITY OF ANNA, TEXAS, APPROVING A CONSTRUCTION AGREEMENT WITH A T CONSTRUCTION, LLC TO CONSTRUCT A RESTROOM BUILDING, UTILITIES, AND CONCRETE AT SLAYTER CREEK PARK.

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). State law and city ordinance requirements/compliance. Charitable organization programs and grant programs. Development finance 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).
- 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 6:51 PM.

Mayor Pike reconvened the meeting at 8:35 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 8:35 PM.



Approved on the 12th day of March 2024

Nate Pike

ATTEST:

Carrie L. Land

Mayor Nate Pike

City Secretary Carrie L. Land