

**Regular City Council Meeting
Meeting Minutes**



Tuesday, September 28, 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 September 28, 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 6:30 PM.

Council Member Vollmer was absent.

2. Invocation and Pledge of Allegiance.

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

3. Neighbor Comments.

Bruce Norwood spoke in favor of the multiple-family residential; however, expressed concerns about traffic in Town Square.

Andrew Michrina thanked Parks Manager Jeff Freeth and staff for providing a brochure of recreation programs.

4. Reports.

- a. Proclamation recognizing September and October as North Texas Community Cleanup Challenge Months.

5. Work Session.

No Work Session was held.

6. **Consent Items.**

MOTION: Council Member moved to approve Consent Items 6. a. through h. Council Member Toten seconded. Motion carried 6-0.

- a. Approve the City Council Meeting Minutes for the September 7th and September 14th Council Meetings. (City Secretary Carrie Land)
- b. Approve a Resolution approving the sale of certain real property acquired at a delinquent tax foreclosure sale, as provided by Section 34.05 of the Texas Property Tax Code. (Director of Finance Alan Guard)

Collin County received several offers to purchase a number of properties that were previously bid off to the taxing units. These offers were the highest and best received for each property. Texas Property Tax Code Section 34.05(i) authorizes the private re-sale of tax foreclosed properties with the consent of the taxing units involved in the foreclosure lawsuits. The Collin County Commissioners Court approved the sale for all the properties on June 21, 2021.

The City of Anna was a party to one of the lawsuit and consent is needed from the City before finalizing the sale. The County is asking if the City would consider the offer attached and formally give its consent to the resale and accept the offer.

FINANCIAL IMPACT: The City will receive its share of taxes owed from the property as part of the settlement.

A RESOLUTION APPROVING THE SALE OF CERTAIN REAL PROPERTY ACQUIRED AT A DELINQUENT TAX FORECLOSURE SALE, AS PROVIDED BY SECTION 34.05 OF THE TEXAS PROPERTY TAX CODE.

- c. Development Agreement – Anna Crossing, Phase 1C Addition (Director of Development Services Ross Altobelli)
Approve a Resolution entering into a development agreement with East Foster, LLC to establish development and design regulations for further development on 8.3± acres located at the northeast corner of E Foster Crossing and Vail Lane.

The intent of the development agreement is to ensure the use of high quality, durable materials for nonresidential and residential development within the city to create well designed and attractive architecture.

Approving the development agreement in no way puts an obligation on the City Council to approve the rezoning request. It only puts in place development and design regulations should the decision be made to approve the rezoning request.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A DEVELOPMENT AGREEMENT WITH EAST FOSTER, LLC RELATING TO DEVELOPMENT AND DESIGN REGULATIONS FOR MULTIPLE-FAMILY RESIDENCE DEVELOPMENT LOCATED AT THE NORTHEAST CORNER OF FINLEY BOULEVARD AND FLORENCE WAY.

- d. Development Agreement - Parmore-Anna (Director of Development Services Ross Altobelli)
Approve a Resolution entering into a development agreement with Anna Town Center Mixed Use, LLC to establish development and design regulations for further development on 9.9± acres located on the northeast corner of Finley Boulevard and Florence Way.

The intent of the development agreement is to ensure the use of high quality, durable materials for nonresidential and residential development within the city to create well designed and attractive architecture.

Approving the development agreement in no way puts an obligation on the City Council to approve the rezoning request. It only puts in place development and design regulations should the decision be made to approve the rezoning request.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A DEVELOPMENT AGREEMENT WITH ANNA TOWN CENTER MIXED USE, LLC RELATING TO DEVELOPMENT AND DESIGN REGULATIONS FOR MULTIPLE-FAMILY RESIDENCE DEVELOPMENT LOCATED AT THE NORTHEAST CORNER OF FINLEY BOULEVARD AND FLORENCE WAY.

