

**Regular City Council Meeting
Meeting Minutes**



Tuesday, June 25, 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 6/25/2024 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 Cain called the meeting to order at 6:00 PM.

Members Present:

Mayor Pete Cain

Mayor Pro Tem Stan Carver II

Deputy Mayor Pro Tem Elden Baker

Council Member Kevin Toten

Council Member Jody Bills

Council Member Randy Atchley

Council Member Lee Miller

Members Absent:

None

2. Invocation and Pledge of Allegiance.

Deputy Mayor Pro Tem Baker led the Invocation and Pledge of Allegiance.

3. Neighbor Comments.

No comments given.

4. Reports.

- a. Recognition of outgoing Council Member Randy Atchley. (City Manager Ryan Henderson)

Recognition of Randy Atchley and his service towards the City of Anna.

- b. City Secretary to administer the Oath of Office to newly Elected Council Member Kelly Herndon. (City Secretary Carrie Land)

The City Secretary administered the Oath of Office to Newly elected Council Member Place 4 Kelly Herndon, and she took her seat at the dais.

Mayor Pro Tem Carver gave a shout out to Anna Police Department, Sheriff's Department, and Plano Bomb Squad for their quick response and bravery. Announced Boots and Booms this Saturday, June 29th, and thanked City Staff for redirecting construction traffic.

Moved back to Item 5.a.

5. Work Session.

- a. Receive a staff presentation on Capital Improvement Plan Updates for roads in the City of Anna, Texas. (Assistant City Manager Greg Peters, P.E.)

The City is responsible for managing the design and construction of roadway improvement projects in the City of Anna. Roadway improvement projects include the expansion of existing roads with additional lanes, the replacement of existing roads in poor condition, and the construction of new roads.

Staff provided a presentation on the status of capital roadway projects, including completed projects, active projects, and proposed projects to receive funding in FY24- 25.

Moved to Reports for announcements by Mayor Pro Tem Carver.

6. Consent Items.

MOTION: Council Member Herndon moved to approve Consent Items 6.a.-g. Council Member Toten seconded. Motion carried 7-0.

- a. Approve City Council Meeting Minutes for June 11, 2024 and June 20, 2024. (City Secretary Carrie Land)

- b. Review Minutes of the May 9, 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 May 31, 2024. (Budget Manager Terri Doby)
- d. Approve a Resolution authorizing the City Manager to execute a Contract with WSB for the material testing of the Hurricane Creek Wastewater Interceptor Phase 1 Project. (CIP Manager Justin Clay)

WSB was selected as an approved vendor as part of the City's multidisciplinary RFQ process and has a Master Agreement with the City of Anna for material testing services.

The quote provides the material testing for the Hurricane Creek Wastewater Interceptor project. The scope includes concrete testing, density proctors, Atterberg limits testing, and reporting. Material testing is necessary to ensure the contractor is meeting all installation requirements and providing the City with proper installation of the sewer line and sewer structures.

Initial funding for the Hurricane Creek Sewer Line North project was appropriated in the FY2024 Community Investment Program budget from the Wastewater Impact Fee Fund. Additionally, revenue bonds are being issued in August to fund construction of this necessary project. The estimated cost of material testing for this project will not exceed \$70,000.00.

A RESOLUTION OF THE CITY OF ANNA, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH WSB ENGINEERING FOR MATERIALS TESTING ON THE HURRICANE CREEK WASTEWATER INTERCEPTOR PHASE ONE PROJECT IN AN AMOUNT NOT TO EXCEED SEVENTY THOUSAND DOLLARS AND ZERO CENTS. (\$70,000.00); AND PROVIDING FOR AN EFFECTIVE DATE.

- e. Approve a Resolution authoring the City Manager to execute a Memorandum of Agreement with Anna Group, LLC, for the acquisition of sanitary sewer easements necessary for the construction of the Hurricane Creek Trunk Sewer project. (CIP Manager Justin Clay)

The Hurricane Creek Wastewater Interceptor Line is shown on the Wastewater Master Plan, and is a critical infrastructure project for the community.

