



**Regular City Council Meeting
Meeting Minutes**

Tuesday, September 14, 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 September 14, 2021, at the Anna ISD Boardroom, 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.

All Council Members were present.

2. Invocation and Pledge of Allegiance.

Council Member Carver gave the Invocation. Mayor Pike led the Pledge of Allegiance.

3. Neighbor Comments.

No comments.

4. Reports.

- a. Proclamation recognizing Collin County Preservation Celebration Day.
- b. Proclamation recognizing Collin McKinney Day.
- c. Proclamation recognizing September 17 - 23, 2021, as Constitution Week.
- d. Introduce Planner II. (Planning Manager Lauren Mecke)

Salena Tittle joined the Planning Division of Development Services as a Planner II on August 16, 2021.

5. **Work Session.**

- a. Discussion regarding the planning, design, and construction of a new community skate park that was included in the 2021 Bond Election. (Director of Neighborhood Services Marc Marchand)

The planning, design, and construction of a new community skate park was a recommendation from the recent update to the Parks Master Plan and included in the bond package approved by Anna neighbors in May of 2021. The recent Council-approved bond debt issuance included \$1.5 million dollars from the park bond aligning with the \$1.5 million dollar project estimate. Staff is prepared to bring a design services agreement for Council consideration at an upcoming City Council meeting that will include community input. Staff is seeking City Council feedback prior to moving forward with next steps in the process.

6. **Consent Items.**

MOTION: Council Member Carver moved to approve Consent Items a. through n. Council Member Miller seconded. Motion carried 7-0.

- a. Approve City Council Meeting Minutes for August 24, 2021, and August 31, 2021. (City Secretary Carrie Land)
- b. Review Minutes of the August 2, 2021, Planning & Zoning Commission Meeting. (Planning Manager Lauren Mecke)
- c. Approve a Resolution regarding the CR289 Addition, Block A, Lot 1, Development Plat. (Planning Manager Lauren Mecke)

Single-Family dwelling, detached on one lot on 5.0± acres located on the east side of County Road 289, 2,479± feet north of County Road 290. Located within the extraterritorial jurisdiction (ETJ).

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING CR289 ADDITION, BLOCK A, LOT 1, DEVELOPMENT PLAT

- d. Approve a Resolution regarding the Wann Estate Development Plat, Block A, Lot 1, Development Plat. (Planning Manager Lauren Mecke)

Single-family dwelling, detached on one lot on 7.9± acres located on the west side of County Road 479, 3,663± feet north of Farm-to-Market Road 2862. Located within the extraterritorial jurisdiction (ETJ).

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING WANN
ESTATE DEVELOPMENT PLAT, BLOCK A, LOT 1, DEVELOPMENT PLAT

- e. Approve a Resolution regarding the Seekamp Estate Development Plat, Block A, Lot 1, Development Plat. (Planning Manager Lauren Mecke)

Single-family dwelling, detached on one lot on 11.7± acres located on the west side of County Road 479, 4,382± feet north of Farm-to-Market Road 2862. Located within the extraterritorial jurisdiction (ETJ).

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING SEEKAMP
ESTATE, BLOCK A, LOT 1, DEVELOPMENT PLAT

- f. Approve a Resolution regarding the 455/75 Business Addition, Block A, Lots 1R, 4, & 5, Replat. (Planning Manager Lauren Mecke)

Shopping Center on one lot and two vacant lots on 6.2± acres located on the west side of South Central Expressway, 460± feet south of W. White Street. Zoned: General Commercial (C-2). The purpose of the replat is to subdivide Lot 1 into three lots and dedicate easements necessary for the future development of Lots 4 and 5.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING THE 455/75
BUSINESS ADDITION, BLOCK A, LOTS 1R, 4 & 5, REPLAT.

- g. Approve a Resolution regarding the 455/75 Business Addition, Block A, Lot 1R, Revised Site Plan. (Planning Manager Lauren Mecke)

Shopping Center on one lot on 3.8± acres located on the west side of S. Central Expressway, 636± feet south of W. White Street. Zoned: General Commercial (C-2). The purpose of the revised site plan is to provide an updated site plan following the subdivision of Lot 1.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A REVISED
SITE PLAN OF 455/75 BUSINESS ADDITION, BLOCK A, LOT 1R.

- h. Approve a Resolution regarding the Anacabri, Phase 1A, Final Plat. (Planning Manager Lauren Mecke)

191 Single-Family Residence-60 (SF-60) lots & five common area lots on 44.2± acres located at the northeast corner of Hackberry Drive and future Ferguson Parkway. Zoned: Planned Development-Restricted Commercial/Single-Family Residence60/Single-Family Residence – Zero lot lines homes (PD-C-1/SF-60/SF-Z Ord. No. 887- 2020). The purpose for the Final Plat is to dedicate right-of-way, lot and block boundaries, and easements necessary for the construction and ultimate completion of the single-family subdivision.

