



**Regular City Council Meeting
Meeting Minutes**

Tuesday, March 9, 2021 @ 6:30 PM

**Anna ISD Board Room
201 E. 7th Street, Anna, Texas 75409**

The City Council of the City of Anna met at 6:30 PM, on March 9, 2021, at the Anna ISD Board Room, located at 201 E. 7th Street, to consider the following items.

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

Mayor Pike called the meeting to order at 6:35 PM.

All Council Members were present. Council Members Ussery and Carver were present via Zoom.

2. Invocation and Pledge of Allegiance.

Mayor Pike led the Invocation and Pledge of Allegiance.

3. Neighbor Comments.

Mayor Pike moved to Item 5.a.

Gina Maria Ottavio stated the residents in the extraterritorial jurisdiction (ETJ) should have a voice on Council and Boards.

MOTION: Council Member Miller moved to enter closed session to discuss staff rules and procedures and personnel matters. Council Member Vollmer seconded. Motion carried 7-0.

Mayor Pike recessed the meeting to enter Closed Session under the following exceptions:

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; personnel policies; Council rules and procedures; staff rules and procedures; City ordinances; City contracts; board organizational structure and related matters; public facilities; incentive policies; finance corporations and related legal matters.

Discuss or deliberate personnel matters (Tex. Gov't Code §551.074).

Mayor Pike reconvened the meeting at 7:08 PM.

4. Work Session.

- a. Review and discuss park facility naming proposals related to the policy and procedure for naming City parks, trails, recreational areas, and other recreational facilities. (Director of Neighborhood Services Marc Marchand)

The objectives of this policy are to:

- Provide name identification for individual parks or other recreation areas within the City of Anna to ensure that they are easily located and to provide a sense of place;
- Provide criteria and procedure for naming parks or other recreation areas to ensure that given names are consistent with the values and character of the area or neighborhood served and within the City as a whole;
- Assure the quality of the chosen title/name, so that it will serve the purpose of the City in a permanent manner; and
- Provide opportunities for public participation and input to fully represent the best interest of the community in the naming and dedication of parks and other recreation areas.

Parks Board Representative Elden Baker gave a presentation on naming a park after Yank Washington, a life-long Anna resident.

- b. Review and discuss concept plan for enhancements to Sherley Heritage Park including display track for the steam locomotive. (Director of Neighborhood Services Marc Marchand)

Director of Neighborhood Services Marc Marchand gave a brief presentation.

- c. Presentation regarding Sherley Tract public improvement districts and tax increment financing district. (PID Administrator; Bond Counsel)

PID Administrator Mary Petty gave a brief presentation.

- d. Review and discuss the COVID-19 disaster declaration and update Council on same.

On March 2, 2021, the Governor of the State of Texas issued an Executive Order on the COVID-19 pandemic.

Staff and Legal Counsel have reviewed the Executive Order to determine what actions if any will be required or desirous to act on and will bring forth this discussion to the City Council to receive guidance on policy matters.

5. **Reports.**

- a. Swearing in of New Assistant Police Chief, Phillip Foxall (Police Chief Dean Habel)

Police Chief Habel administered the Oath of Office to Assistant Police Chief Foxall.

Mayor Pike noted the City would be hosting the Easter Eggstravaganza Event beginning March 29th.

6. Consent Items.

MOTION: Council Member Toten moved to approve Consent Items 6.a - j and 6.n. Council Member Atchley seconded. Motion carried 7-0.

- a. Approve Council Meeting Minutes for February 9, 2021, February 16, 2021, and February 23, 2021. (City Secretary Carrie Land)
- b. Review minutes of the February 1, 2021, Planning & Zoning Commission meeting. (Director of Development Services Ross Altobelli)
- c. Approve a Resolution to correct a scrivener's error on Resolution No. 2020-09-791. (Director of Development Services Ross Altobelli)

The September 8, 2020, City Council packet contained a resolution (Resolution No. 2020-09-791) associated with the preliminary plat for the Villages of Hurricane Creek - North which contained scrivener's error.

The scrivener's error referenced the plat as "Revised" and identified the incorrect zoning information for the property.

This revised resolution has been amended to correct the errors.

A RESOLUTION OF THE CITY OF ANNA, TEXAS CORRECTING RESOLUTION NO. 2020-09-791 AND APPROVING A PRELIMINARY PLAT FOR THE VILLAGES OF HURRICANE CREEK - NORTH.

- d. Approve a Resolution regarding the J.P. Harris Addition, Block A, Lot 3, Replat. (Director of Development Services Ross Altobelli)

Lyle E. Wise has submitted an application for approval of a replat for J.P. Harris Addition, Block A, Lot 3. One lot on 4.2± acres located on the west side of FM 455, 1,700± feet north of Cowan Road. Located within the extraterritorial jurisdiction (ETJ).