- e. Development Agreement - The Grand at Anna Town Square (Director of Development Services Ross Altobelli)
Approve a Resolution entering into a development agreement with Anna Town Center Mixed Use, LLC to establish development and design regulations for further development on 13.4± acres located at the southwest corner of Finley Boulevard and Florence Way.

The intent of the development agreement is to ensure the use of high quality, durable materials for nonresidential and residential development within the city to create well designed and attractive architecture.

Approving the development agreement in no way puts an obligation on the City Council to approve the rezoning request. It only puts in place development and design regulations should the decision be made to approve the rezoning request.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A DEVELOPMENT AGREEMENT WITH ANNA TOWN CENTER MIXED USE, LLC RELATING TO DEVELOPMENT AND DESIGN REGULATIONS FOR MULTIPLE-FAMILY RESIDENCE DEVELOPMENT LOCATED AT THE SOUTHWEST CORNER OF FINLEY BOULEVARD AND FLORENCE WAY.

- f. Review Minutes of the July 15, 2021, Diversity and Inclusion Advisory Commission Meeting. (Assistant City Manager Ryan Henderson)

- g. Review Minutes of the August 3, 2021, Diversity and Inclusion Advisory Commission Meeting. (Assistant City Manager Ryan Henderson)

- h. Approve a Contract and Authorize Execution of Same for the Purchase, Installation and Storage of a 30' Lighted Artificial Christmas Tree from Lone Star Lighting (Director of Neighborhood Services Marc Marchand)

The Christmas Tree included in the bid is a replacement and upgrade of the old artificial Christmas tree used for many years by the City of Anna. It will be part of the annual Christmas decoration and lighting of City parks and facilities. The Christmas tree will be located at the current City Hall.

An Invitation to Bid was posted through Ion Wave on September 3, 2021, at 12:00 PM and opened on September 17, 2021, at 12:30 PM. The low bidder is Lone Star Lighting out of Melissa, TX with a bid of \$56,630. The bids from the four remaining bidders ranged from \$62,416 to \$164,890.

The base price includes a lighted artificial Christmas tree, installation, take-down and storage of same for one year. The tree is an RGB Animated Majestic Mountain Pine Tree, 30' in height, manufactured by Twinkly Pro. It has smart technology built-in and is capable of millions of unique color combinations and effects that can be programmed from a smart phone app. The bid includes a 3D Snowburst Tree Topper that is 5' tall. There are no ornaments included to provide maximum visibility to the animated lights.

The Christmas tree will be delivered and installed no later than November 23, 2021, and removed no later than January 8, 2022. The vendor will place the tree in storage for one year.

FINANCIAL IMPACT: \$56,630 from Park Development Fund (372-558-67000) this year. Cost for installation, take-down and storage in future years.

7. **Items For Individual Consideration.**

- a. Anna Crossing Phase 1C Addition, Zoning & Concept Plan (Director of Development Services Ross Altobelli)

1) Conduct a public hearing to consider public comments regarding a request to rezone 8.3± acres located at the northeast corner of E Foster Crossing and Vail Lane from Planned Development-General Commercial (PD-C-2) to Planned Development-Multiple-Family - High Density (PD-MF-2) to allow for multiple-family residences on one lot.

2) Consider/Discuss/Action on an Ordinance approving the PD-MF-2 rezoning request to allow for a multiple-family residence development with modified development standards.

3) Consider/Discuss/Action on a recommendation on a Resolution approving the

Concept Plan, Anna Crossing Phase 1C Addition, Block G, Lot 1, associated with the rezoning request.

The applicant is requesting to rezone the property to allow for multiple-family residences with modified development standards. The multiple-family residence will serve as a transition between the Anna Industrial Park located across E. Foster Crossing Road and the single-family residential development located directly to the north. The language in the proposed PD district would allow for modified development standards associated with the multiple-family residence development.

Proposed Modified Standards

Maximum height - The existing base zoning (PD-C-2) allows for a maximum height of 35 feet.

