

**Regular City Council Meeting
Meeting Minutes**



Tuesday, April 9, 2024 @ 6:00 PM

**Anna Municipal Complex - Council Chambers
120 W. 7th Street, Anna, Texas 75409**

The City Council of the City of Anna will meet on 4/9/2024 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 6:04 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 Cain led the Invocation and Pledge of Allegiance.

3. At the request of the Developer, the Public Hearing has been rescheduled to May 14th for an Ordinance to annex and zone one 11.2± acres and rezone 34.7± acres for a multifamily and commercial development. Generally located at the northwest and northeast corners of E. Foster Crossing Road and future S. Ferguson Parkway.

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).

MOTION: Mayor Pike moved to enter closed session. Council Member Cain seconded. Motion carried 5-2. Mayor Pro Tem Miller and Deputy Mayor Pro Tem Atchley opposed.

Mayor Pike recessed the meeting at 6:08 PM.

Mayor Pike reconvened the meeting at 6:40 PM.

4. Neighbor Comments.

Robert Hallberg spoke about the amount of Rental Homes in Anna, and proposed that Council creates a Rental Housing Committee.

Council Member Stan Carver read an email from Kari Hudson, Hawaii Five Sno. (Please see attachment)

5. Reports.

Council Member Toten gave a huge shout-out to the City Manager and all staff for the Easter Eggstravaganza, and to Police and Fire for giving some great entertainment with the Friday evening's Softball game. He also thanked all of staff for the hard work they have been putting in for the last few months.

6. Consent Items.

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

- a. Approve City Council Meeting Minutes for March 26, 2024. (City Secretary Carrie Land)
- b. Review Minutes of the February 5, 2024 Planning & Zoning Commission Meeting and March 3, 2024 Planning & Zoning Commission Meeting. (Interim Director of Development Services Nader Jeri)
- c. Review Minutes of the December 18, 2023, Special Called Diversity and Inclusion Advisory Commission Meeting and the January 22, 2024, Diversity and Inclusion Advisory Commission Meeting. (Assistant City Manager Taylor Lough)
- d. Approve a Resolution authorizing the City Manager to execute a Park Development Fee Credit Agreement with Arden Park Owner TX LLC. (Parks Planning & Development Manager Dalan Walker)

Arden Park is a development located on FM 455 east of Natural Springs Park. The proposed trail construction is a segment of trail shown in the Trails & Sidewalks Plan as a future trail in the Anna 2050 Parks Master Plan.

Staff requested City Council authorize the City Manager to execute a Park Development Fee Credit Agreement with Arden Park Owner TX LLC (Developer). Under the Agreement, the Developer will design and construct a trail along the entire southern edge of the Arden Park development that will connect to an existing trail at the southeast corner of Natural Springs Park. The park development fees owed by the Developer will be reduced by the costs associated with the design and construction of the trail. The remaining park development fees will be collected as each lot develops and will be paid by each home builder at the time of permitting as described in the current park development ordinance.

The Agreement is credit-based and will not involve reimbursement to the Developer by the City. The Agreement essentially does two things. First, it provides pedestrian access from the Arden Park development into Natural Springs Park via an eight-foot wide concrete trail. Second, it expands the City trail system in accordance with the 2050 Parks Master Plan.

Per the terms of the agreement, the park development fee owed by each home builder on each lot will be reduced by the total cost of the trail design and construction. The trail will be constructed before the lots along the southern edge of the development are built due to limited access for

construction equipment. The developer has designed the trail and is ready to begin construction.

This credit agreement will result in a reduction of Park Development fee revenue equal to the cost of design and construction of the trail. It is less costly, however, for the developer to construct the trail now than if the City were to build it after all the homes along the southern edge of the development were built, due to construction access limitations and contractor mobilization costs. In addition, the balance of park development fees due after construction of the trail will be deposited into the Park Development Fund.

