

**Regular City Council Meeting
Meeting Minutes**



Tuesday, May 14, 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 5/14/2024 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 6:01 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.

Robbie Sell spoke about the erosion that they are experiencing in Northpointe Crossing's north ravine.

4. Reports.

5. Consent Items.

MOTION: Council Member Toten moved to approve items 5 a.-d. Council Member Cain seconded. Motion carried 7-0.

- a. Approve City Council Meeting Minutes for April 23, 2024. (City Secretary Carrie Land)
- b. Review minutes for the November 13, 2023, December 11, 2023, January 29, 2024, and February 29, 2024, Parks Advisory Board Meetings. (Director of Neighborhood Services Marc Marchand)
- c. Approve a Resolution authorizing the City Manager to execute purchase orders in an amount not to exceed \$250,000 to Wopac Construction for full-depth asphalt street maintenance on Riggins Street, Amoret Circle, James Street, and 2nd Street. (CIP Manager Justin Clay)

The City has completed multiple water and sanitary sewer infrastructure improvements in the downtown area, including within these road corridors. Now that the underground utility improvements are complete, it is the proper time to reconstruct the roadways in poor condition.

The Downtown Master Plan identifies Amoret Circle, Second Street, and Riggins Street as part of the core district of the downtown area. The Public Works Street Department has identified these streets as needing repair. The City completes annual street maintenance projects for streets within the City which are in the worst condition, based upon an annual review of pavement condition and available funding.

Funding for the Downtown Infrastructure Improvements project was appropriated in the FY2024 Community Investment Program budget in the amount of \$5.33 million from the Infrastructure Investment Fund (Street Maintenance Sales Tax) and American Recovery Act funding. The estimated cost of this contract is \$250,000.

A RESOLUTION OF THE CITY OF ANNA, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE PURCHASE ORDERS FOR THE REHABILITATION OF DOWNTOWN STREETS, INCLUDING: AMORET CIRCLE, WEST SECOND STREET FROM JAMES STREET TO AMORET CIRCLE, AND NORTH RIGGINS FROM FM 455 TO 4TH STREET TO WOPAC CONSTRUCTION, INCORPORATED IN THE AMOUNT NOT TO EXCEED TWO HUNDRED AND FIFTY THOUSAND DOLLARS AND ZERO CENTS (\$250,000.00); AND PROVIDING FOR AN EFFECTIVE DATE.

- d. Approve a Resolution authorizing the City Manager to execute an agreement for professional services for the design of the Hurricane Creek Sanitary Sewer Trunk Line - Northern Extension project. (Assistant City Manager Greg Peters, P.E.)

The City of Anna Wastewater Master Plan includes a large diameter trunk sewer main along Hurricane Creek to the northern City Limit.

The City of Anna is seeking to begin design of the next phase of the extension of the trunk sewer main along Hurricane Creek. The continued high growth rate of the community is necessitating this project timeline to be accelerated in order to meet sanitary sewer demand.

This trunk main will provide sewer access for properties located west of US 75 in the northern portion of the City. This project will provide gravity sewer for the Liberty Hills Development and other future adjacent developments in the area. In addition, the trunk main will provide a connection point for the City of Van Alstyne, which will be contracting with the City of Anna for wastewater treatment and transport. The partnership with Van Alstyne will allow the City of Anna to more economically serve the growing Anna community with wastewater treatment and transmission.

The City will work with the design team to accelerate the project schedule so the project may move into the construction phase as soon as possible. The design is estimated to take 6 to 9 months, with construction funding to be allocated in the FY2024-2025 CIP.

Funding for the Hurricane Creek Sewer Line North project (Design) was appropriated in the FY2024 Community Investment Program budget from the Wastewater Impact Fees Fund. The estimated cost of this contract is \$670,500.

A RESOLUTION OF THE CITY OF ANNA, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A PROJECT SPECIFIC AGREEMENT WITH KIMLEYHORN FOR THE DESIGN OF THE HURRICANE CREEK TRUNK SEWER – NORTHERN EXTENSION, IN THE AMOUNT NOT TO EXCEED SIX HUNDRED SEVENTY THOUSAND FIVE HUNDRED DOLLARS (\$670,500.00).

