

**Regular City Council Meeting
Meeting Minutes**



Tuesday, January 12, 2021 @ 6:30 PM

**Sue E. Rattan Elementary School
1221 S. Ferguson Parkway, Anna, Texas 75409**

The City Council of the City of Anna met at 6:30 PM, on January 12, 2021, at the Sue E. Rattan Elementary School, located at 1221 S. Ferguson Parkway, to consider the following items.

1. Call to Order, Roll Call and Establishment of Quorum.

Mayor Pike called the meeting to order at 7:43 PM.

All Council Members were present.

2. Invocation and Pledge of Allegiance.

Mayor Pike led the Invocation and Pledge of Allegiance.

3. Neighbor Comments.

Gina Ottavio - requested Council consider amending the Charter to have Council run in districts.

Tom Plunkett - spoke regarding the bond program.

4. Reports.

- a. Congressman Pat Fallon to speak with Council.

Congressman Fallon was unable to attend.

- b. Recognition of outgoing Deputy Mayor Pro Tem John Beazley. (Mayor and Council)
- c. Introduction and issue oath of office to newly elected Council Members. (City Secretary Carrie Land)
- d. Introduction and issue oath of office to New Police Chief, Dean Habel (City Manager Jim Proce)

Postponed.

- e. Recognition of the City of Anna's 2020 U.S. Census efforts. (City Manager

Jim Proce)

- f. Recognition for the Anna City Manager, Jim Proce, ICMA-CM, being named to the Engaged Local Government Leaders (ELGL) Traeger Award List for Top 100 Local Government Influencer for 2020. (Assistant City Manager Ryan Henderson)

5. **Consent Items.**

MOTION: Council Member Miller moved to approve the consent agenda. Council Member Vollmer seconded. Motion carried 7-0.

- a. Approve Council Meeting Minutes for December 8, 2020. (City Secretary Carrie Land)
- b. Review quarterly attendance records for Council, Boards and Commissions. (City Secretary Carrie Land)
- c. First Quarter Financial Report for the City of Anna for the quarter ended December 31, 2020. (City Manager Jim Proce)
- d. Approve a Resolution to abandon easements in Anna Crossing Phase 4B which are no longer required for public access and drainage. (Director of Public Works Greg Peters)

The easements were originally granted to the City of Anna by Skoburg Companies, the master developer of Anna Crossing. The drainage and access easements were required as a temporary solution to providing adequate public access and public drainage paths while the surrounding area was developed. Now that Anna Crossing 4B is substantially complete, the street and drainage system is in place. The new streets and drainage system have made these easements obsolete.

In order to ensure proper record of the abandonment of these easements, it is necessary to have a formal approval of the abandonment by the City Council, execution of the documents by the City Manager, and to have the documents formally filed in the Public Records of Collin County. This will ensure that neighbors buying and selling the residential lots in this area do not have old easements show up on their title commitments, which could create delays in their ability to close on the individual property purchases.

A RESOLUTION OF THE CITY OF ANNA, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE EASEMENT ABANDONMENT DOCUMENTS FOR THE ABANDONMENT OF ACCESS EASEMENTS AND DRAINAGE EASEMENTS IN PHASE 4B OF ANNA CROSSING SUBDIVISION AS SHOWN IN EXHIBIT "A" ATTACHED HERETO; AND PROVIDING FOR AN EFFECTIVE DATE.

- e. Approve a Resolution of the City of Anna approving and authorizing the City Manager to execute a roadway and waterworks impact reimbursement agreement by and between the City of Anna, Texas and Anna 455 Commercial, LP, a Texas Limited Partnership. (Finance Director Alan Guard)

Staff recommends approval of the Resolution approving and authorizing the City Manager to execute the impact fee reimbursement agreement by and between the City of Anna and Anna 455 Commercial, LP.

Anna 455 Commercial, LP, a Texas Limited Liability Partnership, constructed the four-lane (with turn lanes) divided boulevard entrance of Ferguson Street north of FM 455. In addition, they constructed the main water line that goes from FM 455 and serves the subdivision to the north. The cost to construct those two improvements are \$467,659 and \$164,181, respectively. These projects are on the City's Master Thoroughfare Plan and Water System Master Plan, as well as on the City's Impact Fee Study and are eligible for reimbursement.

