

**Regular City Council Meeting
Meeting Minutes**



Tuesday, December 8, 2020 @ 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 December 8, 2020, at 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 6:33 PM.

All Council Members were present.

2. Invocation and Pledge of Allegiance.

Mayor Pike led the Invocation and Pledge of Allegiance.

3. Neighbor Comments.

Alonzo Tutson, Alexia Swanepel, Annie Chaddick, Judy Kimzey, Rebekah Ussery spoke in favor of a public library.

4. Reports.

a. Congressman Pat Fallon to speak with Council.

Congressman Fallon had to reschedule.

b. Update from Mayor Pro-Tem Lee Miller

Lee Miller stated he is a "Neighbor" first. He congratulated Council Member Vollmer on the birth of his first baby. He thanked everyone for their prayers and well wishes during the time he was sick with COVID-19.

- c. Administer Oath of Office to newly elected Council Member Danny Ussery.
(City Secretary Carrie Land)

City Secretary Carrie Land administered the Oath of Office to Council Member Ussery. Council Member Ussery took his seat in Place 5.

- d. Recognition of Nathan Bryan for his years of service on the City Council.
(Mayor Pike)
- e. Presentation of Employee Engagement Survey Results
(City Manager Jim Proce)
- f. Update on Application to Collin County Project Funding Assistance Program
2018 Bond Second Series (Grants) (City Manager Jim Proce)
- g. Update on Holiday Events (Director of Neighborhood Services Marc Marchand
and Fire Chief Ray Isom)
- h. Brief update on COVID-19 Activity
- i. Communication to Council regarding the City of Anna Diversity of
Inclusion Advisory Commission (Assistant City Manager Ryan Henderson)

5. **Work Session.**

- a. Bond Program Information (City Manager Jim Proce)

Council will hold a special meeting, the first week in January 2021, to discuss this item in detail.

6. **Consent Items.**

Consent Items 6. i., m., and n. were removed from the Consent agenda.

MOTION: Council Member Toten moved to approve Consent Items 6. a.-h., j., k., and l. Council Member Vollmer seconded. Motion carried 6-0.

- a. Approve City Council Meeting Minutes for November 10, 2020, and
November 17, 2020. (City Secretary Carrie Land)
- b. Review minutes of the November 2, 2020, Planning & Zoning Commission
meeting. (Director of Development Services Ross Altobelli)
- c. Review minutes of the October 1, 2020, Joint Community Development and
Economic Development Corporation meeting. (Director of
Economic Development Joey Grisham)
- d. Review minutes of the November 5, 2020, Joint Community Development and
Economic Development Corporation meeting. (Director of
Economic Development Joey Grisham)

- e. Review update/revision to Assignment of Acting City Manager.
(City Manager Jim Proce)
- f. Approve a Resolution regarding the Anna 455 Addition, Block A, Lots 4 - 6, Preliminary Plat. (Director of Development Services Ross Altobelli)

Jonathan Kerby, P.E., Kimley-Horn and Associates, Inc., submitted an application for approval of a preliminary plat for Anna 455 Addition, Block A, Lots 4-6. There is vacant property on 3 lots on 4.3± acres located on the north side of White Street. (FM 455) and 350± acres west of Ferguson Parkway. Zoned PD 709-2015.

The purpose for the preliminary plat is to propose lot and block boundaries and easement necessary for the creation of three nonresidential lots. The Planning and Zoning Commission recommended approval.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A PRELIMINARY PLAT FOR ANNA 455 ADDITION BLOCK A, LOTS 4-6

- g. Approve a Resolution regarding the Anna Ranch, Phase 1, Final Plat. (Director of Development Services Ross Altobelli)

It is recommended that the City Council approve a resolution regarding the Anna Ranch, Phase 1, Final Plat. Jamie Marcoux, P.E., LJA Engineering, has submitted an application to amend the Final Plat for Anna Ranch by only plating the lots that will be constructed in Phase 1. The Anna Ranch Phase 1, Final Plat is in conformance with the existing zoning and generally conforms to the Anna Ranch Preliminary Plat.

The purpose for the final plat is to establish lot and block boundaries, and dedicate easements and street rights-of-way necessary for completion of the residential subdivision. The Planning and Zoning Commission recommended approval.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING ANNA RANCH PHASE 1, FINAL PLAT.