6. Items For Individual Consideration.

- a. Conduct a Public Hearing/Consider/Discuss/Action on an Ordinance to rezone 34.7± acres for a multifamily and commercial development generally located at the northwest corner of W. Foster Crossing Road and future S. Ferguson Parkway. (Planning Manager Lauren Mecke)

At the March 4, 2024, Planning & Zoning Commission meeting, the recommendation of the zoning request was for denial with a vote of 6-0. In accordance with Article 9, Section 9.02(c) of the Home Rule Charter, a vote of three-fourths of the Council members present, or four votes, whichever is greater, is required to overrule a recommendation of the Commission that a proposed zoning amendment, supplement, or change be denied.

The applicant requested to zone the subject property to the MF District on one lot for multi-family dwellings, SF-20.0 District on one lot for a dog park

or other privately owned public amenity, & C-1 District for retail and restaurants. The applicant did not request variances from Article 9 Planning & Development of the City of Anna Code of Ordinances.

The request has been partially modified after the Planning & Zoning Commission hearing by removing a portion of the original request which contained C-1 and Agricultural (AG) District zoning. The portion removed is now a separate agenda item - a pre-annexation development agreement. The pre-annexation development agreement is a companion item which was considered separately.

Request to rezone 34.7± acres for a multifamily and commercial development from Planned Development (Ord. No. 2002-27A) to Multi-Family Residential (MF) District, Single-Family Residential (SF-20.0) District, & Local Commercial (C-1) District.

The request for MF District is not in conformance with the Anna 2050 Future Land Use Plan while the request for C-1 District and SF-20 District zoning is in conformance with the Anna 2050 Future Land Use Plan.

Mayor Pike opened the public hearing at 6:09 PM.

Gretchen Stewart, Manny Singh, Heather Molsbee, Edward Culham, and Jim Luscombe all spoke in opposition to this item.

Marita Schell, Becky Lindstrom Ross, Leslie Luscombe, and Sammy Stephenson all spoke in favor of this item.

Mayor Pike closed the public hearing at 6:37 PM.

MOTION: Council Member Carver moved to approve. Mayor Pro Tem Miller seconded. Motion carried 5-2. Motion failed due to needing a Super Majority Vote. Council Member Toten, and Deputy Mayor Pro Tem Atchley opposed.

- b. Consider/Discussion/Action on a Pre-Annexation Development Agreement on 1.1 +/- acres located at the northwest corner of W. Foster Crossing Boulevard and future Ferguson Parkway. (Planning Manager Lauren Mecke)

This item is contingent upon the Jefferson Foster Crossing zoning case. If the Jefferson Foster Crossing zoning case is approved, this item is recommended for approval. If the Jefferson Foster Crossing zoning case is denied, it is recommended for the City Council to take no action on this item.

The applicant requested to enter into a Pre-annexation agreement with the city in order to adopt development regulations and development standards for 1.1± acres generally located adjacent to future Ferguson Parkway on the north side of W. Foster Crossing Boulevard. This item is a companion to the previous zoning item. If approved, the 1.1 acre tract would be included in the Concept Plan for the Jefferson Foster Crossing development.

MOTION: Mayor Pike moved to take no action. Mayor Pro Tem Miller seconded. Motion carried 7-0.

- c. Consider/Discuss/Action on a Resolution approving a Concept Plan for Jefferson Foster Crossing. (Planning Manager Lauren Mecke)

This item is to consider approval of a Concept Plan for multi-family dwellings and a commercial development on 35.8± acres generally located at the northwest corner of W. Foster Crossing Road and future S. Ferguson Parkway.

The Concept Plan is associated with the previous zoning case and pre-annexation development agreement. This item is contingent upon approval of the zoning case and the pre-annexation development agreement. The purpose for the Concept Plan is to show the conceptual layout and related site improvements and locations associated with the future multi-family & commercial development.