A RESOLUTION OF THE CITY OF ANNA, TEXAS, APPROVING A PARK DEVELOPMENT FEE CREDIT AGREEMENT WITH ARDEN PARK OWNER TX LLC TO CONSTRUCT A TRAIL ALONG THE SOUTHERN EDGE OF THE ARDEN PARK DEVELOPMENT AND REDUCE THE PARK DEVELOPMENT FEE OWED BY HOME BUILDERS.

7. Items for Individual Consideration.

- a. Consider/Discuss/Action on a Resolution regarding the naming of a park located at 3031 County Road 422 to be named "Hassie Lawrence Morgan Park." (Director of Neighborhood Services Marc Marchand)

City Council adopted a Policy and Procedure for Naming City Parks, Trails, Recreational Areas, and Other Recreation Facilities on November 10, 2020. The Neighborhood Services Department followed the naming policy in researching Mrs. Morgan with support from the Anna Area Historical Preservation Society and her living descendants, and the Parks Advisory Board recommended to the City Council on January 29, 2024 to name the park Hassie Lawrence Morgan Park in honor of her friendship with Yank, her courage and patriotism as a "Rosie the Riveter," and her contributions to the hope for inclusion that would eventually grow to be a principal value in our community.

The Parks Advisory Board reviewed and unanimously recommended to the City Council naming the new park located at 3031 County Road 422 for an early and beloved Anna neighbor, Mrs. Hassie Lawrence Morgan, a dear friend of Henry Clay "Yank" Washington, at the January 29, 2024 Parks Advisory Board meeting. Mrs. Morgan was born Hassie Katherine Lawrence on January 28, 1894 operated a grocery store and meat market located in the current Anna downtown area near what is now 4th Street. Mrs. Morgan was widowed in 1936 and operated the store with her son. She later married her late husband, Eldred Morgan's, first cousin the famed American silent film comedian, Kewpie Morgan (born Horace Allen

Morgan), who performed in vaudeville, starred in silent films with Laurel and Hardy, Buster Keaton, and many others.

Mrs. Morgan was known to be a woman of strong character, determination, and grit, and it is said that she once chased someone out of her store with a meat cleaver for making an off-colored remark. Her grandson, Mr. Bart Morgan, said that she was not afraid of copperheads or most anything else with the exception of tornadoes. She really didn't like those. It is particularly notable that she was a dear friend of Mr. Henry Clay "Yank" Washington, who was a beloved Anna neighbor and is believed to be the only African American neighbor in Anna from the late 1800s through the mid-1930s. Yank worked at the grocery and meat market, lived at the back of the store, was cared for by Mrs. Morgan when Mr. Washington became unable to work late in his life, and was loved and respected by her whole family. The City Council named a neighborhood park for Yank on April 13, 2021.

Mrs. Morgan sold the store in 1940, moved to Grand Prairie during the war, and worked as a "Rosie the Riveter" with Chance Vought again exhibiting outstanding character and representing the strength, work ethic, community pride, and patriotism found in so many women during that time.

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

A RESOLUTION OF THE CITY OF ANNA, TEXAS NAMING A PARK LOCATED AT 3031 County Road 422 "HASSIE LAWRENCE MORGAN PARK"

- b. Consider/Discuss/Action on a Resolution awarding the Natural Springs Playground construction project to Hunter Kneppshield of Texas, Inc. and authorizing the City Manager to execute a construction contract in a form approved by the City Attorney. (Park Planning & Development Manager Dalan Walker)

A tree house/nature themed playground was included as a project for Natural Springs Park in the FY23-24 budget. In order to maximize options and get the most value for the budget, staff structured the Request for Proposal (RFP) in a manner that was essentially a design competition. Criteria defining the project scope included:

- Design budget not to exceed \$400,000
- Concrete walkway, surfacing and drainage included in budget
- General location east of the dog park near tree grouping
- Design may combine or separate play for different age groups

- Playground must include accessible elements
- Design must have a nature theme
- Existing trees must not be damaged
- Vendors may each submit three designs
- Contract must include a community build element

The RFP was issued and advertised on January 2, 2024. Proposals were received and reviewed February 20th, 2024. On February 29th, the Parks Advisory Board completed a detailed review and discussion of 21 designs submitted by eight vendors narrowing the designs to nine finalists. The finalists were included in an online survey that was posted on March 11th and closed on March 25th. The level of participation in the survey was incredible with 1,230 neighbors voting on their top three favorite designs. The rankings were weighted with each first place vote receiving three points, second place receiving two points and third receiving one point. Hunter Knepshield's design was the clear winner, receiving 1,908 points, over 650 points more than the next highest ranking playground design.

