

**Regular City Council Meeting
Meeting Minutes**



Tuesday, May 28, 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 5/28/2024 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 6:02 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.

Moved to Reports.

3. Neighbor Comments.

Marietta Schell thanked Mayor Pike for his service, spoke about involvement in city government, and Ferguson road extension.

Leslie Luscombe thanked the Council members who were in favor of their item.

Kevin Daugherty congratulated the newly elected Council Members and Mayor, and thanked the former Mayor for his service. He also introduced himself and his coffee shop to the community.

Moved to Work Session.

4. Reports.

- a. Recognition of Outgoing Mayor, Nate Pike. (City Manager Ryan Henderson)

Nate Pike has served as the Anna Mayor since 2017. Mayor Pike thanked the community and was recognized for his service.

- b. City Secretary to administer Oath of Offices. (City Secretary Carrie Land)

The City Secretary administered the Oath of Office to newly elected:

Mayor Pete Cain

City Council Member Place 1 Kevin Toten

City Council Member Place 2 Jody Bills

- c. Volunteer Program Report and Recognition. (Community Enhancement and Compliance Manager Olivia Demmings)

The City of Anna Volunteer Program was founded in 2021 and has grown to include 250 registered volunteers.

60 volunteers participated in the Anna Volunteers program in 2023 for a total of 486 hours donated. Volunteers participated in special events, youth sports, and senior programming. Our Boards and Commissions members also served diligently, providing countless hours for the betterment of our community. Each year we are pleased to recognize our volunteers' hard work and award one "Volunteer of the Year."

Closed Session.

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, Commissions and City Council

MOTION: Council Member Toten moved to enter closed session. Council Member Carver seconded. Motion carried 7-0.

Mayor Cain recessed the meeting at 6:31 PM.

Mayor Cain reconvened the meeting at 7:29 PM.

Moved to Neighbor Comments.

5. Work Session.

- a. Receive and discuss a presentation on the FY2025 Budget Process Calendar. (Budget Manager Terri Doby)

Texas Local Government Code 102.002 requires that the City prepare each year a municipal budget to cover the proposed expenditures of the municipal government for the succeeding year. The City's largest revenue is property tax, and the Texas Property Tax Reform and Transparency Act of 2019 outlines very specific requirements and deadlines for the adoption of a property tax rate.

Staff provided a presentation outlining the upcoming FY2025 Budget Process Calendar and gave a summary of the major actions that will be taken before adopting the FY2025 Budget on September 10, 2024.

- b. Receive and discuss a presentation on Capital Parks Projects. (Park Planning & Development Manager Dalan Walker)

Projects were provided at the May 20, 2024, Parks Advisory Board meeting. Staff received feedback from the board and made adjustments accordingly in preparation for this meeting.

Staff provided the City Council with an update on completed, active, and proposed capital parks projects for discussion. The City reviews park and recreation needs in the community on an annual basis. Projects are selected based upon the City of Anna 2050 Parks, Open Space, Trails & Recreation Master Plan. Feedback from the City Council will be utilized to finalize project selection, scope, and budget, which will be incorporated into the next fiscal year budget.

6. Consent Items.

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

- a. Approve City Council Meeting Minutes for May 14, 2024. (City Secretary Carrie Land)
- b. Review Minutes of the April 4, 2024, Joint Community Development Corporation and Economic Development Corporation Board Meetings. (Director of Economic Development Bernie Parker)
- c. Review Monthly Financial Report for the Month Ending April 30, 2024. (Budget Manager Terri Doby)
- d. Approve the Quarterly Investment Report for the Period Ending March 31, 2024. (Finance Director Aimee Rae Ferguson)
- e. Approve and Ratify agreement regarding local legal counsel services in SB 2038 litigation. (City Attorney Clark McCoy)
- f. Approve a Resolution authorizing the City Manager to execute an agreement with Axon Enterprise Inc. for in-car camera and body-worn camera systems in an amount not to exceed \$950,000. (Assistant Police Chief Phillip Foxall)

Currently, the Anna Police Department utilizes Motorola in-car and Body-Worn Cameras to record interactions with the public. The hardware is aging and failing, often while officers are engaged in interactions with the public. This aging and increasingly unreliable hardware needs to be replaced.

