

**Regular City Council Meeting
Meeting Minutes**



Tuesday, September 8, 2020 @ 6:30 PM

**Anna ISD Board Room
201 E. 7th Street, Anna, Texas 75409**

The City Council of the City of Anna met at 6:30 PM, on September 8, 2020, at the Anna ISD Board Room, Located at 201 E. 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 6:30 PM.

2. Invocation and Pledge of Allegiance.

Mayor Pike led the invocation and pledge.

3. Neighbor Comments.

No comments.

4. Reports.

- a. Recognize Atmos Energy and their representative John Manganilla for donating helmet cameras (FireCams) to the Anna Fire Department (Interim Fire Chief Dan Wood).

Interim Fire Chief Dan Wood recognized Atmos Energy and their representative John Manganilla for donating helmet cameras (FireCams) to the Anna Fire Department. These cameras will be used by all Fire Operations personnel and will assist greatly in future training, public relations, and recruiting efforts.

- b. Promotional badge pinning and recognition of newly created rank of Fire Department Driver/Engineer (Interim Public Safety Director Ray Isom).

The rank of Driver/Engineer is an industry standard across the fire service and represents a vital component within an Engine Company. This milestone marks the creation of the D/E rank within the Anna Fire Department and helps create a

scalable organization. Newly promoted Driver/Engineers: C. Konosky, C. Watson, and RJ Morgan.

5. **Work Session.**

- a. Discuss 2020-2021 Council Calendar (City Manager Jim Proce)

Staff prepared a calendar with meeting dates and locations for the 2020-2021 Fiscal Year.

6. **Consent Items.**

These items consist of non-controversial or "housekeeping" items required by law. Items may be considered individually by any Council member making such request prior to a motion and vote on the Consent Items.

Consent Items 6. h. and i. were removed.

MOTION: Council Member Miller moved to approve consent items 6. a.- g. and j. – k. Council Member Toten seconded. Motion carried 6-0.

- a. Approve Council Meeting Minutes for August 25, 2020 and September 1, 2020. (City Secretary Carrie Land)
- b. Review Quarterly Attendance Records for City Council, Boards and Commissions. (City Secretary Carrie Land)
- c. Review minutes of the August 3, 2020 Planning & Zoning Commission meeting. (Director of Development Services Ross Altobelli)
- d. Approve a Resolution approving the Final Plat for White Oaks Addition, Block A, Lots 1-5. (Director of Development Services, Ross Altobelli)

Five lots on 15.9± acres located at the southeast corner of CR 511 and White Oak Circle. Located within the extraterritorial jurisdiction (ETJ).

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A FINAL PLAT OF WHITE OAKS ADDITION, BLOCK A, LOTS 1-5.

- e. Approve a Resolution approving the Revised Preliminary Plat for The Villages of Hurricane Creek. (Director of Development Services, Ross Altobelli)

615 single-family residential lots, 22 common area lots, two parkland lots, one amenity center, and one civic center (fire station) lot on 368.2± acres located 662± feet north of West White Street (FM 455) and 832± feet west of U.S. Highway 75. Zoned Planned Development 689-2015.

The purpose for this revised preliminary plat is to align the road connections with the Villages of Hurricane Creek - North Preliminary Plat.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A REVISED PRELIMINARY PLAT FOR THE VILLAGES OF HURRICANE CREEK.

- f. Approve a Resolution approving the Preliminary Plat for The Villages of Hurricane Creek - North. (Director of Development Services, Ross Altobelli)

829 single-family residential lots and 29 open space lots on 291.4± acres located on the west side of S Central Expressway and 4,255± feet north of White Street (FM 455). Zoned Planned Development-860-2020 and primarily located within the extraterritorial jurisdiction (Resolution No. 2020-06-733).

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A REVISED PRELIMINARY PLAT FOR THE VILLAGES OF HURRICANE CREEK.

- g. Approve Ordinance authorizing the acceptance of credit cards and authorizing processing fees for the payment of fees, fines, court costs and other charges.

This Ordinance authorizes the City to accept credit card payments, collect fees for processing credit cards, and charge a service charge for credit cards not honored. The processing fees must be in an amount reasonably related to the expense incurred in processing credit card payments and cannot exceed 5%. If a payment by credit card is not honored, the City may charge an additional service charge in the same amount charged by the credit card processing company to the City.