The winning design was presented to the Parks Advisory Board on March 28, 2024, and they voted unanimously to recommend the design by Hunter Knepshield to City Council.

Once the construction agreement is executed and the design is finalized, the playground equipment will be ordered. The time expected for manufacturing the equipment is 18 to 22 weeks. Construction is expected to begin in September 2024 with completion in November 2024.

Due to the complexity and height of this particular design, the vendor does not recommend involving the public in anything related to the installation of structural elements of the playground. Hunter Knepshield recommends inviting our neighbors to participate in the installation of the surfacing material, which is an engineered wood fiber product. The work could be timed so that the community participation and ribbon cutting could occur on the same day during the same event. Once the surfacing is installed, the playground will be open for play. Staff supports their recommendation.

Staff requested approval of a Resolution authorizing the City Manager to execute a Construction Agreement with Hunter Knepshield of Texas, Inc. for the manufacture and installation of a playground at Natural Springs Park.

Funding for the Natural Springs Park Playground project was appropriated in the FY2024 Community Investment Program budget in the amount of \$400,000 from the Park Development Fund. The estimated cost of this construction contract is \$399,729.

MOTION: Council Member Baker moved to approve. Deputy Mayor Pro Tem Atchley seconded. Motion carried 5-2. Council Member Carver and Mayor Pro Tem Miller opposed.

A RESOLUTION OF THE CITY OF ANNA, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT BY AND BETWEEN THE CITY OF ANNA, TEXAS AND HUNTER KNEPSHIELD OF TEXAS, INCORPORATED, FOR THE CONSTRUCTION OF THE NATURAL SPRINGS PARK PLAYGROUND PROJECT, IN AN AMOUNT NOT TO EXCEED FOUR HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$400,000.00), IN A FORM APPROVED BY THE CITY ATTORNEY; AND PROVIDING FOR AN EFFECTIVE DATE.

- c. Consider/Discuss/Action on a Resolution for a change order for the Leonard Avenue Extension project to increase the project scope to include the construction of the eastern two lanes of Leonard Avenue from Gardendale Hollow Lane to East Foster Crossing Road. (Assistant City Manager Greg Peters, P.E.)

The City awarded the Leonard Avenue Construction project to ANA Site Construction in January 2024 with Resolution 2024-01-1589.

Leonard Avenue is identified as a Major Arterial on the City of Anna Master Thoroughfare Plan. The City is currently engaged with a contractor to construct the section of Leonard Avenue from Foster Crossing Road to the Collin County Outer Loop.

There is a segment of Leonard Avenue between Gardendale Hollow Lane and Foster Crossing Road where Leonard is still a 2-lane road. Staff requested the contractor to provide a quote for a change order to expand their project scope to include the construction of the 2 un-built lanes north of Foster Crossing. The total cost of the change order was quoted to be \$618,735.85. Staff is recommending a budget of \$650,000 to allow for contingencies, and is recommending the use of Roadway Impact Fees and County Bond Funds to fund the additional segment of the road.

Funding for the Leonard Avenue project was appropriated in the FY2024 Community Investment Program budget in the amount of \$3.891 million, with \$1.11 million from the Road Impact Fees Fund and \$2.781 million from Collin County. The estimated cost of this change order is \$650,000.

MOTION: Deputy Mayor Pro Tem Atchely 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 A CHANGE ORDER FOR THE EXISTING

CONTRACT WITH ANA SITE CONSTRUCTION, LLC, FOR THE EXTENSION OF LEONARD AVENUE IN THE AMOUNT NOT TO EXCEED SIX HUNDRED AND FIFTY THOUSAND DOLLARS AND ZERO CENTS (\$650,000.00)

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). Council, Boards and Commissions.