This Resolution allows the City Manager to execute an agreement with Axon Enterprise to purchase body-worn camera and in-car camera systems for the police department. This purchase would pay in full a five-year

agreement to provide hardware, software, cloud-based storage, warranties and updates.

Funding for this contract will come from General Fund balance in excess of the 40% fund balance policy as of September 30, 2023 in the amount of \$950,000.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING AND AUTHORIZING THE CITY MANAGER TO PURCHASE IN-CAR VIDEO SYSTEMS AND BODY WORN CAMERAS AND ACCESSORY ITEMS FROM WATCH GUARD VIDEO, INCORPORATED THROUGH THE TEXAS DIR COOPERATIVE PURCHASING SYSTEM

- g. Approve a Resolution to abandon a temporary turnaround easement on Lakeshore Drive in The Villages of Hurricane Creek Phase 1. (City Engineer Wes Lawson, P.E.)

In a multi-phase development, it is common for temporary access, turnaround, and drainage easements to be required in early phases. Once additional phases are constructed, the extension of infrastructure renders the temporary easement no longer necessary.

The easement identified in the Resolution was originally granted to the City of Anna by CDBG Hurricane Creek as a temporary turnaround easement for Lakeshore Drive in The Villages of Hurricane Creek Phase 1. Since Phase 1B has now been constructed, Lakeshore Drive has been extended and is no longer a dead end street. As such, the turnaround is no longer needed.

Staff recommended approval of the Resolution as presented.

A RESOLUTION OF THE CITY OF ANNA, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE EASEMENT ABANDONMENT DOCUMENTS FOR THE ABANDONMENT OF THE TURNAROUND EASEMENT FOR LAKESHORE DRIVE IN VILLAGES OF HURRICANE CREEK PHASE 1. EXHIBIT "A" ATTACHED HERETO, AND PROVIDING FOR AN EFFECTIVE DATE.

7. Items For Individual Consideration.

Moved to items 7.m.-q.

- a. Conduct a Public Hearing/Consider/Discuss/Action on an Ordinance to rezone 1.35± acres located at the northeast corner of east Fourth Street and north Sherley Avenue. (Planning Manager Lauren Mecke)

The applicant is requesting to rezone the property to Regional Commercial (C-2) District and Downtown (DT) District zoning to allow for future development.

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 Single-family detached dwellings under construction zoned SF-1

East Single-family detached dwelling zoned SF-1

South Across Fourth Street, Park zoned Planned Development (Ord. No. 1023-2022)

West Across Sherley Avenue, DART railroad & Riggins Avenue, Office and Telephone Exchange on two lots, zoned Local Commercial (C-1)

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 Retail Center and Adaptive Reuse / Infill character areas.

- Retail Center areas - Future land use decisions should complement the Retail Center and reinforce the multimodal atmosphere that accommodates a wide array of Downtown activity.

- Adaptive Reuse/Infill – The Adaptive Reuse/Infill areas are made up of smaller lots situated along corridors or in districts that are expected to increase in activity over time. As these areas become more attractive for new investment, they can be adapted to establish new uses (i.e. home conversion to a small business) or be redeveloped with new building types altogether. While there may be some new development on these sites, they are not expected to be aggregated with other sites for redevelopment purposes. Future Land Use decisions should accommodate the existing

neighborhood fabric, while encouraging a transition to a more active environment and a more diverse building stock.

At the May 6, 2024, Planning & Zoning Commission meeting, the recommendation of the zoning request was for approval by a vote of 6-0.

Mayor Cain opened the public hearing at 8:19 PM.

No comments were given.

Mayor Cain closed the public hearing at 8:19 PM.

MOTION: Council Member Carver moved to approve. Council Member Toten 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 located at the northeast corner of E. Fourth Street and north Sherley Avenue)

- b. Consider/Discuss/Action regarding the Anna Original Donation, Block 12, Lot 1-16, Preliminary Site Plan. (Planning Manager Lauren Mecke)

Museum and Bar (75% alcohol sales) on one lot on 1.4± acres located on the northeast corner of E. Fourth Street and north Sherley Avenue.

The purpose of the Preliminary Site Plan is to show the proposed building expansion and related site improvements.

