

**Regular City Council Meeting
Meeting Minutes**



Tuesday, August 10, 2021 @ 6:30 PM

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

The City Council of the City of Anna met at 6:30 PM, on August 10, 2021, at the Anna ISD Board Room, located at 201 E. 7th Street, Anna, Texas, 75409, 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 Members Carver and Ussery were absent.

2. Invocation and Pledge of Allegiance.

Mayor Pike led the Invocation and Pledge of Allegiance.

3. Neighbor Comments.

Jacob Evans spoke in favor of eliminating restrictions of bicycles on W. FM 544.

Robert Tesch spoke in opposition to changing the street name Briar Cove in Sweet Water Crossing.

Jennifer Williams spoke in opposition to changing the street name Briar Cove in Sweet Water Crossing.

Barbara Hedgecode spoke in opposition to changing the street name Briarcove Road in the City's ETJ.

David Stinson spoke in opposition to changing the street name Briarcove Road in the City's ETJ.

Paul and Adnrean Austin spoke in opposition to changing the street name Briarcove Road in the City's ETJ.

4. Reports.

Mayor Pro Tem Miller noted he personally would not want to enforce another mask mandate due to the rise in COVID-19. Council Member Atchley concurred.

5. **Work Session.**

- a. Discuss Briar Cove, a public road in Sweetwater Subdivision; and Briarcove Road, a private road in unincorporated Collin County and Anna's ETJ (Director of Public Works Greg Peters, P.E.)

The City Council and City staff received concerns earlier this summer from neighbors who reside on Briarcove Road, a private road in the unincorporated portion of Collin County east of the City of Anna. Their private road is located in Anna's extraterritorial jurisdiction (ETJ). These neighbors expressed a concern regarding there being a similarly named street within Anna's City Limits, called Briar Cove. Briar Cove is located in Phase 2 of the Sweetwater subdivision. Specifically, the neighbors requested the City consider a formal name change of Briar Cove.

Our neighbors in the ETJ shared two primary concerns:

1. Construction traffic due to workers coming to the wrong road. The neighbors explained that their private road was not able to handle construction traffic and the larger vehicles were causing damage to the road surface.
2. Confusion for emergency response from Police and Fire services.

As directed by the City Manager and City Council, staff conducted an investigation to provide the City Council with all of the information required to have a better understanding of both the concerns and the situation.

Staff completed the following tasks:

1. Reviewed street naming processes in the City and Collin County.
2. Drove out to Briarcove Road to review the location and situation, including speaking with several neighbors who reside on the private road.
3. Mailed out a questionnaire to neighbors who reside on Briar Cove in the City of Anna to determine if they have an opinion regarding the request to change their street name.
4. Reviewed the status of construction on Briar Cove to determine the likelihood and potential volume of future construction traffic to Briarcove Road.
5. Discussed concerns with Public Safety staff, including our Fire Chief, Police Chief, and County Law Enforcement to better understand 911 processes and any impacts the street/road name similarity may have on response.
6. Discussed the request with the master developer of Sweetwater Subdivision and with the owner of the homes on Briar Cove.

City Council directed Staff to initiate changing the name Briar Cove in Sweet Water Crossing Subdivision.

- b. Discuss Contract Renewal for CARDS Dallas, Incorporated, for municipal solid waste services. (Director of Public Works Greg Peters, P.E.)

In 2020, the City of Anna entered into a contract for solid waste services with CARDS Dallas, Inc. This contract was based on the completion of a public RFP process whereby the City sought proposals from all providers interested in contract services for solid waste collection and disposal in the City of Anna. The current contract term is for a period of seven years and is renewed annually.

Over the past year, staff and CARDS have been in regular communication regarding what is and is not working well in the current contract. These conversations, along with feedback received from the City Manager, City Council, and neighbors, are critical components in making the necessary improvements as we renew the annual contract.

Staff and CARDS have prepared a rough outline of a proposed contract renewal with mutually agreed upon changes. In this item, staff will provide the City Council with the major deal points and request feedback. Based upon the feedback received, staff will return at a future meeting with a final contract for Council approval.

City Council favored the contract renewal along with allowing CARDS to continue to lease space in the Public Works Building until they can secure a permanent location in Anna.

6. Consent Items.

MOTION: Council Member Miller moved to approve consent items a. - h. Council Member Toten seconded. Motion carried 5-0.