The City negotiated the terms of purchase for multiple sanitary sewer easements with Anna Group, LLC. The easements are required for the construction of a capital improvement sanitary sewer expansion project.

The Hurricane Creek Interceptor line will be constructed in the proposed easements, extending city sewer access to large areas on the west side of US 75.

Initial funding for the Hurricane Creek Sewer Line North project was appropriated in the FY2024 Community Investment Program budget from the Wastewater Impact Fee Fund. Additionally, revenue bonds are being issued in August to fund construction of this necessary project. The estimated cost of these easements shall not exceed \$81,072.00.

A RESOLUTION OF THE CITY OF ANNA, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF AGREEMENT FOR THE PURCHASE OF PERMANENT AND TEMPORARY EASEMENTS OWNED BY ANNA GROUP LLC, LOCATED ALONG FM 455.

- f. Approve a Resolution approving a Preliminary Limited Offering Memorandum for the Sale of "City of Anna, Texas Special Assessment Revenue Bonds, Series 2024 (Meadow Vista Public Improvement District Improvement Area #1 Project) (Director of Economic Development Bernie Parker)

On September 26, 2023, the City Council passed and approved Resolution No. 2023- 09-1558 authorizing the establishment of the District in accordance with the PID Act, which authorization was effective upon the date the resolution was adopted in accordance with the provisions as required by the PID Act.

The Preliminary Limited Offering Memorandum (PLOM) for the City of Anna, Texas, Special Assessment Revenue Bonds, Series 2024 (Meadow Vista Public Improvement District Improvement Area #1 Project) is submitted in preparation for the sale of the bonds as contemplated in the development agreement and PID creation documents.

The City will receive approximately \$595,000 in PID fees, with the remaining amount being used as a credit to the developer for constructing the off-site Hackberry Drive extension.

RESOLUTION APPROVING A PRELIMINARY LIMITED OFFERING MEMORANDUM FOR THE SALE OF "CITY OF ANNA, TEXAS SPECIAL ASSESSMENT REVENUE BONDS, SERIES 2024 (MEADOW VISTA PUBLIC IMPROVEMENT DISTRICT IMPROVEMENT AREA #1 PROJECT)"

- g. Approve a Resolution approving the Anna Community Development Corporation's amendment to its 2023-2024 Fiscal Year Budget. (Director of Economic Development Bernie Parker)

In 2022, the City Council and CDC-EDC Board held a joint workshop, and identified property acquisition in downtown as a priority.

On June 20th, CDC considered a resolution to amend the Community Development budget to support land acquisition in the downtown area.

Amend the FY2024 Community Development Corporation budget.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS APPROVING AN AMENDMENT TO THE FISCAL YEAR 2023-24 BUDGET FOR THE ANNA COMMUNITY DEVELOPMENT CORPORATION

7. Items For Individual Consideration.

- a. Conduct a Public Hearing/Consider/Discuss/Action on an Ordinance to rezone 0.22± acres located at the southwest corner of W. 4th Street & S. Powell Parkway from Commercial (C-1) District within the Thoroughfare (THOR) Overlay District to Downtown Core (DT/CE). (Planning Manager Lauren Mecke)

The applicant is proposing to rezone the property to the Downtown – Core (DT/CE) District to allow for future development which is in line with the Anna 2050 Downtown Master Plan for the Downtown Core District. The request is in conformance with the Anna 2050 Future Land Use Plan.

The applicant is requesting to rezone the property to Downtown (DT) District zoning.

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	Across W. 4th St, restaurant zoned PD (Ord. No. 313-2007)
East	Single-family detached dwelling zoned C-1

South Vacant zoned C-1

West Across S. Powell Pkwy, Brew Pub and Personal Service Shop
zoned C-1

Future Land Use Plan

The subject property is situated within the Downtown Core District. In the Anna 2050 Downtown Master Plan, the property is identified as a Retail Center area.

- 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.