The Concept Plan complies with the zoning district's area regulations as requested by the zoning case and pre-annexation development agreement.

MOTION: Mayor Pro Tem Miller moved to take no action. Council Member Totten seconded. Motion carried 7-0.

- d. Consider/Discuss/Action on a resolution approving a Development Agreement with Liberty 800, LP, Liberty 75, LP, The Thornton Family Trust, Janis Real Estate, LLC, and Jay P. and Irene C. Janis. (Interim Director of Economic Development Bernie Parker)

Over the past few months, staff has been working with Old Prosper Partners and our financial consultants and legal counsel to develop a Development Agreement. Four hundred acres of the land owned by Old Prosper Partners (OPP) is within the ETJ. Below are some highlights:

- Creation of a Public Improvement District and Tax Increment Reinvestment Zone;
- Creation of a Commercial Corridor along Interstate 75
- Higher Residential Construction Standards
- Addition of Major Infrastructure on the West Side of 75

- City will collect PID fees as per the City's PID policy at the amount of \$6.4 Million;
- City will dedicate 50% of the TIRZ tax increment reinvestment zone for this development;
- Agreement confirms limitation of lot sales to institutional investors; and
- Offers a pathway for the annexation of properties within Anna's Extraterritorial Jurisdiction (ETJ) that are part of this development upon meeting all requirements stipulated in this agreement.

MOTION: Mayor Pro Tem Miller moved to take no action. Deputy Mayor Pro Tem Atchley seconded.

MOTION: Mayor Pro Tem Miller amended his previous motion and moved to table until the next council meeting. Deputy Mayor Pro Tem Atchley seconded. Motion carried 3-4. Council Member Toten, Council Member Baker, Council Member Cain, and Mayor Pike opposed. Motion failed.

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

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING THE LIBERTY HILLS DEVELOPMENT AGREEMENT WITH LIBERTY 800, LP, LIBERTY 75, LP, THE THORNTON FAMILY TRUST, JANIS REAL ESTATE, LLC, AND JAY P. AND IRENE C. JANIS, RELATING TO DEVELOPMENT OF PROPERTY FOR A MIXED USE DEVELOPMENT

- e. Consider/Discuss/Action on a resolution approving a Development Agreement with Rockhill Contracts I, LLC. (Interim Director of Economic Development Bernie Parker)

Over the past few months, staff worked with ROCKHILL CONTRACTS I, LLC and our financial consultants and legal counsel to develop a Development Agreement for an 83 Acre Residential Development off of HWY 5. Below are some highlights:

- Part of Commercial and Multifamily Development along HWY 5.
- Higher Residential Construction Standards.
- CR 371 and West Crossing Blvd Roadway Improvements.
- Creation of a Public Improvement District
- City will collect PID fees as per the City's PID policy at the amount of \$1.1 Million;
- Agreement confirms limitation of lot sales to institutional investors.

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

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING THE COX TRACT DEVELOPMENT AGREEMENT WITH ROCKHILL CONTRACTS I, LLC, RELATING TO DEVELOPMENT OF PROPERTY FOR A MIXED USE DEVELOPMENT

- f. Consider/Discuss/Action on Canvass of General and Special May 4, 2024 elections. (City Secretary Carrie Land)

A general and special election was held on May 4, 2024.

A canvass is a mandatory, ministerial duty. City Council shall convene to conduct the local canvass not later than the 11th day after Election.