At the May 6, 2024, Planning & Zoning Commission meeting, the recommendation of the Preliminary Site Plan was for approval subject to Council approval of the associated zoning request by a vote of 6-0.

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

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING ANNA ORIGINAL DONATION, BLOCK 12, LOTS 1 - 16, PRELIMINARY SITE PLAN.

- c. Continue the Public Hearing/Consider/Discuss/Action on the Skorburg Outer Loop zoning request. (Planning Manager Lauren Mecke)

Item was withdrawn.

- d. [Received a request to Table] Conduct a Public Hearing/Consider/Discuss/Action on a Resolution to rezone 59.11± acres to Planned Development/multifamily 312 Units, currently zoned SF-E (Agriculture). Located on the northwest and southwest corner of County Road 423 and Powell Parkway. (Planning Manager Lauren Mecke)

At the May 6, 2024, Planning & Zoning Commission meeting, the recommendation of the zoning request was for approval with conditions of changing the Multi-family Zoning area to Mixed-Use Zoning by a vote of 5-0-1.

The Applicant submitted a request to rezone three tracts on both sides of S. Powell Parkway from SF-E Single-Family Residential - Large Lot to a Planned Development using the Multi-Family (MF), Mixed-Density (MD), Regional Commercial (C-2), and Light Industrial (I-1) zoning districts as the base zoning.

The applicant requested additional time before presenting to City Council following the recommendation from the Planning & Zoning Commission.

Mayor Cain opened the public hearing at 8:23 PM.

Tana Brown submitted a form in opposition.

MOTION: Council Member Toten moved to table item 7.d. until June 25th, 2024 at 6:00 PM at the Anna Municipal Complex, Council Chambers, 120 W 7th St, Anna, TX 75409, leaving the current public hearing open. Council Member Baker seconded. Motion carried 7-0.

- e. Consider/Discuss/Action on a Resolution approving a first amendment to Cox Tract Development Agreement with Rockhill Contracts I, LLC, relating to Development of Property for a Mixed Use Development. (Director of Economic Development Bernie Parker)

City Council Approved the Development Agreement with Rockhill Contracts I, LLC of May 14, 2024

Rockhill Contracts I, LLC desires to amend Section 5.14 of the Agreement concerning the minimum building standards for 40' single-family residential lots and to modify the minimum dwelling square footage for 40' single-family residential lots on the Property.

Proposed Changes:

1. Increase the Minimum Masonry Requirement for the Exterior Facade of the Dwelling units for 40' lots from 75% to 85%.
2. For 25% of Homes built on these 40' Lots - Reduces the Minimum square footage from 1800 sf to 1725 sf.
3. For 75% of Homes built on these 40' Lots - Reduces Minimum square footage range from (1800 sf to 1600 sf) to 1725 sf to 1600 sf - but in no event shall any dwelling be lower than 1,600 sf.

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

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

- f. Consider/Discuss/Action on a Resolution of the City Council of the City of Anna, Texas, finding that a public necessity exists for acquisition of a permanent sanitary sewer line easement on and across 0.0799 acres of real property for the construction and maintenance of the Hurricane Creek Trunk Sewer Line Northern Extension, in a form approved by the City Attorney. (Assistant City Manager Greg Peters, P.E.)

The trunk sewer is shown in the Wastewater Master Plan and the 10-year Capital Improvement Plan for the City of Anna, and is required in order to provide gravity sewer to properties west of US 75.

This item is related to the construction of the northern extension of the Hurricane Creek Trunk Sewer Line. Easements are required in order to provide for the construction, installation, and long-term maintenance of the trunk sewer. This is a critical infrastructure project which will provide access to city sewer for the west side of US 75 in the City of Anna.

The City has been working with a property acquisition consultant to purchase the necessary easements for the project. The resolution is a necessary step in the process to provide staff direction and authority to complete negotiations with the landowner for the acquisition. There is specific language which must be read into the motion should the City

Council choose to approve this item. The language was printed and provided to the City Council for their consideration.