At the June 3, 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 7:07 PM.

No comments.

Mayor Cain closed the public hearing at 7:07 PM.

MOTION: Mayor Pro Tem Carver moved to approve. Council Member Herndon 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 southwest corner of W. Fourth Street and S. Powell Parkway (S.H 5))

- b. Conduct a Public Hearing/Consider/Discuss/Action on an Ordinance to rezone 28± acres from SF-E Single Family Residential- Large Lot to Regional Commercial (C-2), located at the southeast corner of Rosamond Parkway and U.S. Highway 75. (Planning Manager Lauren Mecke)

Request to rezone 28± acres from SF-E Single Family Residential- Large Lot to Regional Commercial (C-2). Located at the southeast corner of Rosamond Parkway and U.S. Highway 75.

The request for is in conformance with the Future Land Use Plan within the Anna 2050 Comprehensive Plan.

The Regional Commercial (C-2) district provides for medium- to large-scale development of retail, service, entertainment, and office necessary for a regional market. This district primarily facilitates commercial development, like big box and anchor retailers and intensive shopping strip centers that are automobile oriented and generate high traffic counts.

Surrounding Land Uses and Zoning

North Vacant land zoned Planned Development (Liberty Hills)

East Vacant land zoned Planned Development (Ord. No. 881-2020; Woods at Lindsey Place), Communications Tower and vacant land located in the ETJ, vacant land zoned Planned Development (Ord. No. 839-2019; Meadow Vista)

South Vacant land zoned Planned Development (Ord. No. 506-2010) and Agricultural

West Across U.S. Highway 75, vacant land zoned Regional Commercial (C-2) and Planned Development (Ord. No. 860-2020)

Conformance with the Anna 2050 Comprehensive Plan

The Anna 2050 Future Land Use Plan identifies this area as Regional Activity Center place type.

The proposed zoning district does conform to the Regional Activity Center place type.

At the June 3, 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 7:09 PM.

No comments.

Mayor Cain closed the public hearing at 7:09 PM.

MOTION: Council Member Toten moved to approve. Deputy Mayor Pro Tem Baker 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 southeast corner of Rosamond Parkway and U.S. Highway 75)

- c. Conduct a Public Hearing/Consider/Discuss/Action on an Ordinance for a request to rezone 59.1± acres from Single-Family Residential – Large Lot (SF-E) to Planned Development for multi-family, single-family, commercial, and industrial development. Located on the northwest and southwest corner of County Road 423 and Powell Parkway. (Planning Manager Lauren Mecke)

Request to rezone 59.1± acres from Single-Family Residential – Large Lot (SF-E) to Planned Development for multi-family, single-family, commercial, and industrial development. Located on the northwest and southwest corner of County Road 423 and Powell Parkway. The request contains elements that are in conformance with the Anna 2050 Comprehensive Plan but does include multi-family zoning which is not in conformity with the Future Land Use Plan. 312 multi-family dwellings with Mixed-Use (MU) District on Tract 1-A, Mixed Density (MD) District on Tract 1-B & Tract 2-A, Regional Commercial (C-2) District on Tract 2-B, and Light Industrial (I-1) District on Tract 3-A.

A Planned Development (PD) is intended to provide for combining and mixing of uses allowed in various districts with appropriate regulations and to permit flexibility in the use and design of land and buildings in situations where modification of specific provisions of this article is not contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the community. A PD district may be used to permit new and innovative concepts in land utilization. While great flexibility is given to provide special restrictions, which will allow development not otherwise permitted, procedures are established herein to insure against misuse of the increased flexibility.

The subject property is currently undeveloped.

Surrounding Land Uses and Zoning

North Single-Family dwelling partially zoned SF-E and partially located in the ETJ and vacant lot zoned SF-E

East Across DART railroad, multi-family dwellings zoned Planned Development [Anna Town Square]

South Single-Family dwellings and vacant land zoned SF-E

West Single-Family dwellings located in the ETJ

Conformance with the Anna2050 Comprehensive Plan

Future Land Use Plan

The Future Land Use Plan designates this property as Cluster Residential, Parks and Open Space, and Community Commercial. The Place Type descriptions from the Comprehensive Plan follows this page.

