

**Regular City Council Meeting
Meeting Minutes**



Tuesday, April 13, 2021 @ 6:30 PM

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

The City Council of the City of Anna met at 6:30 PM, on April 13, 2021, at the Sue Rattan Elementary School, Located at 1221 S. Ferguson Road, to consider the following items.

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

Mayor Pike called the meeting to order at 6:30 PM.

Council Member Atchley was absent.

2. Invocation and Pledge of Allegiance.

Mayor Pike led the Invocation and Pledge of Allegiance.

3. Neighbor Comments.

No comments.

4. Reports.

- a. Update on joint jurisdictional roadways (City of Anna and Collin County) (Greg Peters, PE)

Staff presented an update on specific joint jurisdictional roadways to provide a maintenance improvement plan for Taylor Blvd and CR371.

- b. Earth Day Clean-up and HHW Drop Off (Director of Public Works Greg Peters and Director of Neighborhood Services Marc Marchand)

Earth Day Clean-Up effort scheduled for the week of April 19-24, set to coincide with the Don't Mess with Texas Trash-Off. During that time period, the City will ask volunteers to assist with litter pick up at 20 sites around town.

At the same time, neighbors can drop off their hazardous household waste (HHW) materials on Saturday, April 24 from 9 AM to 1 PM at Slayter Creek Park. The HHW drop-off is co-sponsored by the Anna Police Department, Public Works Department, and CARDS waste management.

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- c. Introduction of Recreation Coordinators (Director of Neighborhood Services Marc Marchand)

The Recreation Division has added three part-time recreation coordinators.

The three will be responsible for the City's afterschool and summer programming, recreation classes, special events, outdoor recreation, and sports. Their goal is to provide recreational options for people of every age in every corner of Anna.

- d. Thursdays Food Truck Series (Director of Neighborhood Services Marc Marchand)

Thursdays Food Truck Series will start on April 29 at Slayter Creek Park from 5 PM to 8 PM. The finale will be on June 3 and will include a Summer Kickoff Celebration featuring a free concert by Le Freak.

- e. Green with Envy Landscaping Class (Neighborhood Services Coordinator Elisa Bowers)

Participants will learn the best lawn care methods, efficient watering techniques, plus simple fertilizer and pesticide application to reduce pest issues. Virtual class, scheduled for May 3 from 6 PM to 8 PM.

- f. City's Investment Policy Certified (Director of Finance Alan Guard)

Recently, the Government Treasurers' Organization of Texas (GTOT) awarded the Certificate of Distinction to the City of Anna for its Investment Policy.

This award acknowledges local governments for maintaining a comprehensive written investment policy that meets the 26 criterias set forth by the GTOT. It also acknowledges the City for developing an investment policy that meets the requirements of the Public Funds Investment Act and the standards for prudent public investing established by the GTOT.

5. **Consent Items.**

MOTION: Council Member Carver moved to approve Consent Items a-g, i, l-n. Council Member Ussery seconded. Motion carried 6-0.

- a. Approve Council Meeting Minutes for March 23, 2021 and March 28, 2021. (City Secretary Carrie Land)
- b. Review minutes of the March 1, 2021 Planning & Zoning Commission Meeting. (Director of Development Services Ross Altobelli)
- c. Review minutes of the March 15, 2021 Planning & Zoning Commission Meeting. (Director of Development Services Ross Altobelli)
- d. Approve a Resolution regarding the Buzz Center Addition, Block A, Lot 1 and 2, Final Plat. (Director of Development Services Ross Altobelli)

Retail and restaurant on one lot and vacant lot on 4.6± acres located on the east side of Powell Parkway (State Highway 5), 1080 feet south of W. White Street (FM 455). Zoned C-1 Restricted Commercial.

Planning & Zoning Commission recommended approval subject to additions and/or alterations to the engineering plans as required by the Public Works Department.

- e. Approve a Resolution regarding the Buzz Center Addition, Block A, Lot 1 and 2, Site Plan. (Director of Development Services Ross Altobelli)

Retail and restaurant on one lot and vacant lot on 4.6± acres located on the east side of Powell Parkway (State Highway 5), 1080 feet south of W. White Street (FM 455). Zoned C-1 Restricted Commercial.