- a. Approve City Council Meeting Minutes from July 27, 2021. (City Secretary Carrie Land)
- b. Review Minutes of the July 1, 2021, Joint Community Development Corporation Board and Economic Development Corporation Board Meeting. (Director of Economic Development Joey Grisham)
- c. Review Minutes of the July 26, 2021, Joint Special Called Community Development Corporation Board and Economic Development Corporation Board Meeting. (Director of Economic Development Joey Grisham)
- d. Review Minutes of the July 6, 2021, Planning and Zoning Commission meeting. (Director of Development Services Ross Altobelli)
- e. Approve a Resolution authorizing the City Manager to approve an updated interlocal agreement for jail services between Collin County and the City of Anna. (Police Chief Dean Habel)

Collin County has proposed certain updated amendments to the Agreement, to include payment for County expenses in providing jail service for inmates, comprised of a "Basic Charge" of \$58.80 per day or part of day per inmate, that the City requests be confined on charges brought by the City's peace officers, and additional charges for reimbursement of County expenses for health-care services. Approval would extend the agreement through September 30, 2022.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING AN UPDATED INTERLOCAL AGREEMENT FOR JAIL SERVICES BETWEEN COLLIN COUNTY, TEXAS AND THE CITY OF ANNA, TEXAS AND AUTHORIZING THE CITY MANGER TO EXECUTE SAME.

- f. Approve a Resolution authorizing the City Manager to approve an updated interlocal agreement for emergency dispatch services between Collin County and the City of Anna. (Police Chief Dean Habel)

The City of Anna contracts with Collin County to provide emergency dispatch services for the police department. Collin County has proposed certain amendments to the interlocal Agreement, to include payment of dispatch service charges for FY2022 in the amount of \$140,563.00 for the extension and an annual connection fee of \$108.00 for each radio registered on the system. The total cost quoted by Collin County to extend the agreement to September 30, 2022 is \$144,235.00.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING AN UPDATED INTERLOCAL AGREEMENT FOR EMERGENCY DISPATCH SERVICES BETWEEN COLLIN COUNTY, TEXAS AND THE CITY OF ANNA, TEXAS AND AUTHORIZING THE CITY MANGER TO EXECUTE SAME.

- g. Approve a Resolution regarding the Villages of Hurricane Creek - North, Revised Preliminary Plat. (Director of Development Services Ross Altobelli)

699 single-family detached lots, 184 single-family attached lots, one senior living lot, 29 open space lots and one remainder tract on 292± acres located at the southwest intersection of W CR 370 (Future Rosamond Pkwy) and FM 368 (Future Standridge Blvd).

The purpose of the revised preliminary plat is to modify the road layout, correct street names, and clarify phasing.

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

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A REVISED PRELIMINARY PLAT FOR THE VILLAGES OF HURRICANE CREEK - NORTH.

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

Medical Office and vacant lot on two lots on 14.7± acres located on the northwest corner of Suzie Lane and S Central Expressway. Zoned: Planned Development-Restricted Commercial (Ord. No. 846-2020).

The purpose of the preliminary replat is to subdivide an existing vacant lot into two lots and proposed easements necessary for the development of a medical office building on Lot 3R.

The Planning and Zoning Commission recommended approval as submitted.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A PRELIMINARY REPLAT FOR ONE ANNA TWO ADDITION, BLOCK A, LOTS 3R & 4,

- i. Adopt an Ordinance repealing regulations restricting bicycles along FM 455. (City Council)

AN ORDINANCE OF THE CITY OF ANNA, TEXAS, REPEALING REGULATIONS RESTRICTING THE USE OF BICYCLES ALONG A PORTION OF FARM TO MARKET ROAD 455 IN THE CITY OF ANNA; PROVIDING A SAVINGS, SEVERABILITY, AND REPEALING CLAUSE

MOTION: Mayor Pike moved to approve. Council Member Vollmer seconded. Motion carried 5-0.

7. Items For Individual Consideration.

- a. Consider/Discuss/Action on an Ordinance amending the local fire code fee schedule and adopting the code as an ordinance. (Fire Chief Ray Isom)

This item updates the current fee schedule contained in the local fire code ordinances which includes NCTCOG Amendments to the International Fire Code, 2015 edition. It also adopts the Fire Code as an ordinance instead of an exhibit. This allows full access and searchability of the Fire Code into the City Code of Ordinances on the City website.