- h. Approve a Resolution regarding the Anna Business Park, Block A, Lots 1 - 14, Concept Plan. (Director of Development Services Ross Altobelli)

It is recommended that the City Council approve a resolution regarding the Anna Business Park, Block A, Lots 1 - 14, Concept Plan.

5G Studio Industrial, LLC, has submitted an application for approval of a concept plan for Anna Business Park Block A, Lots 1 - 14. There is a vacant property on 60.3 acres located on the north side of the Collin County Outer Loop Road, 300 feet east of State Highway 5.

The purpose for the concept plan is to show the proposed industrial park lot layout and related site improvements. The Planning and Zoning Commission recommended approval.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING THE ANNA BUSINESS PARK, BLOCK A, LOTS 1-14, CONCEPT PLAN

- i. Approve a Resolution approving an Economic Development Incentive Policy. (Economic Development Director Joey Grisham)

As a part of the Anna Strategic Plan and Anna Economic Development Strategic Plan, development of an Incentive Policy was listed as a high priority for the Council and CDC/EDC Boards. The role of an Incentive Policy is to provide parameters and guidelines for incentives and lay out the approval and application process. While an Incentive Policy does need some specifics, it should not be overly restrictive in order to allow for flexibility in meeting Council and CDC/EDC goals and objectives.

The Economic Development staff did extensive research by reviewing other similar policies and incorporated the priorities from the City and Economic Development plans. The CDC and EDC Boards unanimously adopted the policy on October 1, 2020.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS APPROVING AN ECONOMIC DEVELOPMENT INCENTIVE POLICY TO PROMOTE ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITY IN THE CITY OF ANNA; ESTABLISHING GUIDELINES AND CRITERIA; AND PROVIDING AN EFFECTIVE DATE.

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

- j. Approve a Resolution Recommending an Appointment to the North Texas Groundwater Conservation District Board of Directors. (Assistant City Manager Ryan Henderson)

On May 27, 2009, Governor Perry signed SB 2497 into law which authorized the creation of the North Texas Groundwater Conservation District. The District encompasses Collin, Cook, and Denton Counties and is governed by a nine-member Board of Directors appointed by the Commissioners Court of each participating County.

As the City of Anna is the largest municipal groundwater producer in Collin County, the City is to hold a seat on the board as recommended by the City Council and appointed by the Commissioners Court.

In 2019, then Assistant to the City Manager Ryan Henderson was appointed to the board. The recommendation is to have Public Works Director Greg Peters, P.E., assume the position on the board as the City of Anna selection. Mr. Peter's term will begin effective immediately and expire June 1, 2023.

A RESOLUTION OF THE CITY OF ANNA, TEXAS, RECOMMENDING AN APPOINTMENT TO THE NORTH TEXAS GROUNDWATER CONSERVATION DISTRICT BOARD OF DIRECTORS

- k. Approve a Resolution authorizing the City Manager to execute a professional services agreement for the design of the Throckmorton Creek Sewer Interceptor Extension north of FM 455. (Director of Public Works Greg Peters, P.E.)

The City of Anna Wastewater Master Plan identifies the future extension of a trunk sewer line along Throckmorton Creek from FM 455 to the north, which is intended to provide sewer services for future development between US 75 and SH 5.

The City has received many inquiries and development concepts of this area over the past 6 months, including the recently approve zoning for a DR Horton Development along future Rosamond Parkway. This interest demonstrates a need for the Throckmorton sewer extension project in the immediate future.

The scope of the project is approximately 6,500 linear feet of 15" sewer main and 1,300 linear feet of 8" to 12" sewer main.

Staff worked with HDR Engineering, Incorporated, to put together a scope and professional services agreement for the engineering and land surveying services required for the project, which is attached to the Resolution. HDR is a highly qualified engineering firm with a great deal of experience in successfully designing this type of project.

The total maximum anticipated fee for the project is \$335,732, which includes some special services which may not be required for the project. The City will only pay for, and HDR will only complete, the special services specifically approved by the City as needed to complete the project. The project will be funded through Wastewater Impact Fees.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BY AND BETWEEN THE CITY OF ANNA, TEXAS AND HDR ENGINEERING, INCORPORATED, IN AN AMOUNT NOT TO EXCEED THREE HUNDRED THIRTY FIVE THOUSAND SEVEN HUNDRED THIRTY TWO DOLLARS AND ZERO CENTS (\$335,732.00) AS SHOWN IN EXHIBIT "A" ATTACHED HERETO, AND PROVIDING FOR AN EFFECTIVE DATE.