MOTION: Council Member Baker moved to approve the Resolution of the City Council of the City of Anna, Texas, finding that a public necessity exists for acquisition of a permanent sanitary sewer line easement providing limited rights on and under 0.0799 acres of real property, more or less, and a temporary construction easement providing temporary limited rights on and under 0.3164 acres of real property, more or less; authorizing the city manager, staff, contractors, and the city's attorneys to acquire said easements by any lawful means, including but not limited to negotiations, and, if necessary, proceedings in eminent domain; providing an effective date. Mayor Pro Tem Miller seconded. Motion carried 7-0.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS, FINDING THAT A PUBLIC NECESSITY EXISTS FOR ACQUISITION OF A PERMANENT SANITARY SEWER LINE EASEMENT PROVIDING LIMITED RIGHTS ON AND UNDER 0.0799 ACRES OF REAL PROPERTY, MORE OR LESS, AND A TEMPORARY CONSTRUCTION EASEMENT PROVIDING TEMPORARY LIMITED RIGHTS ON AND UNDER 0.3164 ACRES OF REAL PROPERTY, MORE OR LESS; AUTHORIZING THE CITY MANAGER, STAFF, CONTRACTORS, AND THE CITY'S ATTORNEYS TO ACQUIRE SAID EASEMENTS BY ANY LAWFUL MEANS, INCLUDING BUT NOT LIMITED TO NEGOTIATIONS, AND, IF NECESSARY, PROCEEDINGS IN EMINENT DOMAIN; PROVIDING AN EFFECTIVE DATE.

- g. Consider/Discuss/Action on a Resolution of the City Council of the City of Anna, Texas, finding that a public necessity exists for acquisition of a permanent sanitary sewer line easement on and across 0.09461 acres of real property for the construction and maintenance of the Hurricane Creek Trunk Sewer Line Northern Extension, in a form approved by the City Attorney. (Assistant City Manager Greg Peters, P.E.)

The trunk sewer is shown in the Wastewater Master Plan and the 10-year Capital Improvement Plan for the City of Anna, and is required in order to provide gravity sewer to properties west of US 75.

This item is related to the construction of the northern extension of the Hurricane Creek Trunk Sewer Line. Easements are required in order to provide for the construction, installation, and long-term maintenance of the trunk sewer. This is a critical infrastructure project which will provide access to city sewer for the west side of US 75 in the City of Anna.

The City has been working with a property acquisition consultant to purchase the necessary easements for the project. The resolution is a

necessary step in the process to provide staff direction and authority to complete negotiations with the landowner for the acquisition. There is specific language which must be read into the motion should the City Council choose to approve this item. The language was printed and provided to the City Council for their consideration.

MOTION: Council Member Baker moved to approve the Resolution of the City Council of the City of Anna, Texas, finding that a public necessity exists for acquisition of a permanent sanitary sewer line easement providing limited rights on and under 0.9461 acres of real property, more or less, and a temporary construction easement providing temporary limited rights on and under 1.2372 acres of real property, more or less; authorizing the city manager, staff, contractors, and the city's attorneys to acquire said easements by any lawful means, including but not limited to negotiations, and, if necessary, proceedings in eminent domain; providing an effective date. Mayor Pro Tem Miller seconded. Motion carried 7-0.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS, FINDING THAT A PUBLIC NECESSITY EXISTS FOR ACQUISITION OF A PERMANENT SANITARY SEWER LINE EASEMENT PROVIDING LIMITED RIGHTS ON AND UNDER 0.9461 ACRES OF REAL PROPERTY, MORE OR LESS, AND A TEMPORARY CONSTRUCTION EASEMENT PROVIDING TEMPORARY LIMITED RIGHTS ON AND UNDER 1.2372 ACRES OF REAL PROPERTY, MORE OR LESS; AUTHORIZING THE CITY MANAGER, STAFF, CONTRACTORS, AND THE CITY'S ATTORNEYS TO ACQUIRE SAID EASEMENTS BY ANY LAWFUL MEANS, INCLUDING BUT NOT LIMITED TO NEGOTIATIONS, AND, IF NECESSARY, PROCEEDINGS IN EMINENT DOMAIN; PROVIDING AN EFFECTIVE DATE.

- h. Consider/Discuss/Action on a Resolution of the City Council of the City of Anna, Texas, finding that a public necessity exists for acquisition of a permanent sanitary sewer line easement on and across 0.1977 acres of real property for the construction and maintenance of the Hurricane Creek Trunk Sewer Line Northern Extension, in a form approved by the City Attorney. (Assistant City Manager Greg Peters, P.E.)