Permit fees cover hourly employee expenses for plan review, consultation, and field inspections, and on occasion must be updated. Existing costs are based upon a 2018 survey and must be adjusted to conform with the most recent market study and increased employee salaries. The most recent survey regarding fire permit fees was conducted by the Fire Prevention Division in July of 2021. Comparison cities include McKinney, Princeton, Melissa, Prosper, and Celina. The fee table contained within the fire code reflects updated costs based upon the most recent survey.

The current Fire Code was adopted as an exhibit, which does not allow it to be codified within the Anna Code of Ordinances. Adopting the Code as an ordinance in its entirety will allow it to be placed onto the City's website.

This provides better centralization, navigation, and searchability for developers, builders, and our neighbors.

Model codes and standards provide a common code format and basic requirements for consistent and uniform design, construction, maintenance, and operations of systems, structures, and buildings. Put simply, when adopted, made readily accessible, and properly enforced, the IFC significantly reduces loss of life and property by fire in the Anna community.

AN ORDINANCE OF THE CITY OF ANNA, TEXAS AMENDING THE ANNA CITY CODE OF ORDINANCES BY AMENDING CHAPTER 6 (FIRE PREVENTION AND PROTECTION) BY ADOPTING LOCAL AMENDMENTS TO THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING AN EFFECTIVE DATE AND FOR THE PUBLICATION OF THE CAPTION HEREOF.

MOTION: Council Member Miller moved to approve. Council Member Toten seconded. Motion carried 5-0.

- b. Consider/Discuss/Action of a Resolution approving the minimum 20-foot landscape buffer reduction request and Site Plan associated with Willow Creek Addition, Phase 1B, Block G, Lot 1R. (Director of Development Services Ross Altobelli)

Shopping Center on one lot on 2.2± acres located at the northeast corner of W. White Street and Willow Creek Drive. Zoned Planned Development-Restricted Commercial (Ord. No. 12-2003).

The applicant is requesting to reduce the minimum 20-foot landscape buffer requirement adjacent to the right-of-way. Sec. 9.06.007 (Setbacks) of Article 9.06 (Landscape Regulations) states that nonresidential and multiple-family parcels shall provide for a minimum 20-foot landscape buffer when adjacent to the right-of-way of any major throughfare. However, if unique circumstances exist which prevent strict adherence with the requirement the City Council has the authority to consider granting a variance during the site plan approval process by reducing the buffer requirement to a minimum of 10-feet.

Unusual circumstances include, but are not limited to: insufficient lot depth or size of the existing lot, existing structures and drives, and floodplain and existing trees to be preserved. A variance may be granted if: (1) Unique circumstances exist on the property that make application of these requirements unduly burdensome on the applicant; (2) The variance will have no adverse impact on current or future development; (3) The variance is in keeping with the spirit of the zoning regulations, and will have a minimal impact, if any, on the surrounding land uses; and (4) The variance will have no adverse impact on the public health, safety, and general welfare.

Due to the narrowness of the commercial property and to maintain a similar development form with the property to the east, the applicant is requesting to reduce the required landscape buffer to 10-feet. The zoning requires a minimum

50-foot building setback along W. White Street and a 25-foot building setback and 10' landscape buffer along the rear property line due to the residential adjacency. If the applicant was to provide for the 20-foot landscape buffer along the frontage the parking stalls facing W. White Street would need to be removed and the proposed buildings would need to be reduced in half in order for the property to meet the minimum parking requirements while still meeting building setbacks and landscape buffer requirements.

The Planning & Zoning Commission recommended approval subject to:

1. City Council granting a reduced landscape buffer of 10-feet due to:
 - a. The existing development to the immediate east, narrowness of the lot, and increased building setbacks are unique circumstances.
 - b. The reduction does not have an adverse impact on current or future development.
 - c. The variance is in keeping with the spirit of the zoning regulation and will not have an impact on surrounding land uses.
 - d. The variance will not have an adverse impact on public health, safety, and general welfare.
2. Additions and/or alterations to the engineering plans as required by the Public Works Department.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A SITE PLAN OF WILLOW CREEK ADDITION, PHASE 1B, BLOCK G, LOT 1R.