The developer is requesting reimbursement of impact fees using the fees paid by the development of the commercial properties along FM 455 between the subdivision and FM 455. This agreement is similar to the agreement the City made with Lennar homes for the reimbursement of impact fees related to Lennar's construction of the Ferguson and the main waterline that serves the subdivision. This agreement would be consistent with the City's policy and past practice.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A ROADWAY AND WATER IMPACT FEE REIMBURSEMENT AGREEMENT BY AND BETWEEN THE CITY OF ANNA, TEXAS AND ANNA 455 COMMERCIAL, LP, A TEXAS LIMITED PARTNERSHIP, AS SHOWN IN EXHIBIT "A" ATTACHED HERETO, AND PROVIDING FOR AN EFFECTIVE DATE.

- f. Approve a Resolution approving an Interlocal Agreement with the City of Melissa to acquire a portion of their Take or Pay Water Purchase for the water year 2019-2020 and authorize the City Manager to sign the agreement. (Finance Director Alan Guard)

Staff recommends adopting the Resolution approving the Interlocal Agreement of the purchase of a portion of Melissa's Take or Pay water purchase from the North Texas Municipal Water District.

The City of Anna has agreed to purchase a portion of the City of Melissa's Take or Pay water purchase. Each year the City Council is required to pass a Resolution approving that year's purchase through an interlocal agreement. This year's purchase is for 18,325,000 gallons at a rate of \$1.765 per thousand gallons for a total of \$32,343.63.

A RESOLUTION OF THE CITY OF ANNA, TEXAS REALTED TO THE AN INTER-LOCAL AGREEMENT BETWEEN THE CITIES OF ANNA AND MELISSA UNDER WHICH THE CITY OF MELISSA AGREES TO TRANSFER A PORTION OF ITS CONTRACTUAL MINIMUM TAKE OR PAY WATER OBLIGATIONS WITH THE GREATER TEXOMA UTILITY

AUTHORITY (GTUA) TO THE CITY OF ANNA IN EXCHANGE FOR AN
AGREED PAYMENT FROM ANNA AND AUTHORIZING THE CITY
MANAGER TO SIGN THE INTER-LOCAL AGREEMENT

- g. Approve a Resolution awarding bids for the construction of a ballfield and fence installation at Johnson Park to Homerun Construction Services, LLC, of Blue Ridge, Texas in the amount of \$82,362 and authorize the City Manager to execute the contract. (Marc Marchand, Director of Neighborhood Services)

Approve a Resolution awarding a contract for the construction of a ballfield and fence installation at Johnson Park to Homerun Construction Services, LLC, in the amount of \$82,362 and authorize the City Manager to execute the contract.

Neighborhood Services is renovating Johnson Park, including relocating a ballfield and installing new fencing on two ballfields. The department contacted a number of local vendors and received three quotes for each part of the project.

Homerun Construction Services provided the lowest and best bid for the relocation/construction of the ballfield (\$49,180) and the installation of the new fence at the park (\$33,182). Since the total amount of the work done by this company at the park exceeds \$50,000, City Council approval is required.

A RESOLUTION OF THE CITY OF ANNA, TEXAS AWARDING A
CONTRACT TO HOMERUN CONSTRUCTION SERVICES, LLC, OF
BLUE RIDGE, TEXAS AUTHORIZING THE CITY MANAGER TO SIGN
THE INTER-LOCAL AGREEMENT

6. **Items for Individual Consideration.**

- a. Consider/Discuss/Action an Ordinance to revise the sewer lateral inspection process. (Director of Public Works Greg Peters, P.E.)

Currently, the Anna Public Works Department performs a TV inspection of all new sewer laterals constructed with private development in the City. While this process worked well during periods of low to moderate residential construction volumes, it has begun to overwhelm our limited staff who have primary responsibilities regarding the maintenance and operation of the public water and sewer system.

Currently our utility crews spend approximately half a day each Tuesday and Thursday completing these inspections, which has decreased our ability to respond to neighbor concerns, leaks, and maintenance tasks.

The proposed process changes will allow the builder to hire a 3rd party to complete the inspection, which will allow the builder to get this inspection done faster with less time lost due to waiting for the City team to get to their project and complete the inspection. Upon completion, they will simply submit a completed form with a video recording of the inspection camera going through

the lateral.