AN ORDINANCE OF THE CITY OF ANNA, TEXAS AUTHORIZING THE ACCEPTANCE OF CREDIT CARDS FOR PAYMENT OF FEES, FINES, COURT COSTS AND OTHER CHARGES; PROVIDING FOR A PROCESSING FEE FOR CREDIT CARD PAYMENT OF FEES, FINES, COURT COSTS AND OTHER CHARGES; PROVIDING FOR A SERVICE CHARGE IF PAYMENT BY CREDIT CARD IS NOT HONORED; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

- h. Approve a Resolution approving a Merchant Processing Agreement between the City of Anna and Express Merchant Processing Solutions, a division of First Data Merchant Services LLC. (Neighborhood Services Director Marc Marchand)

This item was removed from Consent Agenda.

MOTION: Mayor Pike moved to table. Council Member Beazley seconded. Motion carried 6-0.

- i. Conduct a Public Hearing and Consider/Discuss/Action on a Resolution approving a negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division regarding the

company's 2020 rate review mechanism filing, adopting tariffs that reflect rate adjustments, and approving related documents and matters. (City Attorney Clark McCoy)

This item was removed from the Consent Agenda.

Mayor Pike opened the public hearing at 6:48 PM.

No comments.

Mayor Pike closed the public hearing at 6:48 PM.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA , TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2020 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHED EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN ATTACHED EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATE MAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL.

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

- j. Approve a Resolution authorizing the City Manager to execute a roadway impact fee reimbursement agreement with LGI Homes - Texas, LLC for the construction of Rosamond Parkway. (Director of Public Works, Greg Peters)

This item is for the approval of a roadway impact fee reimbursement agreement by and between the City of Anna and LGI Homes - Texas, LLC for roadway improvements to Rosamond Parkway in front of the new Shadowbend residential development.

LGI is currently developing property at the northwest corner of State Highway 5 and Rosamond Parkway for the new Shadowbend residential development. As a part of this project LGI will be constructing Rosamond Parkway along the frontage of this phase of the project.

Rosamond Parkway is shown on the Master Thoroughfare Plan as a major collector and is included in the City's Impact Fee Study and Capital Improvement Plan. As such, the developer is to be reimbursed Roadway Impact Fees in an

amount consistent with the cost of constructing public improvements on Rosamond Parkway.

This agreement allows the City to achieve improvements to a major transportation CIP project in Rosamond Parkway, which is included as a Major Project under Goal 2 of the Strategic Plan for the City of Anna.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A ROADWAY IMPACT FEE REIMBURSEMENT AGREEMENT BY AND BETWEEN THE CITY OF ANNA, TEXAS AND LGI HOMES - TEXAS, A TEXAS LIMITED LIABILITY CORPORATION, AS SHOWN IN EXHIBIT "A" ATTACHED HERETO, AND PROVIDING FOR AN EFFECTIVE DATE.

- k. Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election

7. Items For Individual Consideration.

- a. Consider/Discuss/Action approving the purchase of a Software As a Service (SAsS) agreement for Enterprise Resource Planning (ERP) software from Tyler Technologies, Inc of Yarmouth, ME in the amount of \$101,476, and authorize the City Manager to sign the agreement. (Interim Finance Director, Alan Guard)

Tyler Technologies provides Incode, an Enterprise Resource Planning (ERP) system that can integrate most municipal functions into a single platform and interface (for financial transactions) other software systems that are specific to another City service. Incode also provides a more robust reporting function that will provide real-time information for decision-makers. Other capabilities include electronic purchasing workflow for departments allowing them to better manage their budgets while reducing time and paper in the purchasing process.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, APPROVING THE PURCHASE OF A SOFTWARE AS A SERVICE (SASS) AGREEMENT FOR ENTERPRISE RESOURCE PLANNING (ERP) SOFTWARE FROM TYLER TECHNOLOGIES, INC OF YARMOUTH, ME IN THE AMOUNT OF \$101,476, AND AUTHORIZE THE CITY MANAGER TO SIGN THE AGREEMENT.

MOTION: Council Member Bryan moved to approve. Council Member Miller seconded. Motion carried 6-0.

- b. Consider/Discuss/Action approving an Ordinance adopting the FY2021 Budget. (City Manager Jim Proce)

The Annual Budget is developed through an extensive process of reviewing requests received from various City departments, then prioritizing those requests in a manner that utilizes resources effectively, within fiscal constraints, while working to achieve goals set forth by the City Council. The proposed budget was presented to the City Council on August 11 th and was posted on the City's website on August 12 th. The public hearing on the proposed budget and tax rate were conducted on September 1 st .