Section 67.004 of the Election Code provides that the presiding officer of the canvassing authority shall note the completion of the canvass in the minutes or in the recording required by Section 551.021 of the Government Code:

Mayor - Three Year Term

Pete Cain	913	58.05%
Randy Atchley	660	41.96%

City Council, Place 1 - Three Year Term

Bryan Heath	597	40.23%
Kevin Toten	887	59.77%

City Council, Place 2 - One Year Term

Jody Bills	780	53.68%
LaMarr Dillingham	133	9.15%
Todd Engels	540	37.16%

City Council Place 4 - One Year Term

Tom Longmire	345	23.28%
Kelly Herndon	657	44.33%
Bruce Norwood	480	32.39%

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

AN ORDINANCE OF THE CITY OF ANNA, TEXAS CANVASSING THE RETURNS OF A GENERAL ELECTION OF A MAYOR AND ONE CITY COUNCIL PLACE FOR THREE-YEAR TERMS EXPIRING MAY 2027 AND A SPECIAL ELECTION OF TWO CITY COUNCIL PLACES FOR UNEXPIRED ONE-YEAR TERMS EXPIRING MAY 2025.

- g. Consider/Discuss/Action on an Ordinance Ordering a Run-off Election for June 15, 2024. (City Secretary Carrie Land)

Under Texas law, if a candidate does not receive enough votes to be elected in an election requiring a majority vote, a runoff election is required for the candidates who receive the highest and second-highest number of votes.

In accordance with Article 5, Section 5.04(a) of the Charter of the City of Anna, Texas, a runoff election is required if no candidate for a City elective office receives a majority of the votes cast.

There will be a run-off election for Place 4. Voters will elect either Kelly Herndon or Bruce Norwood on June 15. The run-off election only includes the candidates who received the top two vote totals. One other candidate also ran but will not appear on the ballot in the run-off election.

The City of Anna City Council is required to order such a runoff election not later than the fifth day after the final canvass of the main election is completed.

Saturday, June 15, 2024, from 7 a.m. to 7 p.m.

Anna voters will elect a City Council member for Place 4.

Important Dates

Last day to register to vote: May 16

Early Voting: Monday, June 3 through Tuesday, June 11 (schedule)

Last day to accept applications for ballot by mail: Tuesday, June 4

Election Day: Saturday, June 15 from 7 a.m. to 7 p.m.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS, ORDERING A RUNOFF ELECTION TO BE HELD ON JUNE 15, 2024, FOR THE PURPOSE OF ELECTING ONE CITY COUNCIL

MEMBER; DESIGNATING POLLING PLACES; ORDERING NOTICES OF ELECTION TO BE GIVEN; AUTHORIZING EXECUTION OF ELECTION CONTRACTS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

- h. Consider/Discuss/Action on appointments to the 2024 Boards and Commissions Interview Committee. (City Secretary Carrie Land)

The Interview Committee consists of three Council Members to review Boards and Commissions appointments. They are to review applications, conduct interviews and bring appointment recommendations to the City Council. Members also recommend appointments throughout the year to fill vacancies.

The following board members terms expire in May 2024:

Choya Morrison Board of Adjustment

Jody L Bills Board of Adjustment VACANCY

Michelle Y Clemens Planning and Zoning Commission VACANCY

Douglas J Hermann Planning and Zoning Commission

David Nylec Planning and Zoning Commission

Dallen Morgan Diversity and Inclusion Advisory Commission VACANCY

Elijah Nelms Diversity and Inclusion Advisory Commission

Yoshanda Sims Diversity and Inclusion Advisory Commission

Ronald Kerr Economic Development Corporation: Community Development Corporation Boards

Rocio Gonzalez Economic Development Corporation: Community Development Corporation Boards

Bruce Norwood Economic Development Corporation: Community Development Corporation Boards

Eirik A Hansen Parks Advisory Board VACANCY

Jeff Reece Parks Advisory Board

Andrew Michrina Parks Advisory Board

The City Secretary's Office received 34 applications for various boards and commissions.

MOTION: Council Member Toten moved to appoint himself, Council Member Cain, and Council Member Baker. Council Member Baker seconded. Motion carried 4-3. Council Member Carver, Mayor Pro Tem Miller, and Deputy Mayor Pro Tem Atchley opposed.

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).
- 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

No closed session.

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.

No action taken.

9. Adjourn.

Mayor Pike adjourned the meeting at 7:58 PM.

Approved on the 28th day of May 2024





Mayor Pete Cain

ATTEST:



City Secretary Carrie L. Land