The C-2 & MD zoning districts are in conformance with the Future Land Use Plan. The MF zoning district is not in conformance with the Future Land Use Plan.

Although I-1 zoning is not in conformance with the Future Land Use Plan, allowing for the mix of uses to flex between I-1 and C-2 would bring it into conformance.

Proposed Stipulations

- Exempting the properties from the Thoroughfare Overlay (THOR) District requirements.

- o Sec. 9.04.025 requires lots to be a minimum one acre each with a 50-foot front yard building setback.

- The regulation of this overlay district shall apply to new development and redevelopment located within the greater of a geographic buffer extending outward 500 feet perpendicularly from the right-of-way, or to the back of abutting adjacent lots, for those portions of the following scheduled thoroughfares located within the City limits: (1) U.S. Highway 75;(2) White Street (FM 455);(3) Powell Parkway (SH 5);(4) Sam Rayburn Memorial Highway (SH 121); and(5) Collin County Outer Loop.

- Amending zoning regulations pertaining to multi-family dwellings

- o Reducing residential separation requirements

▪ Regulation: Sec. 9.04.041 (h) Stepback Regulations:

- (1) Stepback regulations apply to all new building construction and all additions with multiple stories and a height greater than 35 feet located adjacent to residential zoning districts and existing single-family uses but do not apply when an improved public street or railroad right-of-way separates the new building construction from the existing residential zoning district or single-family residential use.
- (2) A 25-foot stepback applies for each additional story after the second story exceeding 35 feet in height (See Figure 7: Stepback Exhibit). Proposed: minimum setback adjacent to residential uses 50 feet

• Decreasing building height

- o Regulation: 70 feet
- o Proposed: 50 feet/three (3) stories

• Decreasing maximum density

- o Regulation: 25 dwelling units per acre
- o Proposed: 18 dwelling units per acre

• Providing stricter requirements on the Multi-Family Amenities

o Private Community Center

- The proposed location shall be in general conformance with the approved Concept Plan and shall include; bathroom facilities, a leasing office, community room with food preparation area, fitness center, a pool, tanning deck, outdoor grill and lounge area.

o Fire Pit

- The fire pit area shall include hardscape and seating provisions.

o Pet Park

- The Pet park shall include (2) waste receptacles, agility equipment, covered seating area, pet fountain, and adjacent pet wash station. The Pet Park shall be enclosed with a decorative, tubular metal fence.

o Sports Court

- The sports court can be one of the following: Badminton, Basketball, Pickleball, Tennis, or two beach Volleyball courts. If a Pickleball, tennis, or badminton court is constructed, it shall be a coated asphalt regulation size court with permanent net fixture.

o Nature Trail

- The trail shall be designed to a specification and finish intended to minimize impact to the surrounding undeveloped area, while allowing residents to enjoy the undisturbed natural features of the property. Final layout and finish specifications shall be approved by the Director of Development services prior to Site Plan approval.

o Private outdoor space

- A minimum of 90% of multiple family units shall be provided with a private balcony or patio with a minimum depth of 6' from the unit door and minimum usable square feet of 70 square feet. Amending MD zoning regulations

o Lot size

- Regulation: 4,500 square feet (for single-family detached)
- Proposed: 3,000 square feet

o Common area lot tree requirement

- Regulation: Canopy trees, as specified on the approved plant list, shall account for at least 50% of the required total trees on a site.
- Proposed: Sec 9.04.045 (f)(1)(B) shall allow the Director of Planning, at their sole discretion, to approve a reduction in the requirement the percentage of the total trees on site be Canopy Trees from 50% to 30% with the presentation of landscape plan.

o Alternate trees in the front yard

- Regulation: At least one of the trees must be placed in the front yard of the lot.
- Proposed: Sec 9.04.045 (f)(4)(B)(ii) shall allow the Director of Planning, at their sole discretion, to approve allowing one tree be planted every other lot so long as the total number of

trees on site remain the same. A landscape plan must be submitted for review and approval.