- I. Approve a Resolution making revisions to the Investment Policy.
(Management Analyst Kimberly Winarski)

The City of Anna, per the Investment Policy, is required to revisit, revise, and adopt the Investment Policy each year. This year, in an effort to certify the Investment Policy through the Government Treasurers' Organization of Texas's (GTOT) Investment Policy Certification Program, the City has updated the Policy based upon components of the certification checklist.

Notable changes to the Investment Policy were the addition of three things missing from the checklist: (1) a section saying that if an investment is downgraded to below minimum required ratings, that the city will take all prudent measures to liquidate the investment, (2) a section exempting existing investments from updated guidelines, and (3) a section requiring the market value of all securities in the portfolio be calculated on a quarterly basis and included in the quarterly investment report.

After adoption, the updated Investment Policy will be submitted to the GTOT for certification and feedback.

A RESOLUTION REVIEWING AND AMENDING THE INVESTMENT POLICY OF THE CITY OF ANNA.

- m. Development Agreement – Anacapri

Approve a Resolution entering in to a development agreement with JY & KC, LLC, Kayasa Holdings, LLC, Oakwood Village Apartments Inc., and Young Kim & Tim Mueller to establish development and design regulations for further development on 341 acres consisting of multiple tracts of land generally located on the east and west side of future Ferguson Parkway, north of Hackberry Drive, and south of CR 371 (future Mantua Road).
(Director of Development Services Ross Altobelli)

The Property Owners have, at the request of Developer, applied to rezone the Property to allow for Planned Development-Multi-Use.

With respect to all structures/development within the PD-MU Zoning District, the Property Owners agree to comply with the masonry material requirements and architectural design standards within the Anna City Code of Ordinances as detailed in the attached Development Agreement.

MOTION: Council Member Toten moved to approve, subject to legal form. Council Member Ussery seconded. Motion carried 6-0.

- n. Approve a Resolution setting a public hearing under Section 311.003 of the Texas Tax Code for the creation of a Tax Increment Reinvestment Zone for

Phase 1 of the Sherley Tract development. (Director of Economic Development Joey Grisham)

This item sets a public hearing on January 12, 2021 for the creation of a Tax Increment Reinvestment Zone for Phase I of the Sherley Tract development.

The applicant requested this item be tabled to a future meeting.

MOTION: Mayor Pike moved to table. Council Member Beazley seconded. Motion carried 6-0.

7. Items For Individual Consideration.

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

Pursuant to the conditions provided for in the City Charter, SECTION 3.04 (b) and (c), it is required that the City Council appoint the positions of Mayor Pro Tem and Deputy Mayor Pro Tem, respectively, at the first regular meeting after an election of a new council member.

MOTION: Council Member Beazley moved to appoint Council Member Miller as Mayor Pro Tem and Council Member Vollmer as Deputy Mayor Pro Tem. Motion died for lack of a second.

MOTION: Mayor Pike moved to table. Council Member Ussery seconded. Motion carried 5-1. Toten opposed.

- b. Consider/Discuss/Action on an Ordinance Amending the FY2020 - 2021 Budget to add three firefighters. (City Manager Jim Proce)

The proposed budget amendment includes funding for the following purposes:

The Anna Fire Department received notification from FEMA on October 28, 2020, that no funding was awarded from the Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program. During the FY2021 budget process, funding for three Firefighter positions was budgeted in the Grants Fund as the required match for this program. As no funds are to be awarded, this amendment eliminates the transfer from the General Fund to the Grant Fund for the grant match, adds additional funding to the payroll line items in the Fire Department, and authorizes the Fire Department to add three additional full-time equivalent (FTEs) Firefighter positions.

AN ORDINANCE AMENDING ORDINANCE NO. 875-2020 ADOPTING THE BUDGET FOR THE 2020-2021 FISCAL YEAR; PROVIDING FOR SAVINGS,

SEVERABILITY, AND REPEALING CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

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

- c. Consider/Discuss/Action on Fourth Amendment to Villages of Hurricane Creek Subdivision Improvement Agreement. (Director of Economic Development Joey Grisham)

This item involves an amended Subdivision Improvement Agreement (SIA) with Centurion American for the Village of Hurricane Creek development. It includes amendments and additional language related to the planned Amphitheatre, updated fire station site, and other items.