- ☐ The applicant is proposing a 4-story building design that will have a maximum height of 55 feet.

Density - The MF-2 zoning districts miscellaneous provisions allow for a maximum density of 25 units per gross acre as long as special fire protection requirements are observed.

- ☐ The applicant is proposing a density of 29 units per acre.

Parking - Sec. 9.04.037 (Parking space regulations) of the Zoning Ordinance require a minimum of 2 parking spaces per dwelling unit for multiple-family dwellings, plus 0.25 spaces per dwelling unit for visitor parking. Additionally, 75% of the required parking is required to be covered.

- ☐ The applicant is proposing to reduce the required parking to 1.5 space per dwelling unit, plus 0.25 spaces for visitor parking, and reduce the covered parking to 50%.

Screening fence - The MF-2 zoning requires border fencing of masonry construction no less than eight feet in height be installed along the property line on any perimeter not abutting a public street-right-of-way.

- ☐ The applicant is requesting to install the eight-foot-tall masonry fencing along the northwest property line adjacent to the proposed single-family lots. The remaining screening fence is requested to be a six-foot-high ornamental metal fence with masonry columns. Additionally, along the northwest property boundary adjacent to single-family residential lots and in addition to the 8-foot-tall masonry fencing, the site will include a 10-foot-wide landscape buffer with vegetative screening.

Refuse Facilities - The applicant is proposing to provide a 30 cubic yard compactor and an 8 cubic yard recycling container that will be centrally located for all residents.

The Future Land Use Plan designates this property as Professional Campus. Although the proposed zoning is not in conformance with the Future Land Use Plan the proposed multiple-family zoning will help support the Professional

Campus vision by providing the necessary housing needed for office campus environments.

Recommendation:

The proposed zoning and concept plan are in conformance with elements of the City of Anna Strategic Plan. The proposal includes the following:

1. Standards that enhance the perimeters when adjacent to single-family residential developments.
2. The zoning request proposes a development pattern that aligns with the Master Thoroughfare Plan and provides for a land use transition for development as it moves north of the Collin County Outer Loop that is superior to the existing zoning.
3. Allows for a development that diversifies the range of housing choices within the City of Anna.

For these reasons, staff is in support of the zoning request. At their Tuesday, September 7, 2021, meeting, the Planning & Zoning Commission recommended approval of the Zoning (5-2) and approval of the Concept Plan (4-3).

Mayor Pike opened the public hearing at 7:00 PM.

Requestor Stan Franklin spoke in favor.

Mayor Pike closed the public hearing at 7:07 PM.

AN ORDINANCE OF THE CITY OF ANNA, TEXAS AMENDING THE CITY'S COMPREHENSIVE PLAN, ZONING MAP, AND ZONING ORDINANCE AND CHANGING THE ZONING OF CERTAIN PROPERTY AS DESCRIBED HEREIN; PROVIDING FOR SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR A PENALTY CLAUSE NOT TO EXCEED \$2,000 OR THE HIGHEST PENALTY AMOUNT ALLOWED BY LAW, WHICHEVER IS LESS; AND, PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

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

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A CONCEPT PLAN FOR ANNA CROSSING, PHASE 1C ADDITION, BLOCK A, LOT 1

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

- b. Parmore-Addition, Zoning, Concept Plan, & Preliminary Plat (Director of Development Services Ross Altobelli)

1) Conduct a public hearing to consider public comments regarding a request to rezone 9.9± acres located at the northeast corner of Finley Boulevard and Florence Way from Planned Development-General Commercial/Multiple-Family

– High Density (PD-C-2/MF-2) to Planned Development-Multiple-Family- High Density (PD-MF-2).

2) Consider/Discuss/Action on an Ordinance approving the PD-MF-2 rezoning request to allow for a multiple-family residence development with modified development standards.

3) Consider/Discuss/Action on a recommendation on a Resolution approving the Concept Plan, Parmore Addition, Block A, Lot 1, associated with the rezoning request.