The Planning & Zoning Commission recommended approval subject to additions and/or alterations to the engineering plans as required by the Public Works Department.

- f. Approve a Resolution regarding the Anacapri, Phase 1A, Final Plat. (Director of Development Services Ross Altobelli)

191 single-family dwelling, detached lots and six common area lots on 44.2± acres located at the northeast corner of Hackberry Drive and future Ferguson Parkway. Zoned Planned Development-887-2020.

The purpose for the final plat is to dedicate rights-of-way, lot and block boundaries, and easements necessary for the creation of the single family development and commercial lot.

Planning & Zoning Commission recommended approval.

- g. Approve a Resolution regarding the Shadowbend, Phase 2, Final Plat. (Director of Development Services Ross Altobelli)

231 single-family dwelling, detached lots, one commercial lot, and 11 common area lots on 81.2± acres located at the northeast and northwest corners of Rosamond Parkway and future West Crossing Boulevard. Zoned Planned Development-797-2018.

The purpose for the final plat is to dedicate rights-of-way, lot and block boundaries, and easements necessary for the creation of the single family development and commercial lot.

Planning & Zoning Commission recommended approval.

- h. Approve a Resolution regarding the Pecan Grove, Phase 2, Block M, Lot 1, Site Plan. (Director of Development Services Ross Altobelli)

Private playground on one lot on 0.5± acre located at the northeast corner of Cherry Blossom Boulevard and Azaleas Run Drive. Zoned PD 705-2015.

The motion for approval failed by the Planning & Zoning Commission (3-1).

MOTION: Mayor Pike moved to approve. Council Member Vollmer seconded. Motion carried 4-2 Carver and Toten opposed.

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

Public elementary school on one lot on 20.0± acres located at the southeast corner of Lenard Avenue (FM 2862) and Rosemond Parkway (FM 2862). Zoned SF-E Single-Family Residential - Large Lot.

The Planning & Zoning Commission recommended approval subject to additions and/or alterations to the engineering plans as required by the Public Works Department.

- j. Approve a Resolution regarding the naming of the park located at 1235 Lakeview Drive to be named "Baldwin Park." (Director of Neighborhood Services Marc Marchand)

The Parks Advisory Board reviewed and unanimously recommended to the City Council naming the park adjacent to Lakeview Estates neighborhood for a previous owner of the property, Jesse Glenn "Bud" Baldwin, great grandson of James Schluter (later changed to Slayter) at the October 19, 2020 regularly scheduled meeting. The City Council adopted a Policy and Procedure for Naming City Parks, Trails, Recreational Areas, and Other Recreation Facilities on November 10, 2020. The Neighborhood Services Department followed the

naming policy in researching Mr. Baldwin with support from the Anna Area Historical Preservation Society. Mr. Baldwin's great grandfather, James Schluter, was a German immigrant who fought in the Texas Revolution and who eventually changed the spelling of his name to Slayter. The land was originally granted to Mr. Slayter for his service in the Texian Army in the amount of 320 acres and remained in the family until it was eventually handed down to his great grandson, Jesse Glenn "Bud" Baldwin. Mr. Baldwin fell into poor health and the family sold off parcels of the land for their sustenance including 51.24 acres of land where the Lakeview Estates community is today. The naming of park or other recreation areas are to ensure that the given names are consistent with the values and character of the area or neighborhood served and within the City as a whole, and the name identification for individual parks or other recreation areas within the City of Anna are to ensure that they are easily located and provide a sense of place. The historic contributions of the Slayter and Baldwin families to the City of Anna are important to the area, and the historic naming of the park will better ensure a sense of place for all neighbors and distinguish the park as a public space.

MOTION: Council Member Toten moved to approve 5 j. and k. Council Member Carver seconded. Motion carried 6-0.