MOTION: Council Member Toten moved to approve. Council Member Ussery seconded. Motion carried 5-1. Beazley opposed.

- d. 1) Conduct a public hearing to consider public comments to rezone 370± acres located on the west side of future Standridge Boulevard, 662± feet north of West White Street (FM 455) **from** Planned Development 689-2015-Single-Family Residence (SF-84) **to** Planned Development SF-84 Single-Family Residence District, SF-72 Single-Family Residence District, SF-60 Single-Family Residence District, and SF-Z Single-Family Residence District Zero Lot Line homes (PD-SF-84/SF-72/SF-60/SF-Z).

2) Consider/Discuss/Action on an Ordinance regarding the request to rezone 370± acres **from** Planned Development 689-2015-Single-Family Residence (SF-84) **to** Planned Development SF-84 Single-Family Residence District, SF-72 Single-Family Residence District, SF-60 Single-Family Residence District, and SF-Z Single-Family Residence District – Zero Lot Line homes (PD-SF-84/SF-72/SF-60/SF-Z). (Director of Development Services Ross Altobelli)

3) Consider/Discuss/Action on a Resolution regarding the Concept Plan, The Villages of Hurricane Creek, associated with the rezoning request.

The developer, Centurion American, presented a new overall concept plan for the Villages of Hurricane Creek and the Villages of Hurricane Creek-North at the December 10, 2019 City Council meeting. This new illustrative plan depicted an overall development with smaller lots outside of the Phase 1 limits than approved in the current zoning, though the focus of the presentation was on an additional parcel for multiple-family and commercial uses. The lots within Phase 1 & 1B (294 lots) meet the adopted 2015 zoning and are not proposed to be modified.

The remaining lots (586 lots) meet the general standards and layout that were presented to Council in December 2019 and shown again as part of the zoning for multiple-family and general commercial last June.

The applicant has made two modifications to the concept plan associated with the zoning request since the November 2nd Planning & Zoning Commission meeting. In accordance with the direction provided by the Commission, the applicant has worked with the Fire Chief and staff to identify a more suitable location for the Fire Station along Standridge Boulevard. Additionally, the applicant is proposing additional open space dedication to the City subject to review by the city's Parks Advisory Board and approval by the City Council prior to Preliminary Plat approval.

The Planning & Zoning Commission recommended approval, 6 - 1 in favor of the zoning request.

Mayor Pike opened the public hearing at 8:36 PM.

No public comments.

Mayor Pike closed the Public hearing at 8:42 PM.

(Property rezoned under this ordinance is generally located on the west side of future Standridge Boulevard, 662± feet north of West White Street (FM 455) 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.

MOTION: Mayor Pike moved to approve. Council Member Miller seconded. Motion carried 5-1. Beazley opposed.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING THE VILLAGES AT HURRICANE CREEK CONCEPT PLAN

MOTION: Council Member Miller moved to approve. Council Member Ussery seconded. Motion carried 5-1. Beazley opposed.

- e. 1) Conduct a public hearing to consider public comments to rezone 341± acres consisting of multiple tracts of land generally located on the east and west sides of future Ferguson Parkway, north of Hackberry Drive and south of Mantua Road from Agricultural (AG), Planned Development 507-2010, & Planned Development 285-2006 to Planned Development Mixed-Use (PD-MU). The planned development district will include the following zoning districts with

modified development standards Restricted Commercial (C-1), Single Single-Family Residence-60 (SF-60), and Single-Family Residence - Zero lot line homes (SF-Z).

2) Consider/Discuss/Action on an Ordinance regarding the request to rezone 341± acres consisting of multiple tracts of land generally located on the east and west sides of future Ferguson Parkway, north of Hackberry Drive and south of Mantua Road **from** Agricultural (AG), Planned Development 507-2010, & Planned Development 285-2006 **to** Planned Development Mixed-Use (PD-MU). (Director of Development Services Ross Altobelli)

3) Consider/Discuss/Action on a Resolution regarding the Concept Plan, Anacapri, associated with the rezoning request.