4) Consider/Discuss/Action on a recommendation on a Resolution approving the Preliminary Plat, Parmore Addition, Block A, Lot 1, associated with the development of a multiple-family residence.

The subject property is located within portions of District G (Town Center Zone) and District H (Southern Town Center Zone) of the Anna Crossing zoning. Both districts allow multiple-family residence by-right. Staff is recommending the property be rezoned rather than amended in order to clean-up the zoning district boundary associated with the current request. Additionally, the applicant is requesting to modify MF-2 Multiple-Family Residential – High Density (MF-2) development standards pertaining to parking, fencing, and refuse facilities.

Proposed Planned Development Stipulations

Design Standards – The existing zoning currently permits 3-story multiple-family residences. The language in the proposed stipulations re-establishes the allowed use with the same maximum height of 3 stories or 50 feet.

Parking – Sec. 9.04.037 (Parking space regulations) of the Zoning Ordinance requires a minimum of 2 parking spaces per dwelling unit for multiple-family dwellings, plus 0.25 spaces per dwelling unit for visitor parking. Additionally, 75% of the required parking is required to be covered.

- ☐ The applicant is proposing to reduce the required parking to 1 space per bedroom with guest parking included in the overall 1 space per bedroom parking ratio and reduce the covered parking to 50%.

Screening fence – The MF-2 zoning requires border fencing of masonry construction no less than eight feet in height be installed along the property line on any perimeter not abutting a public street right-of-way.

- ☐ The applicant is requesting to install a six-foot-high ornamental metal fence with masonry columns. Additionally, along the northern property boundary adjacent to single-family residential lots, in addition to the fencing the site will include a 10- foot-wide landscape buffer with vegetative screening.

Refuse Facilities – The applicant is proposing to locate every dwelling unit within 300 feet of a refuse facility (current zoning states 250 feet) and there shall be available at all times at least six cubic yards of refuse container per 35 multiple family dwelling units (current zoning standards state 30 units).

Recommendation:

The proposed zoning and concept plan are in conformance with elements of the City of Anna Strategic Plan. The multiple-family residence land use is currently allowed by/right on the property. The proposed development stipulations/restrictions allow for a superior development than what would be allowed under existing zoning allowances. At their Tuesday, September 7, 2021 meeting, the Planning & Zoning Commission recommended approval of the Zoning (6-1), Concept Plan (7-0), and Preliminary Plat (7- 0).

Mayor Pike opened the public hearing at 7:12 PM.

No comments.

Mayor Pike closed the public hearing at 7:12 PM.

AN ORDINANCE OF THE CITY OF ANNA, TEXAS AMENDING THE CITY'S COMPREHENSIVE PLAN, ZONING MAP, AND ZONING ORDINANCE AND CHANGING THE ZONING OF CERTAIN PROPERTY AS DESCRIBED HEREIN; PROVIDING FOR SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR A PENALTY CLAUSE NOT TO EXCEED \$2,000 OR THE HIGHEST PENALTY AMOUNT ALLOWED BY LAW, WHICHEVER IS LESS; AND, PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

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

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A CONCEPT PLAN FOR PARMORE-ANNA, BLOCK A, LOT 1.

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

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A PRELIMINARY PLAT FOR PARMORE ADDITION, BLOCK A, LOT 1

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

- c. The Grand at Anna Town Square - Zoning & Concept Plan (Director of Development Services Ross Altobelli)

1) Conduct a public hearing to consider public comments regarding a request to rezone 13.4± acres located at the southwest corner of Finley Boulevard and Florence Way from Planned Development-General Commercial/Multiple-Family – High Density (PD-C-2/MF-2) to Planned Development-Multiple-Family- High Density (PD-MF-2).

2) Consider/Discuss/Action on an Ordinance approving the PD-MF-2 zoning

request to allow for a multiple-family residence development with modified development standards.