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

- i. Approve a Resolution regarding the Anacapri, Phase 1B, Final Plat. (Planning Manager Lauren Mecke)

92 Single-Family Residence-60 (SF-60) lots, 112 Single-Family Residence District - Zero lot line home lots (SF-Z), and seven common area lots on 41.2± acres located on the south side of CR 370, 330± feet east of future Ferguson Parkway. Zoned: Planned Development-Restricted Commercial/Single-Family Residence-60/Single-Family Residence – Zero lot lines homes (PD-C-1/SF-60/SF-Z Ord. No. 887-2020). The purpose for the Final Plat is to dedicate right-of-way, lot and block boundaries, and easements necessary for the construction and ultimate completion of the single-family subdivision phase.

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

- j. Approve a Resolution regarding the Anna Crossing, Phase 1C, Final Plat. (Planning Manager Lauren Mecke)

102 Single-Family Residence-72 lots and 8 Common area lots on 31.4± acres located on the east and west sides of Vail Lane, 518± feet north of E Foster Crossing Road. Zoned: Planned Development-Single-Family Residence-72 (PD-SF-72) (Ord. No. 787- 2018). The purpose for the final plat is to dedicate right-of-way, lot and block boundaries, and easements necessary for the completion of the single-family subdivision.

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

- k. Approve a Resolution regarding the Ferguson-White Addition, Block A, Lots 1, 2 & 3, Preliminary Plat. (Planning Manager Lauren Mecke)

Bank on one lot and two vacant lots on 6.4± acres located at the southwest corner of W White Street and Ferguson Parkway. Zoned: Planned Development-Restricted Commercial (Ord. No. 821-2019). The purpose for the preliminary plat is to propose easements necessary for the bank construction on Lot 1.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A PRELIMINARY PLAT OF FERGUSON-WHITE ADDITION, BLOCK A, LOTS 1, 2, & 3.

- l. Approve a Resolution regarding the Victoria Falls Center Addition, Block A, Lots 1R & 5R, Replat. (Planning Manager Lauren Mecke)

Shopping center, Lot 1R, and restaurant, Lot 5R, on two lots on 5.3± acres located on the north side of W White Street, 468± feet east of Victoria Falls Drive. Zoned: Planned Development-General Commercial (Ord. No. 119-2003). The purpose of the replat is to modify property boundaries and dedicate easements

necessary for the restaurant development on Lot 5R.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING THE VICTORIA FALLS CENTER ADDITION, BLOCK A, LOTS 1R & 5R, REPLAT.

- m. Approve a Resolution regarding the Victoria Falls Center Addition, Block A, Lot 5R, Site Plan. (Planning Manager Lauren Mecke)

Restaurant on one lot on 0.7± acre located on the north side of W White Street, 468± feet east of Victoria Falls Drive. Zoned: Planned Development-General Commercial (Ord. No. 119-2003).

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A SITE PLAN OF VICTORIA FALLS CENTER ADDITION, BLOCK A, LOT 5R.

- n. Approve a Resolution regarding the Cedar Ridge Estates, Preliminary Plat. (Planning Manager Lauren Mecke)

126 Single-Family Residence-72 lots and 7 common area lots on 39.7± acres located at the southwest intersection of CR 427 and CR 425 (Future Leonard Ave). Zoned: SingleFamily Residence-72 (SF-72). The purpose for the preliminary plat is to propose right-of-way dedication, lot and block boundaries, and easements necessary for the creation of the single-family subdivision formerly annexed and zoned by the name CR 427 Tract.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A PRELIMINARY PLAT FOR CEDAR RIDGE ESTATES.

7. Items For Individual Consideration.

- a. Conduct a Public Hearing and consider approval on an Ordinance amending park development fund regulations to allow expenditures related to park planning and development staff. (Director of Neighborhood Services Marc Marchand)

Per City Council's directive in Anna's Strategic Plan to implement the Parks, Trails, and Open Spaces Master Plan and Parks Community Improvement capital plan, staff is bringing before the City Council amendments to the Ordinance governing the use of the Parks Development Fund.

Anna's significant population growth is causing an increase in the demand for parks, trails, open spaces, and related facilities and amenities. Funding for park planning, capital improvements, and related functions are allowable in the Park Development Fund Ordinance. However, this Ordinance amends the Park Development Fund regulations to expand its use and allow for staffing associated with park planning and development.