Request to rezone 341± acres consisting of multiple tracts of land generally located on the east and west sides of future Ferguson Parkway, north of Hackberry Drive, and south of CR 371 (Mantua Road)The applicant is requesting zoning that would allow for a predominantly residential development that would include a mixture of residential types and supporting commercial zoning: The residential make-up of the zoning includes:SF-60 (50' x 120') = Minimum 651 Lots SF-Z (40' x 100') = Maximum 588 LotsMF-2 = Maximum 600 units A centralized feature of the zoning request includes a privately owned and maintained lagoon with associated amenities, a portion of which will be open to the public.

The proposed single-family zoning meets the minimum lot width, depth, and size requirements and is in harmony with the adjacent existing and future residential developments. The applicant has included stipulations to create a walkable multi-use development. Amenities of the zoning include a private lagoon that will be open to the public, dedication of a linear Neighborhood Park, public and private hike and bike trails, and preservation of existing mature vegetation. The proposed zoning also includes dedication of land for a future elementary school. See staffs report prepared for the Planning & Zoning Commission for more information.

The Planning & Zoning Commission is scheduled to conduct a public hearing on Monday, December 7th.

Mayor Pike opened the public hearing at 9:09 PM.

Dr. Edwards submitted a letter of opposition (see Exhibit A).

Mayor Pike closed the public hearing at 9:12 PM.

(Property rezoned under this ordinance consists of multiple tracts of land which are generally located on the east and west sides of future Ferguson Parkway, north of Hackberry Drive and south of CR 371 future Mantua Road)

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.

MOTION: Council Member Beazley moved to approve, subject to P&Z's recommendation with exception on four-stories. Council Member Totten seconded. Motion carried 6-0.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING THE ANACAPRI CONCEPT PLAN

MOTION: Mayor Pike moved to approve. Council Member Totten seconded. Motion carried 5-0. Council Member Miller was out of the room.

- f. Consider/Discussion/Action on a Resolution approving a variance request to allow for modified signage. (Director of Development Services Ross Altobelli)

The applicant is requesting a variance from the City of Anna Sign Ordinance for the purpose of increasing sight visibility along W. White Street (FM 455).

The request is for an increased copy area to 112 square feet due to two brands of restaurants operating in unison within the same building. The current maximum copy area is 80 square feet. Additional signage on the property will be subject to the rules and regulations of Article 9.05 Signs.

The restaurant is on 0.75± acre located on the south side of W White Street (FM 455), 1,105± feet east of S Central Expressway.

AN ORDINANCE OF THE CITY OF ANNA, TEXAS AMENDING THE CITY'S 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.

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

- g. Public Hearing and Consider/Discuss/Action on a Resolution authorizing and dissolving the Sherley Tract Public Improvement District in accordance with Chapter 372 of the Texas Local Government Code. (Director of Economic Development Joey Grisham)

An error was made in the legal description , therefore, it is necessary to dissolve and recreate the Public Improvement District.

A RESOLUTION OF THE CITY OF ANNA, TEXAS AUTHORIZING AND DISSOLVING THE SHERLEY TRACT PUBLIC IMPROVEMENT DISTRICT IN ACCORDANCE WITH CHAPTER 372 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE.

Mayor Pike opened the public hearing at 9:47 PM.

No comments.

Mayor Pike closed the public hearing at 9:48 PM.

MOTION: Mayor Pike moved to approve. Council Member Vollmer seconded. Motion carried 5-1. Beazley opposed.

- h. Public Hearing and Consider/Discuss/Action on a Resolution regarding the creation of the Sherley Tract Public Improvement District No. 2 and ordering public improvements to be made for the benefit of such district. (Director of Economic Development Joey Grisham)

This item creates the new Public Improvement District No. 2.

A RESOLUTION REGARDING THE CREATION OF THE SHERLEY TRACT PUBLIC IMPROVEMENT DISTRICT NO. 2 AND ORDERING PUBLIC IMPROVEMENTS TO BE MADE FOR THE BENEFIT OF SUCH DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND CONTAINING OTHER MATTERS RELATING TO THE SUBJECT.

Mayor Pike opened the public hearing at 9:49 PM.

No Comments.

Mayor Pike closed the public hearing at 9:49 PM.

MOTION: Council Member Totten moved to approve. Council Member Vollmer seconded. Motion carried 5-1. Beazley opposed.