3) Consider/Discuss/Action on a recommendation on a Resolution approving the Concept Plan, The Grand at Anna Town Square, Block A, Lot 1, associated with the rezoning request.

The subject property is located within portions of District G (Town Center Zone) and District H (Southern Town Center Zone) of the Anna Crossing zoning. Both districts allow multiple-family residence by-right. Staff is recommending the property be rezoned rather than amended in order to clean-up the zoning district boundary associated with the current request.

Proposed Planned Development Stipulations

Design Standards – The existing zoning currently permits 3-story multiple-family residences. The language in the proposed stipulations re-establishes the allowed use with the same maximum height of 3 stories or 50 feet.

Parking – Sec. 9.04.037 (Parking space regulations) of the Zoning Ordinance require a minimum of 2 parking spaces per dwelling unit for multiple-family dwellings, plus 0.25 spaces per dwelling unit for visitor parking. Additionally, 75% of the required parking is required to be covered.

- ☐ The applicant is proposing to reduce only the required parking for one-bedroom and studio units to 1.5 space and reduce the amount of covered parking to 40%.

- ☐ The zoning will maintain the required two (2) spaces per two or more-bedroom units and additional 0.25 visitor parking requirements.

Screening fence – The MF-2 zoning requires border fencing of masonry construction not less than eight feet in height be installed along the property line on any perimeter not abutting a public street right-of-way.

- ☐ The applicant is requesting to install a six-foot-high ornamental metal fence with masonry columns. Additionally, along any perimeter not abutting a public right-of-way the site will include a 20-foot-wide landscape buffer with vegetative screening.

Refuse Facilities – Rather than have multiple dumpsters, the application is proposing one compactor on-site. Additionally, the development will utilize a valet waste service to collect residents trash directly on scheduled days.

Recommendation

The proposed zoning and concept plan are in conformance with elements of the City of Anna Strategic Plan. The multiple-family residence land use is currently allowed by-right on the property. The proposed development stipulations/restrictions allow for a superior development than what would be allowed under existing zoning allowances.

At their Tuesday, September 7, 2021 meeting, the Planning & Zoning

Commission recommended approval of the Zoning (6-1) and Concept Plan (6-1).

Mayor Pike opened the public hearing at 7:21 PM.

No comments.

Mayor Pike closed the public hearing at 7:21 PM.

AN ORDINANCE OF THE CITY OF ANNA, TEXAS AMENDING THE CITY'S COMPREHENSIVE PLAN, ZONING MAP, AND ZONING ORDINANCE AND CHANGING THE ZONING OF CERTAIN PROPERTY AS DESCRIBED HEREIN; PROVIDING FOR SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR A PENALTY CLAUSE NOT TO EXCEED \$2,000 OR THE HIGHEST PENALTY AMOUNT ALLOWED BY LAW, WHICHEVER IS LESS; AND, PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

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

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A CONCEPT PLAN FOR THE GRAND AT ANNA TOWN SQUARE, BLOCK A, LOT 1.

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

- d. Vaquero DG Westminster, Zoning & Preliminary Plat (Director of Development Services Ross Altobelli)

1) Conduct a public hearing to consider public comments regarding a request to rezone 2.5± acres located at the southwest corner of State Highway 121 and Farm-to-Market Road 2862 from Single-Family – Large Lot (SF-E) to General Commercial (C-2).

2) Consider/Discuss/Action on an Ordinance approving the C-2 rezoning request.

3) Consider/Discuss/Action on a recommendation on a Resolution approving the Preliminary Plat, Vaquero DG Westminster, Block A, Lot 1, associated with the rezoning request and development of the property.

The applicant is requesting to rezone the property in order to allow for a department store. The General Commercial (C-2) district is intended to accommodate those uses that are of city-wide and regional significance.

Staff is recommending City Council table the zoning and preliminary plat request to allow for additional time to finalize the incentive agreement with the applicant.

Mayor Pike opened the public hearing at 7:25 PM.