- k. Approve a Resolution regarding the naming of a park located at 636 Banbury Drive to be named "Henry Clay 'Yank' Washington Park." (Director of Neighborhood Services Marc Marchand)

The Parks Advisory Board reviewed and unanimously recommended to the City Council naming the new park/playground located at 636 Banbury Dr adjacent to the West Crossing neighborhood for an early and beloved Anna neighbor named Henry Clay "Yank" Washington at the October 19, 2020 Parks Advisory Board meeting. The City Council adopted a Policy and Procedure for Naming City Parks, Trails, Recreational Areas, and Other Recreation Facilities on November 10, 2020. The Neighborhood Services Department followed the naming policy in researching Mr. Washington with support from the Anna Area Historical Preservation Society. Mr. Washington was believed to be the only African American neighbor in Anna from the late 1800s through the mid-1930s and worked as a janitor at the historic train depot, the Interurban station, the bank, post office, and several stores in town. Mr. Washington's main job was to carry bags of mail from the depot to the post office using a homemade wooden cart with two large iron wheels. Mr. Washington was well liked in Anna, and sometime in the late 1920s the neighbors of Anna took up a collection and bought him a railroad watch so that he would always know the time to expect the mail train. Late in Mr. Washington's life, the neighbors of Anna took up a collection to pay Mr. Washington's way on the train to St. Louis and back so that he could visit a relative he had not seen since he was 17 and a large crowd was waiting to greet him when he returned to Anna. The naming of park or other recreation areas are to ensure that the given names are consistent with the values and character of the area or neighborhood served and within the City as a whole, and the historic context of the time when Mr. Washington resided in Anna was during segregation in the U.S. South before the long-overdue civil rights movement that resulted in the abolition of Jim Crow laws and racial segregation. Despite enduring the harsh restrictions and inherent inequality of so-called "separate but equal" segregation

rules, Mr. Washington earned the respect and affection of his neighbors in Anna providing hope for the inclusion that would eventually grow to be a principal value in our community. The historic naming of the park will better ensure a sense of place for all neighbors and distinguish the park as a public space.

See motion on Consent Item 5. j.

- I. Approve a Resolution authorizing the City Manager to execute a Task Order with Birkhoff Hendricks and Carter for the design of public water and sanitary sewer infrastructure along State Highway 5. (Director of Public Works Greg Peters, P.E.)

TxDOT has 95% construction plans for the widening of State Highway 5 from Melissa through Anna. They are currently working on project funding and expect to be ready to move the project towards construction in the next 2 years. In order to ensure that the City utilities are clear of the right-of-way, the City needs to begin the engineering and development of construction plans now.

It is currently estimated that the section of SH 5 through Anna will be widened in two phases, with Project A from FM 455 to the Collin County Outer Loop, and Project B from FM 455 to the northern City limit. This item pertains specifically to Project A, which will be constructed first. Birkhoff Hendricks and Carter was hired to complete the preliminary engineering report attached as Exhibit A. This report identifies the needed infrastructure relocations and improvements needed to ensure our utilities are not in conflict with the new road, and that our utilities are of an appropriate size for future development in the corridor. Now that the preliminary engineering report is complete, we are now ready to proceed with formal engineering design.

A portion of the engineering fees, easement acquisition, and construction costs will be eligible for TxDOT reimbursement. The actual reimbursement amount will be developed during the design process, and formalized with an agreement approved by both the City Council and TxDOT prior to construction. Once this agreement has been developed, staff will bring it forward for Council approval.

- m. Approve a Resolution approving the Form of Articles of Incorporation for the formation of the Anna Housing Finance Corporation. (Economic Development Director Joey Grisham)

Staff was approached last year by Ryan Combs with JPI to develop a Class A, Senior Living Development at Anna Town Square by Palladium. In order to make the project viable, a Housing Finance Corporation is needed to allow for a property tax exemption. Chapter 394 of the Texas Local Government Code allows for the creation of HFCs, with several cities having formed them including but not limited to: Dallas, Fort Worth, Rowlett, McKinney, Arlington, and many others. The purpose of HFCs is to provide a means to finance the cost of residential ownership and development that will provide decent, safe and sanitary housing at affordable prices for residents of local governments. Since the project is tax exempt, the City will receive a developer fee from the project to offset lost property tax revenue. It is important to note that the project is not "public housing"

or Section 8. It simply offers rent control to allow more seniors on fixed incomes to afford the rents. The initial Board of the Anna HFC is the Anna City Council. HFCs can issue bonds but in the case of this project, private activity bonds will be issued through Collin County. These are not municipal bonds and do not affect the city's credit or tax rate.

- n. Approve a Resolution authorizing the City Manager to execute a task order amendment with Birkhoff Hendricks & Carter LLC for the final engineering design of utility relocation and expansion along US 75. (Director of Public Works Greg Peters, P.E.)