MOTION: Council Member Toten moved to approve. Council Member Atchley seconded. Motion carried 5-0.

- c. Consider/Discuss/Action of a Resolution approving the minimum 20-foot landscape buffer reduction request and Site Plan associated with Hometown Liquor Addition, Block A, Lot 1. (Director of Development Services Ross Altobelli)

The applicant is requesting to reduce the minimum 20-foot landscape buffer requirement adjacent to the right-of-way. Sec. 9.06.007 (Setbacks) of Article 9.06 (Landscape Regulations) states that nonresidential and multiple-family parcels shall provide for a minimum 20-foot landscape buffer when adjacent to the right-of-way of any major throughfare. However, if unique circumstances exist which prevent strict adherence with the requirement the City Council has the authority to consider granting a variance during the site plan approval process by reducing the buffer requirement to a minimum of 10-feet.

Unusual circumstances include, but are not limited to: insufficient lot depth or size of the existing lot, existing structures and drives, and floodplain and existing trees to be preserved. A variance may be granted if:

- (1) Unique circumstances exist on the property that make application of these requirements unduly burdensome on the applicant;
- (2) The variance will have no adverse impact on current or future development;
- (3) The variance is in keeping with the spirit of the zoning regulations, and will have a minimal impact, if any on the surrounding land uses; and
- (4) The variance will have no adverse impact on public health, safety and general welfare.

Due to the narrowness of the commercial property, the applicant is requesting to reduce the required landscape buffer to 13-feet. The Thoroughfare Overlay Zoning District requires a minimum 50-foot building setback along S. Powell Parkway. The Texas Department of Transportation (TXDOT) right-of-way (R.O.W.) acquisition has shifted the property line approximately 30-feet to the west reducing the lot width considerably and making development of the property difficult.

The Planning & Zoning Commission recommended approval subject to:

1. City Council granting a reduced landscape buffer of 13 feet due to:
 - a. The existing narrow lot depth has been further impacted by the loss of land area by the TXDOT R.O.W. acquisition are unique circumstances.
 - b. The reduction does not have an adverse impact on current or future development.
 - c. The variance is in keeping with the spirit of the zoning regulation and will not have an impact on surrounding land uses.
 - d. The variance will not have an adverse impact on public health, safety and general welfare.
2. Additions and/or alterations to the engineering plans as required by the Public Works Department.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A SITE PLAN OF HOMETOWN LIQUOR ADDITION, BLOCK A, LOT 1.

MOTION: Mayor Pike moved to approve. Council Member Miller seconded. Motion carried 5-0.

d. Presentation of the Proposed FY 2021-2022 Budget

Section 7.02 of the City Charter states that on or before the 15th day of August of the fiscal year, the City Manager must submit to the City Council a budget for the ensuing fiscal year. Staff will provide a brief presentation of the Proposed FY 2021-2022 Budget. A copy of the draft budget will be posted on the City's website on August 11th.

e. Consider/Discuss/Action on a Resolution naming the date and place of a public hearing on the FY 2021-2022 Budget. (City Manager Jim Proce)

Staff recommends approval of the attached Resolution that sets September 7, 2021, at 6:30 p.m. as the date and time for the public hearing on the FY 2021-2022 Budget with said hearing to be held in the Anna ISD Board Room located at 201 E. 7th Street, Anna, Texas 75409. The Resolution further directs that notice of the time and place of the public hearing be published in the official newspaper of the City as required in Section 7.05 of the Charter.

A RESOLUTION OF THE CITY OF ANNA, TEXAS NAMING THE DATE AND PLACE OF A PUBLIC HEARING ON THE FY2021 – 2022 BUDGET.

MOTION: Mayor Pike moved the City Council hereby sets September 7, 2021, at 6:30 p.m. as the date and time for the public hearing on the FY2021 - 2022 Budget with said hearing to be held in the Anna ISD Board Room located at

201 E. 7th Street in Anna, Texas, 75409. The City Council further directs that notice of the time and place of the public hearing be published in the official newspaper of the City as required in Section 7.05 of the Charter. Council Member Miller seconded. Motion carried 5-0.

- f. Approve a Resolution to propose a property tax rate of 0.569500 per \$100 of property valuation for the City that the City Council may adopt for the 2021 tax year and setting date and time for a public hearing on the tax rate.