The City Attorney has reviewed the proposed Ordinance changes in addition to the proposed form which will be used to ensure completion of the process. If approved, the City will work with the building community to initiate a transition to the new process.

Staff believes that this process change will benefit both the building community and neighbors.

AN ORDINANCE OF THE CITY OF ANNA, TEXAS AMENDING THE ANNA CITY CODE OF ORDINANCES BY AMENDING ARTICLE 12.04, SECTION 12.04.009 REGARDING SEWER INSPECTIONS; 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.

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

- b. Consider/Discuss/Action on approval of a Subdivision Improvement Agreement for the public water, sanitary sewer, and roadway improvements related to the Woods at Lindsey Place development located on future Rosamond Parkway between US 75 and State Highway 5. (Director of Public Works Greg Peters, P.E.)

D. R. Horton is seeking to develop property located adjacent to the future alignment of Rosamond Parkway, between US 75 and State Highway 5. The property received zoning approval in December of 2020, and the project is known as The Woods at Lindsey Place.

Per the Master Plans, the following projects are considered to be City Capital Projects which are impact fee eligible:

- 16" Water Main along Ferguson Parkway
- 16" Water Main along Rosamond Parkway
- 12" Water Main along Throckmorton Boulevard
- Off-site and On-site Sanitary Sewer Main (15" and 12")
- Rosamond Parkway (Adjacent and off-site)
- Throckmorton Boulevard (Adjacent and off-site)
- Ferguson Parkway (Adjacent and off-site)

The water and sanitary sewer impact fees estimated to be generated by the development will exceed the costs of both the Water and Sanitary Sewer CIP Projects. However, the roadway impact fees estimated to be generated by the development are substantially less than the cost to construct all three roads (Rosamond, Throckmorton, Ferguson Parkway).

Rosamond Parkway is the most significant project with the largest impact to regional transportation needs for the community and is therefore the focal point of the roadway infrastructure improvements to be built with the development. The Developer has agreed to construct 2 lanes of the on-site and off-site portions of Rosamond Parkway to ensure a complete road from US 75 to SH 5. Throckmorton and Ferguson will be constructed as additional development occurs along these corridors.

Staff has worked with the developer and the City Attorney to prepare the included Subdivision Improvement Agreement for Council consideration. If approved, the Developer will construct the identified water and sanitary sewer improvements, along with 2 lanes of Rosamond Parkway from US 75 to Anna High School.

In accordance with the agreement, the City will only reimburse the impact fees in amounts consistent with the actual construction cost of the identified projects, and only from impact fee funds received from the development. Impact fees collected which exceed the construction costs will be placed in the City impact fee funds for use on other CIP projects.

At the time of the agenda being posted, minor details in the agreement were still under review by the City Attorney and the Developer's attorney. As such, a draft agreement is attached to this agenda item. The final signed agreement will be provided at the City Council meeting.

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

- d. Consider/Discuss/Action on appointment of the Mayor Pro Tem and Deputy Mayor Pro Tem. (City Manager Jim Proce)

MOTION: Council Member Toten moved to appoint Lee Miller to Mayor Pro Tem and Josh Vollmer to Deputy Mayor Pro Tem. Council Member Ussery seconded. Motion carried 7-0.

- e. Consider/Discuss/Action on appointment of Council Liaisons for Boards and Commissions. (City Manager Jim Proce)

MOTION: Council Member Toten moved to appoint Mayor Pike and Randy Atchley to Parks Advisory Board; Josh Vollmer and Danny Ussery to Diversity and Inclusion Commission; Lee Miller and Josh Vollmer to EDC/CDC; Stan Carver and Kevin Toten to Planning and Zoning Commission. Council Member Miller seconded. Motion carried 7-0.

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). Charter provisions and Council procedures. Sign regulations.
- 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).

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

Mayor Pike recessed the meeting at 8:59 PM.

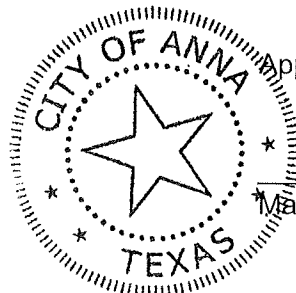
Mayor Pike reconvened the meeting at 11:15 PM.

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 11:15 PM.



Approved on January 26, 2021.

Mayor Nate Pike

ATTEST:

Carrie L. Land
City Secretary Carrie L. Land