The Parks Development Fund is performing very well and the increase over previous fiscal years is enough capacity to cover capital projects and have funding for park planning and development staff. The revenue estimate for the Parks Development Fund in the FY 2020/2021 Budget was \$885,500. Actual revenue for the Parks Development Fund will exceed \$1,165,500 for the

FY 2020/2021 Budget. This is a difference of \$280,000 which is enough to cover staff's request in the FY 2021/2022 Budget of \$125,693 for park planning and development staff.

Mayor Pike opened the public hearing at 6:51 PM.

No comments.

Mayor Pike closed the public hearing at 6:51 PM.

AN ORDINANCE OF THE CITY OF ANNA, TEXAS, AMENDING THE ANNA CITY CODE OF ORDINANCES BY AMENDING CHAPTER 9 (PLANNING AND DEVELOPMENT REGULATIONS), ARTICLE 9.02 (SUBDIVISION REGULATIONS), DIVISION 4 (PUBLIC SITES AND OPEN SPACES), SECTION 9.02.135 (PARK LAND AND PUBLIC FACILITY DEDICATION), SUBSECTION (E) (PARK DEVELOPMENT FUND); PROVIDING FOR A PENALTY FOR ANY VIOLATION OF THIS ORDINANCE NOT TO EXCEED \$500; 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 Carver seconded. Motion carried 7-0.

- b. Conduct a Public Hearing and consider approval of an Ordinance adopting water and sanitary sewer utility rates for Fiscal Year 2022. (Director of Public Works Greg Peters, P.E.)

On August 24, 2021, staff presented in a City Council Work session on the rate study results, which the FY2022 budget is in part contingent on. As a result of the efforts to balance the increasing costs from external service providers, the original projections of the prior rate study had increases as high as 10-12% annually. Staff has reviewed the financial condition of the utility and is proposing a reduction of the prior proposed rate increases. The revised recommendation includes a rate increase of 8% for water and 8% for wastewater. These increases are required to ensure that the Utility Fund maintains viability. The increases ensure that the City is able to cover the rising costs of purchased water and sewer treatment from North Texas Municipal Water District and the associated costs of delivery of purchased water and transmission of sewer to treatment facilities.

The proposed rate increases represent the minimum recommended increases needed to balance the revenues and expenses of the utility while meeting the needs of the growing population we serve.

Mayor Pike opened the public hearing at 6:56 PM.

No Comments.

Mayor Pike closed the public hearing at 6:57 PM.

AN ORDINANCE OF THE CITY OF ANNA, TEXAS, ADOPTING A 5-YEAR RATE PLAN FOR WATER AND SANITARY SEWER SERVICE RATES AS SHOWN IN EXHIBIT A ATTACHED HERETO AND AMENDING THE ANNA CITY CODE OF ORDINANCES APPENDIX A, ARTICLE A6.000 UTILITY FEES, SECTION A6.009 WATER AND SANITARY SEWER SERVICE RATES; PROVIDING FOR A PENALTY FOR ANY VIOLATION OF THIS ORDINANCE

NOT TO EXCEED \$2,000; PROVIDING FOR SAVINGS, SEVERABILITY, AND REPEALING CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION THEREOF.

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

- c. Consider/Discuss/Action approving an Ordinance adopting the FY2022 Budget. (City Manager Jim Proce)

The Annual Budget is developed through an extensive process of reviewing requests received from various City departments, then prioritizing those requests in a manner that utilizes resources effectively, within fiscal constraints, while working to achieve goals set forth by the City Council.

The proposed budget was presented to the City Council on August 10th and was posted on the City's website on August 11th. The public hearing on the proposed budget and tax rate was conducted on September 7th.

The FY2022 budget is funded with a tax rate of \$0.569500 per \$100 in taxable value, which less than the tax rate adopted last year.

While budgets are always a challenge, we have worked diligently to propose a budget that is both balanced and sufficient to meet the needs of the coming fiscal year. We express our appreciation to the City Council for their diligent efforts throughout the year in providing guidance, direction and support for our efforts to serve the City of Anna.

As Anna continues to grow, the City remains committed to its Strategic Vision. The FY2022 budget is designed to preserve and enhance the quality of existing services and respond appropriately to our City's continuing growth and development.

AN ORDINANCE MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY OF ANNA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022; APPROPRIATING MONEY TO AN INTEREST AND SINKING FUND TO PAY INTEREST AND PRINCIPAL ON THE CITY'S INDEBTEDNESS; AND ADOPTING THE ANNUAL BUDGET OF THE CITY OF ANNA FOR THE 2021 – 2022 FISCAL YEAR.

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

- d. Consider/Discuss/Action regarding a Resolution ratifying the property tax revenue increase reflected in the City of Anna FY2022 Budget. (City Manager Jim Proce)

Section 102.007 of the Local Government Code states that "adoption of a budget that will require raising more revenue from property taxes than in the previous year requires a separate vote of the governing body to ratify the property tax increase reflected in the budget".