AN ORDINANCE MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY OF ANNA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021; APPROPRIATING MONEY TO AN INTEREST AND SINKING FUND TO PAY INTEREST AND PRINCIPAL ON THE CITY'S INDEBTEDNESS; AND ADOPTING THE ANNUAL BUDGET OF THE CITY OF ANNA FOR THE 2020 – 2021 FISCAL YEAR.

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

- c. Consider/Discuss/Action regarding a Resolution ratifying the property tax revenue increase reflected in the City of Anna FY2021 Budget. (City Manager Jim Proce)

Section 102.007 of the Local Government Code states that “adoption of a budget that will require raising more revenue from property taxes than in the previous year requires a separate vote of the governing body to ratify the property tax increase reflected in the budget”.

The budget is funded by a tax rate of \$0.583000, which is less than the tax rate adopted last year. The total amount of revenue generated from property taxes will increase by \$854,621 which is a 11.1 percent increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is \$611,001.

A RESOLUTION OF THE CITY OF ANNA, ACKNOWLEDGING AND RATIFYING THAT THE ADOPTION OF THE FISCAL YEAR 2020-2021 ANNUAL BUDGET WILL REQUIRE RAISING MORE REVENUE FROM PROPERTY TAXES THAN IN THE PREVIOUS FISCAL YEAR .

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

- d. Consider/Discuss/Action approving an Ordinance adopting the FY2021 Tax Rate. (City Manager Jim Proce)

The FY2021 budget can be funded by adopting a tax rate of \$0.583000 cents per \$100 valuation. Of the total tax rate, \$0.467053 cents are dedicated to the general fund maintenance and operations (M&O) and \$0.115947 cents are dedicated for the payment of general fund debt obligations, or interest and

sinking (I&S).

State regulations require specific language to be included in the ordinance and motion adopting the tax rate. The language in the motion is meant to reflect the change in the total tax rate while the language in section 5 of the ordinance only reflects the change in the M&O portion of the rate. The M&O rate exceeds the M&O effective rate by 7.18% and is higher than the FY2020 adopted rate resulting in a \$15.51 increase on a \$100,000 home.

AN ORDINANCE LEVYING PROPERTY TAXES FOR USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF ANNA FOR THE 2020-2021 FISCAL YEAR; PROVIDING FOR AN INTEREST AND SINKING FUND FOR ALL OUTSTANDING DEBT OF THE CITY OF ANNA; PROVIDING FOR APPORTIONING EACH LEVY FOR THE SPECIFIC PURPOSES; AND, PROVIDING WHEN TAXES SHALL BECOME DUE AND WHEN SAME SHALL BECOME DELINQUENT IF NOT PAID.

MOTION: Mayor Pike I move that the property tax rate be increased by the adoption of a tax rate of \$0.583000, which is effectively an 2.39% percent increase in the tax rate.” Council Member Miller seconded. Motion carried 6-0.

- e. Consider/Discuss/Action Letter to Governor Abbott regarding Executive Order GA-29. (City Manager Jim Proce)

At the August 11 City Council Meeting, the City Council discussed the merits and intent of submitting a letter to Governor Abbott requesting that he revoke Executive Order GA-29 mandating statewide face coverings. The letter has been drafted based off the direction provided by the City Council on August 11.

MOTION: Mayor Pike moved to table. Council Member Bryan seconded. Motion carried 6-0.

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). City Secretary and City Manager Annual Review

MOTION: Council Member Bryan moved to enter closed session. Council Member Beazley seconded. Motion carried 6-0.

Mayor Pike recessed the meeting at 7:08 PM.

Mayor Pike reconvened the meeting at 9:42 PM.

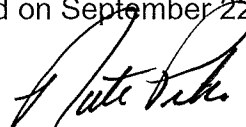
- 9. Consider/Discuss/Action on any items listed on any agenda - work session, regular meeting, or closed session - that is duly posted by the City of Anna for any City Council meeting occurring on the same date as the meeting noticed in this agenda.

No action taken.

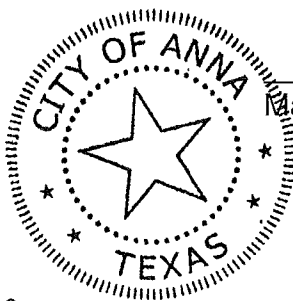
- 10. **Adjourn.**

Mayor Pike adjourned the meeting at 9:42 PM.

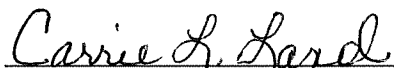
Approved on September 22, 2020.



Mayor Nate Pike



ATTEST:



City Secretary Carrie L. Land