After properties are appraised by the Collin County Appraisal District, the Collin County Tax Assessor-Collector calculates both the No-New-Revenue tax rate and the Voter-Approval tax rate for the City of Anna as the designated officer to complete the tax rate calculation forms created by the Texas Comptroller and to certify the calculations as accurate.

No-New-Revenue tax rate: The No-New-Revenue tax rate is a calculated rate that would provide the taxing unit with the same amount of maintenance and operations property taxes on existing property as the previous year after taking into account changes in appraised value. If property values rise, the No-New-Revenue tax rate will go down and vice versa. The No-New-Revenue tax rate for FY2022 is \$0.536868 per \$100.

Voter-Approval tax rate: The Voter-Approval tax rate provides the taxing unit with the same amount of maintenance and operations property taxes on existing property as the previous year plus a 3.5 percent increase for those operations, in addition to sufficient funds to pay debts in the coming year. If a taxing unit adopts a tax rate higher than the Voter-Approval tax rate, a tax rate approval election must be held on the November uniform election date. The Voter-Approval tax rate for FY2022 is \$0.563326 per \$100.

De minimis rate: The De minimis rate is the rate equal to the sum of the taxing unit's current debt rate, the no-new-revenue maintenance and operations rate, and the rate that when applied to a taxing unit's current total value, will impose an amount of taxes equal to \$500,000. The de minimis rate is an option for small cities with a population of 30,000 or less. The De Minimis rate for FY2022 is \$0.576627 per \$100.

The proposed budget is supported by a tax rate of \$0.569500. Under the Texas Property Tax Reform and Transparency Act of 2019, a city that adopts a rate exceeding the lower of the No-New-Revenue tax rate or the Voter-Approval tax rate must hold one public hearing. The following table is a comparison between the proposed tax rate, last year's rate, the No-New-Revenue rate, the De Minimis rate and Voter-Approval tax rate.

Approval of the attached Resolution would set \$0.569500 as the Tax Year 2021 (FY2022) proposed rate. The Resolution also calls for the public hearing to be held on September 7, 2021, at 6:30 p.m. The public hearing notice will run in the Anna-Melissa Tribune on August 20th. The Notice of Public Hearing must conform to the prescribed format from the Texas Comptroller's office and contain how each member of the governing body voted on the proposed tax rate. A draft copy of this notice is attached to this agenda item.

The budget and tax rate are scheduled for adoption at the September 14th Council meeting.

A RESOLUTION OF THE CITY OF ANNA, TEXAS NAMING THE PROPOSED TAX RATE THE COUNCIL MAY ADOPT FOR THE 2021 TAX YEAR AND SETTING THE DATES AND TIMES FOR PUBLIC HEARINGS ON THE TAX RATE

MOTION: Mayor Pike moved the City Council hereby proposes that the tax rate adopted by the City shall be \$0.569500 per \$100 of valuation; the City Council hereby sets September 7, 2021, at 6:30 p.m. as the date and time for the public hearing on the 2021 tax rate; and, said hearing to be held in the Anna ISD Board Room located at 201 E. 7th Street in Anna, Texas, 75409. The City Council further directs that notice of the time and place of the public hearing be published in the official newspaper of the City as required in Texas Tax Code § 26.06 and other applicable law. Council Member Miller seconded. Motion carried 5-0.

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). Proposed global opioid settlement; City ordinance provisions.
- b. Discuss or deliberate the purchase, exchange, lease, or value of real property (Tex. Gov't Code § 551.072). Property for public facilities.
- 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 Attorney annual evaluation, City Secretary annual evaluation, City Manager annual evaluation.

- e. Deliberation regarding security matters that may include security assessments or deployments relating to information resources technology; network security information; and the deployment, or specific occasions for implementation, of security personnel, critical infrastructure, or security devices. (Texas Gov't Code § 551.089)

MOTION: Council Member Miller moved to enter Closed Session. Council Member Atchley seconded. Motion carried 5-0.

Mayor Pike recessed the meeting at 8:48 PM.

Mayor Pike reconvened the meeting at 10:48 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 taken.

- 10. **Adjourn.**

Mayor Pike adjourned the meeting at 10:48 PM.

Approved on August 24, 2021.

Mayor Nate Pike

ATTEST:



City Secretary Carrie L. Land