The purpose of the Replat is to legally plat a tract of land that was subdivided via metes and bounds.

The Planning & Zoning Commission recommended approval.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING J.P. HARRIS ADDITION, BLOCK A, LOT 3, REPLAT.

- e. Approve a Resolution regarding the NTM Masonry Estates, Block A, Lot 1, Development Plat. (Director of Development Services Ross Altobelli)

NTM Masonry Company, LLC, has submitted an application for approval of a development plat for NTM Masonry Estates, Block A, Lot 1. One single-family dwelling, detached, two accessory buildings, future home site, and carport on one lot on 3.0± acres located on the south side of FM 455, 800± feet west of Sheffield Drive. Located within the extraterritorial jurisdiction (ETJ).

The Planning & Zoning Commission recommended approval.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING NTM MASONRY ESTATES, BLOCK A, LOT 1, DEVELOPMENT PLAT.

- f. Approve a Resolution regarding the Covarrubias Addition, Block A, Lots 1- 4, Minor Plat. (Director of Development Services Ross Altobelli)

Martin & Abigail Covarrubias have submitted an application for approval of a minor plat for Covarrubias Addition, Block A, Lots 1- 4. Four lots on 4.6± acre located on the north side of CR 376, 755± feet east of CR 426. Located within the extraterritorial jurisdiction (ETJ).

The Planning & Zoning Commission recommended approval.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING COVARRUBIAS ADDITION, BLOCK A, LOTS 1-4, MINOR PLAT.

- g. Approve a Resolution regarding the Fairchild Addition, Block A, Lot 1, Minor Plat. (Director of Development Services Ross Altobelli)

Annamarie & Bradley Fairchild have submitted an application for approval of a minor plat for Fairchild Addition, Block A, Lot 1, Minor Plat. One lot on 4.2± acre located at the southeast corner of CR 217 and CR 177. Located within the extraterritorial jurisdiction (ETJ).

The Planning & Zoning Commission recommended approval.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING FAIRCHILD ADDITION, BLOCK A, LOT 1, MINOR PLAT.

- h. Approve a Resolution regarding the One Anna Two Addition, Block B, Lots 3 & 4, Preliminary Plat. (Director of Development Services Ross Altobelli)

One Anna Two LTD. has submitted an application for approval of a preliminary plat for One Anna Two Addition, Block B, Lots 3 & 4. Automobile service station, retail, & restaurant on 2.3± acres and vacant lot on 34.3± acres located at the northwest corner of W. White Street (FM 455) and U.S. Highway 75 frontage Road. Zoned Planned Development-846-2020-General Commercial (PD-846-2020).

The purpose for the preliminary plat is to propose easements necessary for the automobile service station, retail, and restaurant development on Lot 4.

The Planning and Zoning Commission recommended approval.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A PRELIMINARY PLAT FOR ONE ANNA TWO ADDITION, BLOCK B, LOTS 3 & 4.

- i. Approve a Resolution regarding the Rosamond Sherley Elementary Addition, Block A, Lot 1, Preliminary Plat. (Director of Development Services Ross Altobelli)

Anna Independent School District has submitted an application for approval of a preliminary plat for Rosamond Sherley Elementary Addition, Block A, Lot 1 on one lot on 19.1± acres located at the southeast corner of future Leonard Avenue (FM 2862) and future Rosamond Parkway (FM 2862).

The purpose for the preliminary plat is to propose right-of-way dedication and easements necessary for the public elementary school development.

The Planning and Zoning Commission recommended approval.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A PRELIMINARY PLAT FOR ROSAMOND SHERLEY ELEMENTARY SCHOOL ADDITION, BLOCK A, LOT 1

- j. Approve a Resolution authorizing the City Manager to execute purchase orders in an amount not to exceed \$70,000 for the emergency rehabilitation of Water Well 4 in the City of Anna, Texas. (Director of Public Works Greg Peters, P.E.)

This item is to approve emergency rehabilitation of Well 4, which provides groundwater to our public water system. Well 4 currently contains our oldest well equipment, as all other well sites have had aging equipment replaced in recent history. The equipment is beyond its useful service life and is failing.

The extreme weather events of February 14th-20th, in addition to the aging condition of the well motor, pipes, and wiring, caused the system to fail beyond reasonable repair. The scope will include full rehabilitation, including new casing pipe, a new pump and motor, and new wiring. The quote is attached as Exhibit A. The Anna Public Works Department has a budget line item for Pump, Motor, and Well Maintenance and Repair. This line item contains \$150,000 of Utility Fund dollars for annual work. This budget line item will be used to fund the need repairs, so no additional funding is required.

Due to the emergency nature of this situation, Staff has partnered with THI Water Well, LLC, to complete the needed replacement and rehabilitation of Well 4. THI has a great deal of experience and expertise in water wells, including the completion of many well projects for the City of Anna.