The trunk sewer is shown in the Wastewater Master Plan and the 10-year Capital Improvement Plan for the City of Anna, and is required in order to provide gravity sewer to properties west of US 75.

This item is related to the construction of the northern extension of the Hurricane Creek Trunk Sewer Line. Easements are required in order to provide for the construction, installation, and long-term maintenance of the

trunk sewer. This is a critical infrastructure project which will provide access to city sewer for the west side of US 75 in the City of Anna.

The City has been working with a property acquisition consultant to purchase the necessary easements for the project. The resolution is a necessary step in the process to provide staff direction and authority to complete negotiations with the landowner for the acquisition. There is specific language which must be read into the motion should the City Council choose to approve this item. The language was printed and provided to the City Council for their consideration.

MOTION: Council Member Baker moved to approve the Resolution of the City Council of the City of Anna, Texas, finding that a public necessity exists for acquisition of a permanent sanitary sewer line easement providing limited rights on and under 0.1977 acres of real property, more or less, and a temporary construction easement providing temporary limited rights on and under 0.1561 acres of real property, more or less; authorizing the city manager, staff, contractors, and the city's attorneys to acquire said easements by any lawful means, including but not limited to negotiations, and, if necessary, proceedings in eminent domain; providing an effective date. Mayor Pro Tem Miller seconded. Motion carried 7-0.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS, FINDING THAT A PUBLIC NECESSITY EXISTS FOR ACQUISITION OF A PERMANENT SANITARY SEWER LINE EASEMENT PROVIDING LIMITED RIGHTS ON AND UNDER 0.1977 ACRES OF REAL PROPERTY, MORE OR LESS, AND A TEMPORARY CONSTRUCTION EASEMENT PROVIDING TEMPORARY LIMITED RIGHTS ON AND UNDER .1561 ACRES OF REAL PROPERTY, MORE OR LESS; AUTHORIZING THE CITY MANAGER, STAFF, CONTRACTORS, AND THE CITY'S ATTORNEYS TO ACQUIRE SAID EASEMENTS BY ANY LAWFUL MEANS, INCLUDING BUT NOT LIMITED TO NEGOTIATIONS, AND, IF NECESSARY, PROCEEDINGS IN EMINENT DOMAIN; PROVIDING AN EFFECTIVE DATE.

- i. Consider/Discuss/Action on a Resolution of the City Council of the City of Anna, Texas, finding that a public necessity exists for acquisition of a permanent sanitary sewer line easement on and across 0.3652 acres of real property for the construction and maintenance of the Hurricane Creek Trunk Sewer Line Northern Extension, in a form approved by the City Attorney. (Assistant City Manager Greg Peters, P.E.)

The trunk sewer is shown in the Wastewater Master Plan and the 10-year Capital Improvement Plan for the City of Anna, and is required in order to provide gravity sewer to properties west of US 75.

This item is related to the construction of the northern extension of the Hurricane Creek Trunk Sewer Line. Easements are required in order to provide for the construction, installation, and long-term maintenance of the trunk sewer. This is a critical infrastructure project which will provide access to city sewer for the west side of US 75 in the City of Anna.

The City has been working with a property acquisition consultant to purchase the necessary easements for the project. The resolution is a necessary step in the process to provide staff direction and authority to complete negotiations with the landowner for the acquisition. There is specific language which must be read into the motion should the City Council choose to approve this item. The language was printed and provided to the City Council for their consideration.

MOTION: Council Member Bills moved to approve the Resolution of the City Council of the City of Anna, Texas, finding that a public necessity exists for acquisition of a permanent sanitary sewer line easement providing limited rights on and under 0.3652 acres of real property, more or less, and a temporary construction easement providing temporary limited rights on and under 0.3375 acres of real property, more or less; authorizing the city manager, staff, contractors, and the city's attorneys to acquire said easements by any lawful means, including but not limited to negotiations, and, if necessary, proceedings in eminent domain; providing an effective date. Council Member Baker seconded. Motion carried 7-0.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS, FINDING THAT A PUBLIC NECESSITY EXISTS FOR ACQUISITION OF A PERMANENT SANITARY SEWER LINE EASEMENT PROVIDING LIMITED RIGHTS ON AND UNDER 0.3652 ACRES OF REAL PROPERTY, MORE OR LESS, AND A TEMPORARY CONSTRUCTION EASEMENT PROVIDING TEMPORARY LIMITED RIGHTS ON AND UNDER 0.3375 ACRES OF REAL PROPERTY, MORE OR LESS; AUTHORIZING THE CITY MANAGER, STAFF, CONTRACTORS, AND THE CITY'S ATTORNEYS TO ACQUIRE SAID EASEMENTS BY ANY LAWFUL MEANS, INCLUDING BUT NOT LIMITED TO NEGOTIATIONS, AND, IF NECESSARY, PROCEEDINGS IN EMINENT DOMAIN; PROVIDING AN EFFECTIVE DATE.