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

Mayor Pike recessed the meeting at 7:42 PM.

Mayor Pike reconvened the meeting at 10:00 PM.

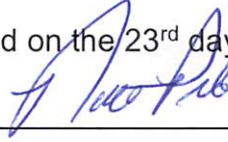
9. Consider/Discuss/Action on any items listed on any agenda - work session, regular meeting, or closed session - that is duly posted by the City of Anna for any City Council meeting occurring on the same date as the meeting noticed in this agenda.

No action taken.

10. Adjourn.

Mayor Pike adjourned the meeting at 10:00 PM.

Approved on the 23rd day of April 2024

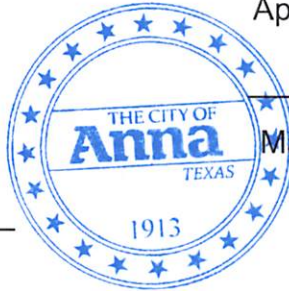


Mayor Nate Pike

ATTEST:



City Secretary Carrie L. Land



From: Hawaii Five Sno

Sent: Tuesday, April 9, 2024 9:39:30 AM

To: Nate Pike

Kevin Toten

>; Pete Cain

; Stan Carver

Randy Atchley

; Elden Baker

; Lee Miller

Cc:

Subject: [EXTERNAL]: Small business owner concern.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If you are still unsure, please report this email via the PhishNotify button.

Good Morning,

My intention was to speak at tonight's meeting but due to a work conflict, I am unable to attend.

I wanted to send you all the statement I was going to read to the council. I appreciate you hearing my concerns.

"My name is Kari Hudson, I am one of the owners of Hawaii Five Sno, a local shaved ice vendor in Anna Texas. A local small business owner and resident of Anna Tx.

As a business, we have donated over 20% of our annual profits for the past 2 years back to the community of Anna. We have donated to PTA, booster clubs, supported school backpacks, held fundraisers for local cheer and sports teams, adopted angels from the Angel tree, stocked the teachers lounges, supported our first responders and educators and much more. Our goal has always been to give back to Anna. We were able to play this role because of our success at the events we attended in Anna.

We buy our supplies in Anna. We employ local highschool students for their first jobs. We know our customers by name and most of their orders by heart. We even know the families who are struggling and just need a cup of ice during chemo. Tell me a non local vendor that does that! We show up at all points in time for our community.

Last year the city decreased the number of events and we lost a couple of events due to non local vendors flooding the city. This year we lost 5...we were given one event.

We were not chosen for Easter, earth day, touch a truck, Anna fest, or the Halloween event.

These are major events for our business but they were given to non local vendors in order to be fair. We have amazing local vendors. The city has 2 excellent choices for snowcones and many other vendors who constantly step up to support our community and Anna is looking and accepting corporate franchises instead of locally owned businesses. This is happening across the board.

My question is, where are these vendors when the schools need support? Where are these vendors when teams need sponsorships? Where are these vendors when the community of Anna is looking for support?

They are not here. They are only in Anna for a financial gain and have no interest in bettering Anna

as a community. I have begged the city to give local vendors precedence as we are supporters here. The city refuses to listen and claims they need to be fair due to the influx in vendors. The city of Plano gives their local vendors first dibs on all events and supplements open spots with outside vendors. Aubrey allows local/established vendors to apply a month before non local new vendors to ensure loyalty, why isn't Anna following suit?

Losing these events will greatly impact the amount we will be able to donate to support our community. As a business we are having to look outside of Anna to supplement the loss.

When asked why we are not at Anna events, we will let our customers know that it was not our choice. We will continue to do our best to support but this hit financially will make it difficult.

I urge you to start supporting local small businesses before looking elsewhere."

Thank you,
Kari Hudson
Hawaii five sno team

Sent from my iPhone