TxDOT is preparing engineering plans for the widening of US 75 north of FM 455 to the county line. TxDOT has raised the priority of this project up their list of future construction projects, and is planning to begin the project within the next 18 months. The City of Anna has some existing water infrastructure within the limits of the proposed project which must be relocated. Birkhoff Hendricks & Carter completed the preliminary engineering design for this project several years ago under an original task order. Those plans are attached as Exhibit A. Staff has worked with BHC to update the task order to include a larger diameter water main which will also be longer than originally planned, in order to facilitate future development of the US 75 corridor north of FM 455. Exhibit B shows this additional water main proposed. BHC is now prepared to begin the final engineering design. In order to fund the final engineering design an amendment must be made to the original task order approved by the City back in 2017.

Staff has reviewed the task order amendment and finds it to be consistent with the increased scope, and recommends approval.

6. Items For Individual Consideration.

- a. Consider adoption of an Ordinance revising Solid Waste regulations pertaining to roll-off dumpsters (Director of Public Works Greg Peters, P.E.)

The City of Anna currently has a contract for Solid Waste services with CARDS Dallas, Incorporated. Per the contract, CARDS has exclusive rights to provide solid waste services in the City of Anna. The current Ordinance is somewhat vague regarding the use of outside companies for roll-off dumpsters and other non-standard collection methods, which are often used by homes and businesses for major remodeling project or to remove debris and brush. This item will provide more clear and concise language regarding the use of roll-off dumpsters and outside contractors for solid waste services in the City of Anna.

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

- b. Conduct a Public Hearing and Approve a Resolution regarding the East Fork Estates, Lot 24, Replat. (Director of Development Services Ross Altobelli)

One single-family dwelling, detached on 1.4± acres located on the northwest side of East Fork Circle, 1,782± feet south of FM 455. Zoned Agricultural.

State law requires a public hearing for replats of residentially zoned land. The purpose of the replat is to legally plat a tract of land that was subdivided and sold via metes and bounds. Approval and recordation of this replat will bring this property into compliance with city regulations.

Planning & Zoning Commission recommended approval as submitted.

Mayor Pike opened the public hearing at 6:03 PM.

No comments.

Mayor Pike closed the public hearing at 6:03 PM.

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

- c. 1) Conduct a Public Hearing/Consider/Discuss/Action on an Ordinance for rezoning 3.0 acres from Agricultural District (AG) and Single-Family Residential - Large Lot (SF-E) to Single-Family Residential (SF-84). (Director of Development Services Ross Altobelli)
- 2) Approve a Resolution for the Medina's Addition, Block A, Lots 1 & 2, Final Plat.

Zoning

Rezone 3.0± acres located on the north side of Elm Grove, 160± feet east of Rodeo Drive **from** AG Agricultural and SF-E Single-Family Residential – Large Lot **to** SF-84 Single-Family Residential District.

The applicant is requesting to rezone the property due to the existing zoning (AG & SF-E) requiring a minimum of 43,560 square feet (1 acre) per lot. The requested zoning is SF-84 which requires a minimum of 8,400 square feet (0.19 acre).

Additional project and zoning information can be found in the attached staff report.

The Planning & Zoning Commission recommended approval.

Mayor Pike opened the public hearing at 6:05 PM.

No comments.

Mayor Pike closed the public hearing at 6:05 PM.

Final Plat

Two single-family dwelling, detached lots on 3.0± acres located on the north side of Elm Grove, 160± feet east of Rodeo Drive.

The purpose for the final plat is to divide the tract into two lots; Lot 1 (0.6± acre) and Lot 2 (2.4± acres).

The Planning & Zoning Commission recommended approval subject to approval of the associated zoning case.

MOTION: Council Member Toten moved to approve zoning and final plat. Council Member Carver seconded. Motion carried 6-0.

- d. 1) Continue conducting the Public Hearing/Consider/Discuss/Action on an Ordinance regarding the request to amend Ordinance No. 843-2020 (Waterview, Block A, Lot 1) (Director of Development Services Ross Altobelli)
- 2) Approve a Resolution regarding the Waterview, Block A, Lot 1, Concept Plan.

