

**Regular City Council Meeting
Meeting Minutes**



Tuesday, March 12, 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 3/12/2024 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 6:00 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.

Council Member Carver led the Invocation and Pledge of Allegiance.

3. Neighbor Comments.

No comments given.

4. Reports.

- a. Natural Springs Park Playground Update (Neighborhood Services Director Marc Marchand)

The Natural Springs Park Playground is a Parks CIP item. An RFP was issued and bids were submitted with various designs. The Parks Advisory

Board has narrowed down the designs and sent out a survey for the community to give their input on the design that gets built.

5. Consent Items.

MOTION: Council Member Toten moved to approve item 5.a. Council Member Baker seconded. Motion carried 7-0.

- a. Approve City Council Meeting Minutes for February 27, 2024. (City Secretary Carrie Land)

6. Items For Individual Consideration.

- a. Consider/Discuss/Action on a Resolution authorizing the City Manager to execute a contract with Atkin Brothers Equipment Company, Inc. for the construction of the State Highway 5 Utility Relocation Project Phase 1. (CIP Manager Justin Clay)

The State Highway 5 Utility Relocation Phase 1 Project is needed to relocate existing City utilities outside the TxDOT Right-of-Way to avoid conflict with the upcoming roadway expansion. This project will allow the City of Anna to upgrade the utilities with larger sizes and modern materials to better prepare for future development.

The City publicly bid the project in accordance with the Texas Local Government Code. Ten bids were received. The lowest qualified bid was received from Atkins Brothers in the amount of \$1,345,406.00. Staff recommended a total construction budget of \$1,614,487.20 to allow for unforeseen utility conflicts along the corridor.

Staff recommended approval of the item.

Funding for the State Highway 5 Utility Relocations Phase 1 project was appropriated in the FY2024 Community Investment Program budget in the amount of \$2.52 million for construction from the Water Impact Fee Fund and Wastewater Impact Fee Fund. The estimated cost of this contract is \$1,614,487.

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

A RESOLUTION OF THE CITY OF ANNA, TEXAS, AWARDED THE BID FOR PHASE 1 OF THE SH 5 UTILITY RELOCATION PROJECT TO ATKINS BROTHERS EQUIPMENT COMPANY, INC. IN THE AMOUNT NOT TO EXCEED ONE MILLION SIX HUNDRED FOURTEEN THOUSAND FOUR HUNDRED AND EIGHTY-SEVEN DOLLARS AND TWENTY CENTS (1,614,487.20); AND PROVIDING FOR AN EFFECTIVE DATE

- b. Consider/Discuss/Action on an Ordinance Amending Chapter 7 by adding Article 7.05 Illegal Sale of Kratom. (City Manager Ryan Henderson)

The City of Anna, Texas City Council ("City Council") has been informed that the American Association of Poison Control Centers have received reports regarding the negative medical outcomes associated with the use of Kratom and that the U.S. Department of Justice and Drug Enforcement Agency have published articles and opinions on the dangers and physiological effects of Kratom which are believed to pose a significant health risk to persons including addiction, psychotic symptoms, tachycardia, hepatotoxicity, seizure, and death.

The City Council has determined that it is in the best interest of the public's health, safety, and welfare to prohibit the sale of Kratom and Kratom Products.

This ordinance amends Chapter 7 by adding a new article (7.05 - Illegal Sale of Kratom).

MOTION: Council Member Cain moved to approve. Council Member Totten seconded. Motion carried 6-1. Mayor Pro Tem Miller opposed.

AN ORDINANCE OF THE CITY OF ANNA, TEXAS, AMENDING THE ANNA CITY CODE OF ORDINANCES, CHAPTER 7, BY ADDING ARTICLE 7.05 ILLEGAL SALE OF KRATOM, TO PROHIBIT THE SALE OF KRATOM OR KRATOM PRODUCTS; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000; PROVIDING FOR SAVINGS, SEVERABILITY, AND REPEALING CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

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). City ordinances and regulations; compliance with state law.
- 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 6:14 PM.

Mayor Pike reconvened the meeting at 7:59 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.

MOTION: Mayor Pike moved to give the Planning and Zoning Commission Liaison authority to remind the Planning and Zoning Commission about their duties and their roles of being an appointed body of the City Council in regards to development plans. Making sure that this appointed body follows the comprehensive plan and what it states, and what our charter states. But I would like to have our liaison send that clear message to the Planning and Zoning Commission. Council Member Baker seconded. Motion carried 7-0.

MOTION: Mayor Pro Tem Miller moved on behalf of the Anna City Council to approve the non-binding memorandum of understanding describing the land purchase and exchange between the Anna Community Development Corporation, the City of Anna, and Bengtal Anna Plaza LLC. Council Member Baker seconded. Motion carried 7-0.

- 9. **Adjourn.**

Mayor Pike adjourned the meeting at 8:01 PM.



ATTEST:

Carrie L. Land

City Secretary Carrie L. Land

Approved on the 26th day of March 2024

Nate Pike

Mayor Nate Pike