- Amenities

- o Proposed:

- A pier or overlook at the pond shall qualify as a required amenity under sec. 9.04.042(e)(B).
 - No more than one (1) amenity shall be required as part of the Mixed Density Residential district as long as the density remains under 100 units. Otherwise, anything over 100 units will follow the table located under sec. 9.04.042(e)(A).

- o Exempting the MD district from the 1,200-foot setback requirement from a highway.

- Sec. 9.04.017 prohibits the MD district within 1,200 feet of a designated Master Thoroughfare Plan highway.

- Tract 3-A

- o Flexibility between the C-2 and I-1 land uses and regulations.

- Given the adjacency to the railroad tracts and the odd shape of the property, giving greater flexibility is in the best interest of the city.

- o Allowing outdoor storage to exceed the screening wall height.
Regulation: Outdoor Storage shall not be placed

- (i) Within any required setbacks,
 - (ii) Within parking spaces, fire lanes, easements, maneuvering aisles, or loading areas,
 - (iii) On the roof of any structure,
 - (iv) To exceed the required screening height
 - (v) At the front of any primary building.
 - Proposed: May exceed the height of screening but shall be set back from the adjacent right-of-way a minimum of 50 feet.

- Increasing the percentage of the lot for outdoor storage.

- o Regulation: limited to 5% of the total lot area or 20% of the primary building's gross floor area, whichever is more restrictive.

- o Proposed: 20% of the total lot area

- Applying Tree Preservation credits across the Planned Development
 - o The applicants are requesting language be included for tree preservation credits to be applied across the development. This is common practice for large, multi-phased Planned Developments.

At the May 6, 2024, Planning & Zoning Commission meeting, the recommendation of the zoning request was for approval with the condition that the Multi-Family (MF) Zoning District be zoned Mixed-Use (MU) Zoning District by a vote of 5-0-1.

Mayor Cain opened the public hearing at 7:14 PM.

Becky Greer and Joe Greer spoke in opposition to this item.

Terrell Culbertson and Stephanie Dingle wished to withhold their comments until the next meeting.

MOTION: Mayor Cain moved to table, continuing the public hearing until August 13, 2024 at 6:00 PM at the Anna Municipal Complex, 120 W 7th St, Anna, TX 75409. Council Member Herndon seconded. Motion carried 7-0.

- d. Consider/Discuss/Action on a Resolution approving the Powell Corners, Concept Plan. (Planning Manager Lauren Mecke)

The Concept Plan is associated with the zoning case and is contingent upon approval of the zoning case.

No action was taken.

- e. Conduct a Public Hearing/Consider/Discuss/Action on an Ordinance to amend the Future Land Use Designation Place Type in the Future Land Use Plan of the Anna 2050 Comprehensive Plan of 20.5± acres located on North Powell Parkway from Ranching & Agriculture and Community Commercial to Regional Activity Center. (Planning Manager Lauren Mecke)

The applicant is proposing a multi-family development that would front along West Crossing Boulevard N and commercial development that would front N Powell Parkway. The Zoning Ordinance provides applicants with direction if their rezoning request is not in conformance with the Future Land Use Plan of the Comprehensive Plan.

§ 9.04.051 Entitlement and ordinance procedures.

(a) Rezoning.

(6) Standards. In its review of an application for rezoning, the city council shall consider the following standards. No single factor is controlling. Instead, each is weighed in relation to the other standards. If the planning and zoning commission finds that a rezoning is inconsistent with the land use element of the comprehensive plan, the application shall not be considered until a recommendation regarding a comprehensive plan amendment for the proposed zoning amendment is forwarded to the city council, either prior to or concurrently with the proposed zoning amendment.