No comments.

Mayor Pike closed the public hearing at 7:25 PM.

MOTION: Mayor Pike moved to table this item to the October 12, 2021, meeting to be held at Anna ISD Boardroom, 201 E. 7th Street, Anna, Texas 75409. Council Member Miller seconded. Motion carried 6-0.

- e. Consider/Discuss/Action on an Ordinance changing the speed limit for SH 121 in the City limits of Anna, Texas to 65 miles per hour. (Director of Public Works Greg Peters, P.E.)

TxDOT has been constructing roadway improvements to SH 121 between Melissa and the Collin County line. Following the substantial completion of the roadway improvements, TxDOT conducted a speed study and determined that SH 121 within the City limits of Anna should be set at 65 miles per hour, from the Collin County Outer Loop to County Road 1220. The study was completed in accordance with the requirements of the State of Texas and the Manual on Uniform Traffic Control Devices. Based on these results, TxDOT is requesting the City to adopt an Ordinance establishing a speed limit of 65 miles per hour for the portion of SH 121 within Anna's City Limits.

City staff have reviewed this request and the speed study data and concurs with TxDOT's findings. Adoption of the 65 miles per hour speed limit will ensure a consistent speed limit on SH 121 through the region.

MOTION: Council Member Toten moved to deny. Motion failed due to lack of a second.

MOTION: Council Member Atchley moved to approve. Mayor Pike seconded. Motion failed 2-4. Council Members Toten, Carver, Miller, and Ussery opposed.

- f. Consider/Discuss/Action on a Resolution authorizing the City Manager to execute an Impact Fee Reimbursement agreement for Anna Crossing with Anna Crossing AMC, Limited. (Director of Public Works Greg Peters, P.E.)

Anna Crossing is a master-planned development in the City of Anna Texas with many phases of residential and mixed use development. As a part of the overall project, the developer is constructing major roadways, including Finley Boulevard and Leonard Avenue. In accordance with State Law, the City is required to reimburse roadway impact fees collected from a subject property when the developer of the project constructs adjacent roads per the City of Anna Master Thoroughfare Plan.

Developers are able to construct public roadways more efficiently and for a lower cost than stand-alone City projects, as they can perform the work while paving all of the internal streets - increasing the total volume of work for the contractor.

This agreement requires the road projects adjacent to Phase 5 and Phase 6 of Anna Crossing to commence construction by September of 2023. For their mixed use project, the developer will be required to commence construction within 180 days of a building permit being issued for each mixed use development. This

ensures that the City will receive construction of the major roadways required for the community.

FINANCIAL IMPACT:

The total roadway impact fee reimbursement will be the lesser of the actual construction cost, or \$1,990,322. All reimbursements will come from Roadway Impact Fees collected from development on the property. In this way, growth is funding the infrastructure required for growth.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A ROADWAY IMPACT FEE REIMBURSEMENT AGREEMENT BY AND BETWEEN THE CITY OF ANNA, TEXAS AND ANNA CROSSING AMC, LIMITED, A TEXAS LIMITED PARTNERSHIP, AS SHOWN IN EXHIBIT "A" ATTACHED HERETO, AND PROVIDING FOR AN EFFECTIVE DATE.

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

- g. Consider authorization of the City Manager to publish notice of an Ordinance creating a Stormwater Utility for the City of Anna in the Anna Melissa Tribune. (Director of Public Works Greg Peters, P.E.)

The City of Anna has been working with Birkhoff Hendricks and Carter to complete a stormwater utility study for the City of Anna. The study is now complete. In accordance with State Law, if the City desires to adopt an ordinance to create a stormwater utility and to adopt a stormwater fee, a copy of the ordinance must be printed in the local newspaper prior to holding the public hearing and considering adoption. This item is to authorize staff to move forward with posting the ordinance in the paper.