- j. Consider/Discuss/Action on a Resolution of the City Council of the City of Anna, Texas, finding that a public necessity exists for acquisition of a permanent sanitary sewer line easement on and across 0.5034 acres of real

property for the construction and maintenance of the Hurricane Creek Trunk Sewer Line Northern Extension, in a form approved by the City Attorney. (Assistant City Manager Greg Peters, P.E.)

The trunk sewer is shown in the Wastewater Master Plan and the 10-year Capital Improvement Plan for the City of Anna, and is required in order to provide gravity sewer to properties west of US 75.

This item is related to the construction of the northern extension of the Hurricane Creek Trunk Sewer Line. Easements are required in order to provide for the construction, installation, and long-term maintenance of the trunk sewer. This is a critical infrastructure project which will provide access to city sewer for the west side of US 75 in the City of Anna.

The City has been working with a property acquisition consultant to purchase the necessary easements for the project. The resolution is a necessary step in the process to provide staff direction and authority to complete negotiations with the landowner for the acquisition. There is specific language which must be read into the motion should the City Council choose to approve this item. The language was printed and provided to the City Council for their consideration.

MOTION: Council Member Bills moved to approve the Resolution of the City Council of the City of Anna, Texas, finding that a public necessity exists for acquisition of a permanent sanitary sewer line easement providing limited rights on and under 0.5034 acres of real property, more or less, and a temporary construction easement providing temporary limited rights on and under 0.4328 acres of real property, more or less; authorizing the city manager, staff, contractors, and the city's attorneys to acquire said easements by any lawful means, including but not limited to negotiations, and, if necessary, proceedings in eminent domain; providing an effective date. Mayor Pro Tem Miller seconded. Motion carried 7-0.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS, FINDING THAT A PUBLIC NECESSITY EXISTS FOR ACQUISITION OF A PERMANENT SANITARY SEWER LINE EASEMENT PROVIDING LIMITED RIGHTS ON AND UNDER 0.5034 ACRES OF REAL PROPERTY, MORE OR LESS, AND A TEMPORARY CONSTRUCTION EASEMENT PROVIDING TEMPORARY LIMITED RIGHTS ON AND UNDER 0.4328 ACRES OF REAL PROPERTY, MORE OR LESS; AUTHORIZING THE CITY MANAGER, STAFF, CONTRACTORS, AND THE CITY'S ATTORNEYS TO ACQUIRE SAID EASEMENTS BY ANY LAWFUL MEANS, INCLUDING BUT NOT LIMITED TO NEGOTIATIONS, AND, IF NECESSARY, PROCEEDINGS IN EMINENT DOMAIN; PROVIDING AN EFFECTIVE DATE.

- k. Consider/Discuss/Action on a Resolution of the City Council of the City of Anna, Texas, finding that a public necessity exists for acquisition of a permanent Right-of-Way on and across 1.536 acres of real property for South Standridge Boulevard and a permanent drainage easement on and across 0.90 acres of real property necessary for the construction of the Crystal Park Phase 1 Development, in a form approved by the City Attorney. (City Engineer Wes Lawson, P.E.)

Standridge Boulevard is shown as a minor arterial roadway in the Master Thoroughfare Plan and the 10-year Capital Improvement Plan for the City of Anna, and is required in order to provide a major transportation corridor west of US 75.

This item is related to the construction of Standridge Boulevard south of FM 455. The right-of-way and drainage easement are required in order to provide for the construction, installation, and long-term maintenance of the road. This is a critical infrastructure project which will provide a north-south minor arterial roadway corridor west of US 75.