Surrounding Land Uses and Zoning

North	Civic Center (Public Works Building) zoned I-1 and PD (Ord. No. 485-2010) and vacant land in the ETJ
East	Across N Powell Parkway, Daycare zoned SF-E.
South	Self-Storage zoned PD (Ord. No. 554-2011)
West	Vacant land in the ETJ. Development Agreement for Anacapri North (Res. No. 2024-04-1618)

Comprehensive Plan

The Anna 2050 Future Land Use Plan identifies this area as Ranching & Agriculture and Community Commercial place types. The Preferred Scenario Diagram identifies this property as Estate Residential and Community Commercial. The applicant is requesting to amend the Future Land Use Plan by changing the designation of this area to Regional Activity Center for a multi-family and commercial development. At the time of adoption of the Comprehensive Plan in 2021, there were no planned developments in this area. The properties in this area were designated as Ranching & Agriculture because there is no access to sewer. Buildings on surrounding properties utilize septic systems. In the three years since, several Development Agreements, annexations with zoning, and construction of infrastructure have occurred which makes sewer connectivity possible for future development.

At the June 3, 2024, Planning & Zoning Commission meeting, the recommendation of the Future Land Use Plan amendment request to Regional Activity Center was for approval by a vote of 6-0.

Mayor Cain opened the public hearing at 7:34 PM.

No comments.

Mayor Cain closed the public hearing at 7:42 PM.

Council Member Herndon stepped out.

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

AN ORDINANCE AMENDING ORDINANCE 903-2021 AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF ANNA, TEXAS; ADOPTING REVISIONS TO THE CITY OF ANNA FUTURE LAND USE PLAN; PROVIDING FOR SAVINGS, SEVERABILITY, AND REPEALING CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION THEREOF.

Council Member Herndon returned.

- f. Conduct a Public Hearing/Consider/Discuss/Action on an Ordinance to rezone 20.5± acres located on N. Powell Parkway from SF-E Single-Family Residential - Large Lot to Multi-Family (MF) & Regional Commercial (C-2). (Planning Manager Lauren Mecke)

The applicant requested to rezone 20.5± acres from SF-E Single-Family Residential - Large Lot to Multi-Family (MF) & Regional Commercial (C-2) for future multi-family and commercial development.

The Multi-Family Residential (MF) district provides for high-density residential development, targeting well-designed multi-family uses serving as a transition between medium-density residential development and commercial nodes. This district encourages multi-family uses with site development characteristics that accommodate open space and access to light and air.

The Regional Commercial (C-2) district provides for medium- to large-scale development of retail, service, entertainment, and office necessary for a regional market. This district primarily facilitates commercial development, like big box and anchor retailers and intensive shopping strip centers that are automobile oriented and generate high traffic counts.

Surrounding Land Uses and Zoning

North	Civic Center (Public Works Building) zoned I-1 and PD (Ord. No. 485-2010) and vacant land in the ETJ
East	Across N Powell Parkway, Daycare zoned SF-E.
South	Self-Storage zoned PD (Ord. No. 554-2011)

West Vacant land in the ETJ. Development Agreement (Res. No. 2024-04- 1618)

Conformance with the Anna 2050 Comprehensive Plan

This request is associated with the previous item.

If Council approved the Future Land Use Plan amendment to Regional Activity Center, the request is in conformance with the Comprehensive Plan.

If Council denied the Future Land Use Plan amendment to Regional Activity Center, the request is not in conformance with the Ranching and Agriculture place type and multifamily is not in conformance with the Community Commercial place type.

At the June 3, 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 7:45 PM.

No comments.

Mayor Cain closed the public hearing at 7:45 PM.

Mayor Cain reopened the public hearing at 7:49 PM.

MOTION: Mayor Pro Tem Carver moved to table, continuing the public hearing until July 23, 2024 at 6:00 PM at the Anna Municipal Complex, 120 W 7th St, Anna, TX 75409. Council Member Miller seconded. Motion carried 7-0.