Zoning

At the March 23, 2021 City Council meeting the applicant requested a continuance in order to continue to refine the request and review the implications associated with the Planning & Zoning Commission recommendations.

Anna 21, LLC has submitted an application for an amendment to Ordinance No. 843-2020. Multifamily residence on 20.8± acres located on the west side of State Highway 5, 1,420± feet south of West White Street. Zoned Planned Development-843-2020.

The applicant is requesting the following amendments;

- i. Increase maximum height **from** 3-story **to** 4-story while still maintaining the maximum height of 45 feet. However that measurement would be from the grade to the top plate of walls rather than to a point midway between elevation of the eaves and elevation of the ridges, for gable, hip and gambrel roofs per the City of Anna ordinance.
- ii. Reduce the minimum parking **from** 2 per dwelling unit **to** 1.75 per dwelling unit and maintain the 0.25 visitor parking per dwelling unit requirement.
- iii. Reduce the minimum covered parking **from** 75% **to** 15% .

The Commission was in agreement with reducing the minimum parking to 1.75 spaces per dwelling unit and modifying the reducing covered parking request to 50%. The reductions would be in alignment with the Palladium multifamily zoning which has the same minimum parking requirement and requires roughly 61% covered parking.

Due to the existing vegetative buffer between the proposed development and the residential subdivision to the west the Commission was supportive of the 4-story building height and to increase the maximum building height by 10 feet rather than varying the "Height of building" definition within the zoning ordinance.

The Planning & Zoning Commission recommended approval with the following stipulations:

1. Maximum Height: 4-stories/55 feet. Buildings located within 100 feet from the western property line shall have a maximum height of 3-stories/45 feet.
2. Minimum parking 1.75 units per dwelling unit and maintain the 0.25 visitor parking per dwelling unit requirement.
3. Minimum 50% of required parking must be covered.

Additional project and zoning information can be found in the attached staff report.

Mayor Pike opened the public hearing at 6:06 PM.

Gina Maria Ottavio - Spoke with concern regarding parking and fire safety.

Mayor Pike closed the public hearing at 6:12 PM.

Provident Realty Advisors John Hickman gave Council a presentation on the project. (See Exhibit A)

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

Concept Plan

It is recommended that the City Council approve a resolution regarding the Waterview, Block A, Lot 1, Revised Concept Plan

Anna 21, LLC has submitted an application for approval of a concept plan

The purpose of the revised concept plan is to align with the amended zoning.

The Planning & Zoning Commission recommended approval.

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

- e. Consider/Discuss/Action on correspondence regarding TxDOT initiatives (City Manager Jim Proce)

Staff presented to Council regarding TxDOT initiatives.

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

- f. Consider/Discuss/Action on an Ordinance Amending the FY2020 - 2021 Budget to add 1.0 FTE Communications Manager, 4.0 FTE Police Officers, additional Fire overtime, an ambulance, three single trailer mount generators, various technology and equipment needs, a summer intern (0.45 FTE) and additional promotional expense funding for Economic Development. (City Manager Jim Proce)

Ordinance Amending the FY2020 - 2021 Budget to add 1.0 FTE Communications Manager, 4.0 FTE Police Officers, additional Fire overtime, an ambulance, three single trailer mount generators, various technology and equipment needs, a summer intern (0.45 FTE) and additional promotional expense funding for Economic Development.

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

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; personnel policies; Council procedures; staff procedures; City ordinances; City contracts; public facilities 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). City Council

MOTION: Council Member Carver moved to enter closed session. Council Member Ussery seconded. Motion carried 6-0.

Mayor Pike recessed the meeting at 8:26 PM.

Mayor Pike reconvened the meeting at 10:13 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.

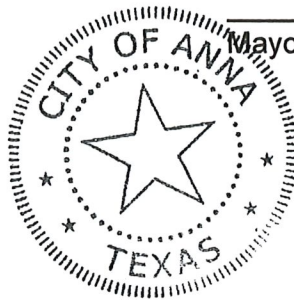
9. **Adjourn.**

Mayor Pike adjourned the meeting at 10:14 PM.

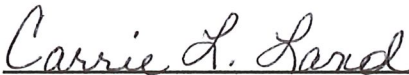
Approved on April 27, 2021.



Mayor Nate Pike



ATTEST:



City Secretary Carrie L. Land