- i.
 - 1) Conduct a public hearing to consider public comments to rezone 16.2± acres located at the southwest corner of US HWY 75 and CR 370 (Future Rosemond Pkwy) from SF-E Single Family Residential-Large Lot to C-2 General Commercial.
 - 2) Consider/Discuss/Action on a recommendation regarding the request to rezone 16.2± acres located at the southwest corner of US HWY 75 and CR 370 (Future Rosemond Pkwy) from SF-E Single Family Residential-Large Lot to C-2 General Commercial. (Director of Development Services Ross Altobelli)

A request has been submitted to rezone 16.2± acres located at the southwest corner of US Highway 75 frontage road and CR 370 (Future Rosemond Parkway) from SF-E Single Family Residential-Large Lot to C-2 General Commercial.

The applicant is requesting to rezone the subject property in order to allow for commercial development. The General Commercial (C-2) district is intended to accommodate those uses that are of city-wide and regional significance. Within this district are permitted retail, service, and office uses characteristic of retailing and wholesaling markets.

Planning and Zoning Commission recommended approval.

Mayor Pike opened the public hearing at 9:55 PM.

No comments.

Mayor Pike closed the public hearing at 9:55 PM.

(Property rezoned under this ordinance is generally located at the southwest corner of US Highway 75 frontage road and CR 370 (Future Rosemond Parkway)
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.

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

- j. Consider/Discuss/Act on a Resolution approving an Agreement with Village Communities Development Corporation and Anna Crossing Partners SLP LP for a Multifamily Development. (Director of Economic Development Joey Grisham)

Provident Realty Advisors is evaluating a site in Anna for a tax credit multifamily project. Similar to the recent proposed JPI Senior Housing project, Provident is seeking bonds for this project through the Texas Dept. of Housing and Community Affairs. The site is zoned Planned Development and includes a Development Agreement associated with the zoning. Waterview Apartments will be located just west of State Highway 5 and south of West White Street in Anna, Texas. The site is 20.8 acres and will include 300 apartment homes in multiple three-story, garden-style buildings. The average size of the apartment homes will be approximately 1,080 square feet, and will include floorplans ranging from 1, 2, 3, and 4 bedrooms.

The community will also include a resident clubhouse of approximately 5,000 square feet with leasing offices and amenities for the residents including a business center, fitness center, and swimming pool. This project will consist of high-quality construction materials, interior finishes, and amenities that is of the highest standards of luxury class-A multi-family communities.

The proforma development budget is \$71 million or \$237,000/unit. The project will be financed with tax-exempt bonds and 4% tax credits. The homes will be affordable to residents with incomes of 50%, 60%, and 70% of Area Median Income.

Since this project is tax-exempt, the Agreement includes a payment schedule for public services from the cash flow of the project. The City will receive \$100,000 within 180 days after the issuance of the first certificate of occupancy. Subsequent annual payments will be in the amount of 20% of the full amount of ad valorem tax amount that would otherwise be assessed and imposed by the City on the Property.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS
APPROVING AN AGREEMENT WITH VILLAGE COMMUNITIES DEVELOPMENT
CORPORATION AND ANNA CROSSING PARTNERS SLP LP FOR
MULTIFAMILY DEVELOPMENT

MOTION: Council Member Beazley moved to approve. Council Member Vollmer seconded. Motion carried 6-0.

- k. Consider/Discuss/Act on a Resolution authorizing the City Manager to execute purchase orders in an amount not to exceed \$250,000.00 for annual Street Maintenance projects with Wopac Construction, Incorporated through their annual General Road Maintenance Contract with Collin County per Court Order No. 2018-383-05-14. (Director of Public Works Greg Peters, P.E.)

This item is to approve funding for annual street maintenance projects in the City of Anna, including the following streets:

- East 7th Street from Sherley Road to end (Full Depth Reclamation)
- Wortham Drive from 5th Street to 6th Street (Full Depth Reclamation)
- Wildwood Trail (Chip & Seal Top Coat)
- County Road 368 from County Road 370 to Hurricane Creek Lane (Full Depth Reclamation)

The projects are to be funded through the Street Maintenance Sales Tax Increment and the General Fund annual Street Maintenance Budget. The funding needs are listed below, based on the quote received and 10% contingency funds for each project:

- East 7th Street (\$73,345.00, Street Maintenance Tax)
- Wortham Drive (\$48,805.00, General Fund)
- Wildwood Trail (\$53,700.00, General Fund)
- County Road 368 (\$82,040, Street Maintenance Tax)

Staff is recommending approval of the projects based on the City of Anna Community Investment Program and the pavement condition as determined by the Roadbotics pavement analysis completed last year. Our pavement analysis uses a scoring of 1 being best (brand new street), and 5 being worst (complete failure). The pavement scores for each road are:

- East 7th Street (4.72)
- Wortham Drive (3.55)
- Wildwood Trail (3.11)
- County Road 368 (4.84)

A full list of the pavement scores for all Anna streets may be seen in Exhibit 1 attached.

As a member of the Collin County Purchasing Cooperative, the City of Anna is able to receive contract pricing through the existing County contract, resulting in better unit prices and cost savings. The City is utilizing the existing contract by and between Wopac Construction, Incorporated and Collin County for General Road Maintenance.

If approved, the projects will be completed between December and March of this fiscal year.

The total FY2020-2021 budget for Street Maintenance projects includes: \$283,837.50 in Street Maintenance Tax Funds and \$148,995.00 in Street Maintenance General Funds.

Upon approval of the projects in this item there will be \$128,452.50 in remaining Street Maintenance Tax Funds and \$46,490.00 in remaining Street Maintenance General Funds for the remaining maintenance projects identified for this budget year, which includes Taylor Boulevard and County Road 371.

MOTION: Council Member Vollmer moved to approve. Council Member Beazley seconded. Motion carried 6-0.

- I. Consider/Discuss/Act on a Resolution approving an Interlocal Agreement with the City of Howe 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)

The City of Anna has agreed to purchase a portion of the City of Howe's Take or Pay water purchase. Each year the City is required to pass a Resolution approving that year's purchase through an interlocal agreement. Council approval is required each year. This year's purchase is for 27,363,000 gallons at a rate of \$1.765 per thousand gallons for a total of \$48,295.25.

\$48,295.25 is approved in the Utility Fund in account 60-710-6701 GTUA Contractor Services.

A RESOLUTION OF THE CITY OF ANNA, TEXAS REALTED TO THE AN INTER-LOCAL AGREEMENT BETWEEN THE CITIES OF ANNA AND HOWE UNDER WHICH THE CITY OF HOWE 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

- m. Consider/Discuss/Action on votes for the 2021/2022 TCAP Board of Directors.
(City Manager Jim Proce)

The City is a member of the Texas Coalition for Affordable Power (TCAP). Authorized when the Texas Legislature took action to deregulate the state's electricity market in 2001, the TCAP is a unique alliance of cities and other political subdivisions that have joined together to purchase electricity for their own governmental use.

TCAP is having an election to the Board of Directors. Anna is entitled to cast nine votes for the eight current positions and one special election position to be filled.

City Manager Proce recommended the following:

Chris Steubing, Sugar Land
Carey D. Neal, Jr., Lancaster
Clifford Howard, Lewisville
Richard Summerlin, Duncanville
Michael Marrero, Odessa
Mark Dempsey, Grand Prairie
Clayton Fulton, Hurst
Gilbert P. Reyna, Jr., Victoria
Kevin Carruth, Rockport

MOTION: Mayor Pike moved to appoint the seven incumbents and two members from the Metroplex as recommended by the City Manager.
Council Member Vollmer seconded. Motion carried 6-0.

- n. Consider/Discuss/Action to fill a vacancy on the Planning and Zoning Commission. (Interview Committee)

The Interview Committee received 12 applications and interviewed applicants. They recommend Duane Hayes to fill the current vacancy.

MOTION: Council Member Miller moved to approve. Council Member Beazley seconded. Motion carried 5-1. Toten opposed.

- o. Consider/Discuss/Action on filling a vacancy on the Diversity and Inclusion Advisory Commission. (Interview Committee)

The Interview Committee recommended the appointment of Gina Maria Ottavio to fill the current vacancy.