- g. Consider/Discuss/Action on a Resolution approving the Anna 23, Concept Plan. (Planning Manager Lauren Mecke)

The Concept Plan is associated with the zoning case and is contingent upon approval of the zoning case.

No action was taken.

- h. Consider/Discuss/Action on a Resolution authorizing the City Manager to execute a contract with Blue Star Utilities to construct the Hurricane Creek Wastewater Interceptor Line. (CIP Manager Justin Clay)

The Hurricane Creek Interceptor Line is critical to providing city sewer service to the west side of US 75. The project is included in the City's 10-

year Capital Improvement Plan and is shown on the City's Wastewater Master Plan. The sewer line will convey sewer from north to south, and into the new Hurricane Creek Wastewater Treatment Plant.

The City Council awarded the construction contract for the Hurricane Creek Wastewater Interceptor Line capital improvement project to Blue Star Utilities, LLC. The City bid the project publicly, and opened bids on Tuesday, June 18, 2024. The lowest qualified bid was received from Blue Star Utilities, LLC. Staff reviewed the qualifications, experience, and capabilities of Blue Star and found them to be qualified to perform the work.

Initial funding for the Hurricane Creek Sewer Line North project was appropriated in the FY2024 Community Investment Program budget from the Wastewater Impact Fee Fund. Additionally, revenue bonds in the amount of \$12 million are being issued in August to fund construction of this necessary project. The cost of this construction contract is not to exceed \$10 million.

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

A RESOLUTION OF THE CITY OF ANNA, TEXAS, AWARDED THE BID FOR PHASE 1 OF THE HURRICANE CREEK WASTEWATER INTERCEPTOR PROJECT TO BLUE STAR UTILITY, LLC, IN THE AMOUNT NOT TO EXCEED TEN MILLION DOLLARS AND ZERO CENTS (\$10,000,000.00); AND PROVIDING FOR AN EFFECTIVE DATE.

Moved to Item 7.I.

- i. Conduct a first reading of a Resolution approving a project of the Anna Community Development Corporation involving a purchase and sale contract with leasebacks for property owned by Bengal Anna Plaza, LLC, a Texas limited liability company, and Faizur Rahman located along or near State Highway 5. (Director of Economic Development Bernie Parker)

Two readings of the Resolution are required. The presiding officer read the following as the first reading:

A RESOLUTION APPROVING A PROJECT OF THE ANNA COMMUNITY DEVELOPMENT CORPORATION INVOLVING A PURCHASE AND SALE CONTRACT WITH LEASEBACKS FOR PROPERTY OWNED BY BENGAL ANNA PLAZA, LLC, A TEXAS LIMITED LIABILITY COMPANY, AND FAIZUR RAHMAN LOCATED ALONG OR NEAR STATE HIGHWAY

- j. Conduct a second reading of a Resolution approving a project of the Anna Community Development Corporation involving a purchase and sale contract with leasebacks for property owned by Bengal Anna Plaza, LLC, a Texas limited liability company, and Faizur Rahman located along or near State Highway 5. (Director of Economic Development Bernie Parker)

Two readings of the Resolution are required. The presiding officer read the following as the second reading:

A RESOLUTION APPROVING A PROJECT OF THE ANNA COMMUNITY DEVELOPMENT CORPORATION INVOLVING A PURCHASE AND SALE CONTRACT WITH LEASEBACKS FOR PROPERTY OWNED BY BENGAL ANNA PLAZA, LLC, A TEXAS LIMITED LIABILITY COMPANY, AND FAIZUR RAHMAN LOCATED ALONG OR NEAR STATE HIGHWAY 5

- k. Consider/Discuss/Action on a Resolution approving a project of the Anna Community Development Corporation involving a purchase and sale contract with leasebacks for property owned by Bengal Anna Plaza, LLC, a Texas limited liability company, and Faizur Rahman located along or near State Highway 5. (Director of Economic Development Bernie Parker)

The Anna CDC Board held a Special Called Meeting on June 20th, 2024 to consider a resolution authorizing the purchase of two properties in the Downtown area. The item was also published in the newspaper on June 11, 2024.