The budget is funded by a tax rate of \$0.569500, which is less than the tax rate adopted last year. The total amount of revenue generated from property taxes will increase by \$1,530,703 which is a 17.9 percent increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is \$930,187.

A RESOLUTION OF THE CITY OF ANNA ACKNOWLEDGING AND RATIFYING THAT THE ADOPTION OF THE FISCAL YEAR 2021-2022 ANNUAL BUDGET WILL REQUIRE RAISING MORE REVENUE FROM PROPERTY TAXES THAN IN THE PREVIOUS FISCAL YEAR.

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

- e. Consider/Discuss/Action approving an Ordinance adopting the FY2022 Tax Rate. (City Manager Jim Proce)

The FY2022 budget can be funded by adopting a tax rate of \$0.569500 cents per \$100 valuation. Of the total tax rate, \$0.452631 cents are dedicated to the general fund maintenance and operations (M&O) and \$0.116869 cents are dedicated for the payment of general fund debt obligations or interest and sinking (I&S).

State regulations require specific language to be included in the ordinance and motion adopting the tax rate. The language in the motion is meant to reflect the change in the total tax rate while the language in section 5 of the ordinance only reflects the change in the M&O portion of the rate. The M&O rate exceeds the M&O no-new-revenue rate by 4.93% but is lower than the FY2021 adopted M&O rate, resulting in a \$14.42 decrease on a \$100,000 home.

As the proposed rate exceeds the no-new-revenue rate of \$0.536868, the motion must be made in the following form:

"I move that the property tax rate be increased by the adoption of a tax rate of \$0.569500, which is effectively a 6.08 percent increase in the tax rate."

In addition to statutory requirements for the language of the motion to adopt the tax rate, Sec. 26.05(b) requires 60% of the Council to vote in favor of a tax rate that exceeds the no-new-revenue tax rate. This means that five members of the City Council must vote in favor of the motion to pass the \$0.569500 rate.

AN ORDINANCE LEVYING PROPERTY TAXES FOR USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF ANNA FOR THE 2021-2022 FISCAL YEAR; PROVIDING FOR AN INTEREST AND SINKING FUND FOR ALL OUTSTANDING DEBT OF THE CITY OF ANNA; PROVIDING FOR APPORTIONING EACH LEVY FOR THE SPECIFIC PURPOSES; AND, PROVIDING WHEN TAXES SHALL BECOME DUE AND WHEN SAME SHALL BECOME DELINQUENT IF NOT PAID.

MOTION: Council Member Toten moved to approve that the property tax rate be increased by the adoption of a tax rate of \$0.569500, which is effectively a 6.08 percent increase in the tax rate. Council Member Atchley seconded. Motion carried 7-0.

- f. Consider/Discussion/Action on an Ordinance approving a variance request to allow for modified signage. (Planning Manager Lauren Mecke)

Request for a sign variance to allow for the reconstruction of a nonconforming Class 5, major free-standing sign on a tract of land located at the northeast corner of S. Powell Parkway (State Highway 5) and County Road 423. Zoned Single-Family – Large Lot (SF-E).

The existing sign was erected prior to the property being annexed into the City of Anna. Now within the City limits, the sign is considered non-conforming due to major freestanding signs are not permitted along State Highway 5 nor within single-family zoning districts.

The applicant is requesting a variance from the signage ordinance in order to relocate the nonconforming sign due to TxDOT State Highway 5 expansion project.

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

- g. Consider/Discussion/Action on a request to call a public hearing to amend Article 9.04 (Zoning Ordinance) in order to modify setback requirements for swimming pools. (Planning Manager Lauren Mecke)

Under Section 9.04.033 (Special Uses) of Article 9.04 (Zoning Ordinance), the City has adopted some additional standards pertaining to swimming pools. One of the standards states that swimming pools may not be closer than eight feet from any property line. Staff would like to modify the distance to be more in line with accessory structures which are required to maintain a five (5) foot setback from property lines.

The requested amendments to the Zoning Ordinance will improve staff efficiency, simplify the City's development regulations and standards, and reduce costs to neighbors, developers, and property owners.

Recommended the City Council call a Public Hearing to amend Article 9.04 (Zoning Ordinance) to modify the setback requirement for swimming pools.

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

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).
- 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).

No Closed Session was held.

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.

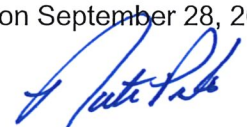
No action taken.

10. **Adjourn.**

Mayor Pike adjourned the meeting at 7:08 PM.

Approved on September 28, 2021.





Mayor Nate Pike

ATTEST:

Carrie L. Land
City Secretary Carrie L. Land