If approved, THI will mobilize and begin work within the next week.

A RESOLUTION OF THE CITY OF ANNA, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE EMERGENCY REHABILITATION OF WATER WELL 4 AS SHOWN IN EXHIBIT "A" ATTACHED HERETO, IN THE AMOUNT NOT TO EXCEED SEVENTY THOUSAND DOLLARS AND ZERO CENTS (\$70,000); AND PROVIDING FOR AN EFFECTIVE DATE.

- k. Approve a Resolution authorizing the City Manager to execute a Lease Agreement by and between the City of Anna, Texas and CARDS Dallas, Incorporated. (Director of Public Works Greg Peters, P.E.)

CARDS Dallas, Incorporated began providing solid waste services in the City of Anna at the end of August 2020. At that time, the City allowed CARDS temporary use of a portion of the Public Works facility to transition into the role, with the understanding that CARDS was looking for a permanent home in the area.

In return, CARDS provided a reduction on the disposal cost of residential solid waste services billed to the City. This reduction was passed on to neighbors, resulting in the current residential rate of \$15.25.

Now that the transition period is complete and CARDS is still working with the City and Economic Development Corporation on a permanent facility, it is important to formalize this lease agreement. The attached agreement was prepared by the City Attorney with feedback from City staff.

The lease agreement will be in place until either party chooses to end the lease, or at the end of the annual solid waste contract term, which will be September 1, 2021. It may be extended by another year if approved by the City Council.

In accordance with City Ordinance 873-2020 which set solid waste rates, the disposal rate is subject to change. If the lease were to end, or be denied, the full disposal cost would be applied.

Both CARDS and City staff are hopeful that the two parties can work together to find a suitable long-term location for their facility in the City of Anna.

A RESOLUTION OF THE CITY OF ANNA, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT FOR THE TEMPORARY USE OF CITY FACILITIES BY AND BETWEEN THE CITY OF ANNA TEXAS AND CARDS DALLAS, INCORPORATED; AND PROVIDING FOR AN EFFECTIVE DATE.

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

- I. Approve Resolution Determining Cost of Authorized Improvements with Preliminary SAP and Setting Levy and Assessment Hearing Date for Sherley Tract Public Improvement District.

See motion in Consent Item 5.k.

- m. Approve Resolution Setting Public Hearing to Create a TIRZ to encompass the Sherley Tract Public Improvement District PID property.

MOTION: Mayor Pike moved to take no action on Consent Agenda Items 5. l. and m. Council Member Vollmer seconded. Motion carried 7-0.

- n. Approve an Ordinance amending The City of Anna Code of Ordinances Sec. 9.05.017 regarding political signs. (City Manager Jim Proce)

This ordinance amends The City of Anna Code of Ordinances Sec. 9.05.017 regarding political signs in order to bring those regulations into full compliance with current state law. State law currently allows signs on private property at all times with the property owner's consent. The City can restrict political signs on City-owned property except on polling places during the voting period (starting at early voting and ending on election day). This ordinance allows signs to be placed at polling places starting 48 hours before the voting period and ending 48 hours after the voting period. The City can place reasonable restrictions on political signs at polling places during the voting period. This ordinance has reasonable restrictions on the number of signs and locations of placement at a polling place. This ordinance has additional reasonable restrictions on political signs (whether located at a polling place or on private property) with respect to height, size, and other features.

AN ORDINANCE OF THE CITY OF ANNA, TEXAS AMENDING THE ANNA CITY CODE OF ORDINANCES BY AMENDING ARTICLE 9.05, SECTION 9.05.017 REGARDING POLITICAL SIGNS; 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.

7. Items For Individual Consideration.

- a. Consider a Resolution approving the funding of Fire Department equipment needs related to the new Central Fire Station located on the municipal complex site, in an amount not to exceed \$234,570. (Director of Public Works Greg Peters, P.E., Fire Chief Ray Isom)

Fire Department staff have been working on identifying the unique equipment needs which will improve their ability to function at a high level in the new Central Fire Station. Specific equipment has been identified and researched by the Fire Department to be purchased and ready for use when the Fire Station opens later this year.

Staff is recommending that fund balance in the City of Anna General Fund be used to make these purchases as they are one-time purchases required for the City of Anna Fire Department to be in line with the Texas Fire Chiefs Association Best Practices Program.

These items will improve safety for firefighters and assist them in completing their work in a safe and efficient manner. Specifically, the Bump Out Alerting System will have a direct benefit to neighbors as it will result in faster response times as it will automatically turn off any in-use utilities, like gas, and send a facility-wide notification of a call, including the address and incident information.

FINANCIAL IMPACT: The total cost of the identified equipment is \$234,570. This total includes a 5% contingency to allow for the volatile nature of pricing for this unique equipment. The identified funding source is the General Fund.