In 2022, the City Council and CDC-EDC Board held a joint workshop, and identified property acquisition in downtown as a priority. To carry out that goal, the CDC has identified two properties at the northeast corner of White Street and Powell Pkwy.

Purchase of properties \$2,750,000.00

MOTION: Council Member Miller moved to approve. Council Member Bills seconded. Motion carried 6-0-1. Council Member Herndon abstained.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS APPROVING A PROJECT OF THE ANNA COMMUNITY DEVELOPMENT CORPORATION INCLUDING A PURCHASE AND SALE CONTRACT WITH LEASEBACKS FOR PROPERTY OWNED BY BENGAL ANNA PLAZA, LLC, AND FAIZUR RAHMAN LOCATED ALONG OR NEAR STATE HIGHWAY 5 AND SALE OR EXCHANGE OF ADDITIONAL PROPERTY LOCATED ALONG OR NEAR STATE HIGHWAY 5

Moved to Item 7.m.

- I. Consider/Discuss/Action on a Resolution accepting the FY2023 Audit. (Finance Director Aimee Rae Ferguson)

The City is required by the Charter to complete an annual independent audit of all accounts by an outside certified public accountant. The City Council has retained Weaver and Tidwell, LLP for that purpose.

The resolution accepts the audit completed by the accounting firm Weaver and Tidwell, LLP. The City is currently in the fifth year of a contract with Weaver and Tidwell to prepare the audit and Annual Comprehensive Financial Report (the Annual Report). Weaver and Tidwell presented the FY2023 audit to Council.

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

A RESOLUTION ACCEPTING THE FISCAL YEAR 2023 FINANCIAL AUDIT OF THE CITY OF ANNA.

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). Land development matter. City ordinances.
- 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 liaison positions

MOTION: Mayor Pro Tem Carver moved to enter closed session. Deputy Mayor Pro Tem Baker seconded. Motion carried 7-0.

Mayor Cain recessed the meeting at 8:13 PM.

Mayor Cain reconvened the meeting at 9:40 PM.

Moved to Item 7.i.

- m. Consider/Discuss/Action on Appointment of Board and Commission liaisons. (City Secretary Carrie Land)

Annually, the City Council appoints members as liaisons to the various boards and commissions.

Current Liaisons:

- D&I - Kevin Toten
- Parks - Stan Carver II
- P&Z- Randy Atchley
- EDC/CDC-Pete Cain
- BOA-Elden Baker

Council Liaison Responsibilities:

- Ensure the Board complies with deadlines & code provisions
- Encourage the board to remain within the City mission statement
- Ensure compliance with Texas Open Meeting Act:
- Only discuss items on the agenda
- Ensure compliance with attendance
- Report quarterly to the City Council the actions of the board
- Share Communications from the Council to the board concerning policy direction and strategic goal aims

MOTION: Council Member Toten moved to appoint himself as the Parks Advisory Board Council Liaison. Council Member Bills seconded. Motion carried 4-3. Mayor Pro Tem Carver, Deputy Mayor Pro Tem Baker, and Council Member Miller opposed.

MOTION: Council Member Toten moved to appoint Council Member Bills as the CDC/EDC Council Liaison. Deputy Mayor Pro Tem Baker seconded. Motion carried 6-1. Mayor Pro Tem Carver opposed and requested that Council Member Miller be the back up.

MOTION: Mayor Pro Tem Carver moved to appoint Council Member Herndon as the Planning and Zoning Commission Council Liaison. Council Member Toten seconded. Motion carried 7-0.

The Diversity and Inclusion Board Council Liaison will be decided once the board has all of its members.

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:

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- d. Discuss or deliberate personnel matters (Tex. Gov't Code §551.074). Council liaison positions

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 was taken.

10. Adjourn.

Mayor Cain adjourned the meeting at 9:52 PM.

Approved on the 9th day of July 2024



Mayor Pete Cain

ATTEST:



City Secretary Carrie L. Land