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

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). Utility contracts, Provisions of Constitution, *City of Anna v. Zayo Group, LLC, Henkels & McCoy, LLC, and Sadler Boring, LLC*; 366th District Court, Collin County, Texas, Case No. 366-05638-2018; Bunetto EEOC Charge No. 450-2020-06836
- b. Discuss or deliberate the purchase, exchange, lease, or value of real property (Tex. Gov't Code §551.072).
- c. Discuss or deliberate Economic Development Negotiations: (1) To discuss or deliberate regarding commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay, or expand in or near the territory of the City of Anna and with which the City is conducting economic development negotiations; or (2) To deliberate the offer of a financial or other incentive to a business prospect described by subdivision (1). (Tex. Gov't Code §551.087).
- d. Discuss or deliberate personnel matters (Tex. Gov't Code §551.074). Boards and Commissions

MOTION: Mayor Pike moved to enter closed session. Council Member Vollmer seconded. Motion carried 6-0.

Mayor Pike recessed the meeting at 10:50 PM.

Mayor Pike reconvened the meeting at 11:21 PM.

- e. 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.

MOTION: Mayor Pike moved the Council approves and authorizes the Mayor to execute on behalf of the City of Anna the Compromise Settlement Agreement and Mutual Release in the lawsuit styled City of Anna v. Zayo Group, LLC, Henkels & McCoy, LLC, and Sadler Boring, LLC; 366th District Court, Collin County, Texas, Case No. 366-05638-2018. Council Member Vollmer seconded. Motion carried 6-0.

9. **Adjourn.**

Mayor Pike adjourned the meeting at 11:22 PM.

Approved on January 12, 2021.



Mayor Nate Pike

ATTEST:

Carrie L. Land
City Secretary Carrie L. Land

November 20, 2020

Hello Mayor Pike, City Councilmembers, and P&Z Commission:

I am writing to say that I do not support the zoning change for apartments near Anna High School. Many homeowners in West Crossing are not supportive of this and we are also your voting constituents. Many homeowners in Anna are not supportive, yet thus far it does not seem the City is acknowledging this in prior e-mail communications.

Homes here have appreciated year after year and placement of these apartments could cause not only our home values to drop but also the associated taxes the city would receive based on our home values. If equity in homes drops, residents will surely begin to re-locate to other cities.

Fair and affordable housing is important. There should be a more detailed economic study conducted to better place these apartments in an area that is beneficial for new apartment residents and those who live near them.

Please publicly share the financial and real estate analysis that was done to support this decision of placing apartments. Thank you for your service.

Dr. Jennifer Edwards
West Crossing Homeowner

2021/2022 TCAP Board Ballot

BALLOT – 2021/2022 TCAP BOARD OF DIRECTORS

Instructions for Voting:

Only one ballot per member city/entity. The member representative is entitled to vote for the eight current positions and one special election position to be filled. **MORE THAN NINE CANDIDATES HAVE BEEN CHECKED. All will be rejected.** No more than one vote may be cast for the same candidate in the high consumption (HC) category, the candidate in the medium consumption (MC) category, or the candidate in the low consumption (LC) category. The exception to this rule is the requirement that the ballot must include at least one member from each of the following categories. Nominees who are incumbents (I) are noted on the ballot.

After the eight positions are filled, the next highest number of votes will be filled in the unexpired Place 10 term.

(Vote for n

Names were randomly drawn for ballot order

☐ Steve Harris, Walnut Creek SUD – LC	☒ Michael Marrero, Odessa - HC (I)
☒ Chris Steubing, Sugar Land – HC (I)	☒ Mark Dempsey, Grand Prairie – HC (I)
☐ George Rivera, Palm Valley - LC	☐ Richard Cortez, Hidalgo County - HC
☒ Carey D. Neal, Jr., Lancaster - MC	☐ Gary Broz, Edna – LC
☐ Gabriel Gonzalez, Harlingen –HC	☒ Clayton Fulton, Hurst - MC
☒ Clifford Howard, Lewisville – HC (I)	☒ Gilbert P. Reyna, Jr., Victoria- HC (I)
☒ Richard Summerlin, Duncanville – MC (I)	☒ Kevin Carruth, Rockport- LC (I)
☐ Gary Allsup, Corpus Christi Housing - LC	

Submitted by (MUST BE COMPLETED):

Please complete and return by **5 p.m. C.S.T.,**

Wednesday, January 6, 2021 to:

Janet DeVault, TCAP Secretary
15455 Dallas Parkway, Suite 600
Addison, TX 75001
or jdevault@tcaptx.com

Printed Name

☐

Signature

Member City/Entity:

NATE PIKE



CITY OF ANNA