A RESOLUTION OF THE CITY OF ANNA, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE PURCHASE ORDERS FOR THE PURCHASE OF FIREFIGHTER EQUIPMENT AS SHOWN IN EXHIBIT "A" ATTACHED HERETO, IN THE AMOUNT NOT TO EXCEED TWO HUNDRED THIRTY FOUR THOUSAND FIVE HUNDRED SEVENTY DOLLARS AND ZERO CENTS (\$234,570); AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Council Member Atchley moved to approve. Council Member Vollmer seconded. Motion carried 6-1. Council Member Toten opposed.

- b. Consider/Discuss/Act on providing a credit on the Utility accounts in response to the DEEP FREEZE weather event. (City Manager Jim Proce)

During the week of February 15, the State of Texas endured an unprecedented cold weather event that crippled the electric power grid statewide affecting almost all Texans and having caused almost 15 million people statewide to be without water.

During this event, cities all over Texas encouraged neighbors to take certain actions to protect crucial systems like water, electricity, and other resources. Neighbors were encouraged to drip faucets in an attempt keep water services from freezing. Additionally, solid waste disposal services were suspended for one week, so in Anna, specifically, each home missed a full week of solid waste service.

As a result of these events and actions, staff recommends that consideration for a billing credit be considered for neighbors. While there may some varying circumstances and methodologies, an estimated impact which can be provided to all accounts is as follows:

\$3.81 for solid waste (1 missed service)
\$4.90 for water (5 days of base rate)

\$4.90 for sewer (5 days of base rate)
\$1.39 for drip adjustment (5 days of drips on volume rate)

This would total \$15.00 for an approximate \$105,000 total impact to the Utility Fund. To fund this, we would execute short-term deferrals of hiring and vacancies and purchase of maintenance items.

In addition, the leak adjustment policy is still in effect and is being applied on a case-by-case methodology.

FINANCIAL IMPACT: The credited amount will be an impact to the Utility Fund in the amount of approximately \$105,000 and applied to those accounts active during the week of February 15, 2021.

MOTION: Mayor Pike moved to approve. Council Member Miller seconded. Motion passed 7-0.

- c. Consider/Discuss/Act on forgiving the Chamber of Commerce a Certificate of Occupancy fee. (Director of Development Services Ross Altobelli)

The Chamber of Commerce is moving to a new location downtown. As a part of the permitting process, the Certificate of Occupancy fee is approximately \$100 and is required by ordinance to collect for services rendered in the process.

The Chamber has asked for forgiveness of this fee as a partner to the City and this would appear to be reasonable if the Council was desirous of this action.

Staff cannot forgive fees, even when small, as the fee schedule is adopted by ordinance requiring either City Council permission or a revision to the ordinance to provide for.

FINANCIAL IMPACT: \$100 fee forgiveness

MOTION: Council Member Miller moved to approve. Council Member Vollmer seconded. Motion carried 6-1. Council Member Toten opposed.

8. **Closed Session (Exceptions).**

Under Tex. Gov'T Code Chapter 551, The City Council May Enter Into Closed Session To Discuss Any Items Listed Or Referenced On This Agenda Under The Following Exceptions:

- a. Consult with legal counsel regarding pending or contemplated litigation and/or on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Government Code (Tex. Gov't Code §551.071). Charter provisions; personnel policies; Council rules and procedures; staff rules and procedures; City ordinances; City contracts; board organizational structure and related matters; public facilities; incentive policies; finance corporations and related legal matters.
- 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: Mayor Pike moved to enter closed session. Council Member Atchley seconded. Motion carried 7-0.

Mayor Pike recessed the meeting at 8:40 PM.

Mayor Pike reconvened the meeting at 10:54 PM.

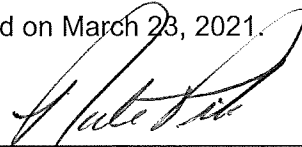
- 9. Consider/Discuss/Action on any items listed on any agenda - work session, regular meeting, or closed session - that is duly posted by the City of Anna for any City Council meeting occurring on the same date as the meeting noticed in this agenda.

No Action.

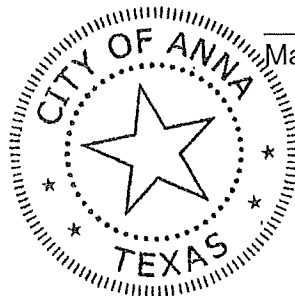
- 10. **Adjourn.**

Mayor Pike adjourned the meeting at 10:54 PM.

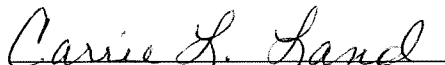
Approved on March 23, 2021.



Mayor Nate Pike



ATTEST:


City Secretary Carrie L. Land