In accordance with the development agreement for Crystal Park, the City is contractually obligated to acquire right-of-way and easements for off-site infrastructure if the developer is not able to reach an agreement with adjacent landowners. The resolution is a necessary step in the process to provide staff direction and authority to complete negotiations with the landowner for the acquisition. There is specific language which must be read into the motion should the City Council choose to approve this item. The language was printed and provided to the City Council for their consideration.

MOTION: Council Member Bills moved to approve the Resolution of the City Council of the City of Anna, Texas, finding that a public necessity exists for acquisition of a permanent right of way on and under 1.536 acres of real property, and a permanent drainage easement providing limited rights on and under 0.090 acres of real property, more or less; authorizing the city manager, staff, contractors, and the city's attorneys to acquire said easements by any lawful means, including but not limited to negotiations, and, if necessary, proceedings in eminent domain; providing an effective date. Mayor Pro Tem Miller seconded. Motion carried 7-0.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS, FINDING THAT A PUBLIC NECESSITY EXISTS FOR ACQUISITION OF A PERMANENT RIGHT OF WAY ON AND UNDER 1.536 ACRES OF REAL PROPERTY AND A PERMANENT DRAINAGE EASEMENT PROVIDING LIMITED RIGHTS ON AND UNDER 0.090 ACRES OF REAL PROPERTY, MORE OR LESS; AUTHORIZING THE

CITY MANAGER, STAFF, CONTRACTORS, AND THE CITY'S ATTORNEYS TO ACQUIRE SAID EASEMENTS BY ANY LAWFUL MEANS, INCLUDING BUT NOT LIMITED TO NEGOTIATIONS, AND, IF NECESSARY, PROCEEDINGS IN EMINENT DOMAIN; PROVIDING AN EFFECTIVE DATE.

- I. Consider/Discuss/Action on a Resolution authorizing the City Manager to execute documents for the acquisition of 2.794 acres of real property for a permanent sanitary sewer easement and a temporary construction easement on and across 2.797 acres of real property located on the south side of County Road 284 necessary for the construction of a public sanitary sewer main from Crystal Park Phase 1 to the Hurricane Creek Trunk Sewer Line, in a form approved by the City Attorney. (City Engineer Wes Lawson, P.E.)

This item is related to the off-site sewer connection from the existing Hurricane Creek Trunk Sewer to the Crystal Park Phase 1 development project. The permanent and temporary construction easement are required in order to provide for the construction, installation, and long-term maintenance of the public sewer main. This is a critical infrastructure project which will provide an East-West sewer main which will provide gravity sewer connection for the Crystal Park development and the adjacent surrounding properties, providing significant public benefit.

In accordance with the development agreement for Crystal Park, the City is contractually obligated to acquire right-of-way and easements for off-site infrastructure if the developer is not able to reach an agreement with adjacent landowners. The attached resolution is a necessary step in the process to provide staff direction and authority to complete negotiations with the landowner for the acquisition. There is specific language which must be read into the motion should the City Council choose to approve this item. The language has been printed and provided to the City Council for their consideration.

Staff recommended approval of the Resolution.

MOTION: Council Member Bills moved to approve the Resolution of the City Council of the City of Anna, Texas, finding that a public necessity exists for acquisition of a permanent sanitary sewer easement on and under 2.794 acres of real property, and a temporary construction easement providing limited rights on and under 2.797 acres of real property, more or less; authorizing the city manager, staff, contractors, and the city's attorneys to acquire said easements by any lawful means, including but not limited to negotiations, and, if necessary, proceedings in eminent domain; providing an effective date. Mayor Pro Tem Miller seconded. Motion carried 7-0.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS, FINDING THAT A PUBLIC NECESSITY EXISTS FOR ACQUISITION OF A PERMANENT SANITARY SEWER EASEMENT ON AND UNDER 2.794 ACRES OF REAL PROPERTY AND A TEMPORARY CONSTRUCTION EASEMENT PROVIDING LIMITED RIGHTS ON AND UNDER 2.797 ACRES OF REAL PROPERTY, MORE OR LESS; AUTHORIZING THE CITY MANAGER, STAFF, CONTRACTORS, AND THE CITY'S ATTORNEYS TO ACQUIRE SAID EASEMENTS BY ANY LAWFUL MEANS, INCLUDING BUT NOT LIMITED TO NEGOTIATIONS, AND, IF NECESSARY, PROCEEDINGS IN EMINENT DOMAIN; PROVIDING AN EFFECTIVE DATE.

Moved to item 7r.

- m. Consider/Discuss/Action on Parks Advisory Board member appointments. (City Secretary Carrie Land)

The Parks Advisory Board is one of two advisory boards that serve the City of Anna. The Parks Advisory Board consists of seven members.

Potential Board Members were interviewed on May 25, 2024. The item before council will contemplate appointing board members based off the recommendation from the interview committee.

Place 2

Place 4

Place 6

MOTION: Council Member Toten moved to appoint Place 5 Rachel Sinagra, Place 6 Choya Morrison, Place 4 Kennon Weaver, reappoint Jeff Reece Place 2, and reappoint Chad Fisher Place 1. Council Member Baker seconded. Motion carried 6-1. Mayor Pro Tem Miller opposed.

- n. Consider/Discuss/Action on Planning and Zoning Commission member appointments. (City Secretary Carrie Land)

The Planning and Zoning Commission consists of seven members.

Potential Commission Members were interviewed on May 25, 2024. The item before council will contemplate appointing commission members based off the recommendation from the interview committee.

Place 2

Place 4

Place 6

MOTION: Council Member Toten moved to appoint Josh Volmer Place 6, reappointed David Nylec Place 2, reappointed Douglas Hermann Place 4. Council Member Baker seconded. Motion carried 5-2. Mayor Pro Tem Miller, and Deputy Mayor Pro Tem Atchley opposed.

- o. Consider/Discuss/Action on Board of Adjustments member appointments. (City Secretary Carrie Land)

The Board of Adjustments consists of seven members.

Potential Board Members were interviewed on May 25, 2024. The item before council will contemplate appointing commission members based off the recommendation from the interview committee.

Place 2

Place 4

MOTION: Council Member Toten moved to appoint Edward Culham Place 4, and Tom Longmire Place 2. Council Member Baker seconded. Motion carried 6-1. Mayor Pro Tem Miller opposed.

- p. Consider/Discuss/Action on Economic Development Corporation/Community Development Corporation member appointments. (City Secretary Carrie Land)

The EDC/CDC Board consists of seven members.

Potential Board Members were interviewed on May 25, 2024. The item before council will contemplate appointing commission members based off the recommendation from the interview committee.

Place 2

Place 4

Place 6

MOTION: Council Member Toten moved to appoint Lamarr Dillingham Place 1, Manjinder "Manny" Singh Place 6, reappoint Bruce Norwood Place 4, and Nate Pike Place 2. Council Member Baker seconded. Motion carried 5-2. Mayor Pro Tem Miller, and Deputy Mayor Pro Tem Atchley opposed.

- q. Consider/Discuss/Action on appointment of board and commission liaisons. (City Secretary Carrie Land)

Postponed until after the election.

Moved to 7.a.

- r. Acting as the Anna Housing Financial Corporation Board of Directors, Consider/Discuss/Action on appointment of officer positions. (City Secretary Carrie Land)

MOTION: President Carver moved to postpone. Board Member Toten seconded. Motion carried 7-0.

- s. Acting as the Anna Public Facility Corporation Board of Directors, Consider/Discuss/Action on appointment of officer positions. (City Secretary Carrie Land)

MOTION: President Carver moved to postpone. Board Member Toten seconded. Motion carried 7-0.

- t. Consider/Discuss/Action on appointment of a Mayor Pro Tem. (City Secretary Carrie Land)

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

- u. Consider/Discuss/Action on appointment of a Deputy Mayor Pro Tem. (City Secretary Carrie Land)

MOTION: Council Member Carver moved to appoint Council Member Elden Baker as Deputy Mayor Pro Tem. Mayor Pro Tem Miller seconded. Motion carried 6-1. Council Member Toten opposed.

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).
Boards, Commissions and City Council

No closed session.

- 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 Cain adjourned the meeting at 9:00 PM.

ATTEST:

Carrie L. Land

City Secretary Carrie L. Land



Approved on the 11th day of June 2024

Pete Cain

Mayor Pete Cain