The Stormwater Utility Study shows that a proposed rate structure of \$3.20/month for residential and \$10.52/acre/month for non-residential will provide the funds necessary to perform basic operations and maintenance of the stormwater system and to initiate basic stormwater planning projects required to accommodate the changes to storm drainage caused by development, growth, and natural weather events. Currently, the City has an annual funding of \$20,000 for stormwater projects, which is insufficient to provide proper maintenance and repair of existing drainage channels, bar ditches, underground storm systems, and natural creeks and drainageways.

Per State Law:

- Before adopting the ordinance, the governing body must publish a notice in a newspaper of general circulation in the municipality stating the time and place of a public hearing to consider the proposed ordinance. The proposed ordinance must be published in full in the notice. The governing body shall publish the notice three times before the date of the hearing. The first publication must occur on or before the 30th day before the date of the hearing.

- After passage of the ordinance adopting this subchapter, the municipality may levy a schedule of drainage charges. The municipality must hold a public hearing

on the charges before levying the charges. The municipality must give notice of the hearing in the manner provided above. The proposed schedule of drainage charges, as originally adopted or as revised, must be published in the notice.

If the City Council approves this item, a public hearing will be set for November 9, 2021 to formally consider adoption of the ordinance to create a stormwater utility and to set a stormwater fee.

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

- h. Acting as the Anna Public Facility Corporation Board of Directors, Consider/Discuss/Action on corporate bylaws, and appoint offices of president, vice-president, secretary, and executive director. (Director of Economic Development Joey Grisham)

The Anna Public Facility Corporation (PFC) has now been created and approved by the Texas Secretary of State. The next step is for the PFC Board to act on bylaws and elect officers.

MOTION: Council Member Toten moved to appoint President Nate Pike, Vice President Lee Miller, Secretary Kevin Toten, and Executive Director Joey Grisham. Council Member Carver seconded. Motion carried 6-0.

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

- i. Acting as the Anna Public Facility Corporation, Consider/Discuss/Act on approving a Municipal Advisory Agreement with Hilltop Securities, Inc. (Director of Economic Development Joey Grisham)

Similar to the Anna Housing Finance Corporation, staff recommends executing a similar agreement with Hilltop Securities for financial advisory services related to the Anna Public Facility Corporation.

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

- j. Consider/Discuss/Action on an Ordinance Amending the FY2020 - 2021 Budget. (City Manager Jim Proce)

The proposed budget amendment includes funding for the following purposes:

The Fund Balance and Working Capital Reserve Policy was adopted on May 25, 2021. The policy on the Unassigned Fund Balance is that the goal is to achieve and maintain an unassigned fund balance in the General Fund equal to 40% of total appropriations. A balance of more than 40% is excessive.

The policy further states that the amount in excess of 40% can be used for one-time capital equipment purchases or other capital projects. The Unassigned

Fund Balance on September 30, 2021, is projected to be more than 57% of total appropriations. This amendment will transfer the excess fund balance in the amount of \$700,000 to the Capital Projects Non Bond Fund where it can be expended for one-time purchases.

On March 9, 2021, the City Council approved Resolution No. 2021-03-876 to execute purchase orders for the purchase of Firefighter Equipment to include the Bump Out Safety System, a Commercial Extractor, and the SCBA Compressor. This amendment will add a budget to the Capital Projects Non Bond Fund so that the purchase of these items can be finalized as we approach moving into our new City Hall.

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

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

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

- a. Consult with legal counsel regarding pending or contemplated litigation and/or on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Government Code (Tex. Gov't Code §551.071). Municipal Facilities
- 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: Council Member Carver moved to enter Closed Session. Mayor Pike seconded. Motion carried 6-0.

Mayor Pike recessed the meeting at 7:56 PM.

Mayor Pike reconvened the meeting at 8:31 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 was taken.

10. **Adjourn.**

Mayor Pike adjourned the meeting at 8:31 PM.

Approved on October 12, 2021.



Mayor Nate Pike

ATTEST:

Carrie L. Land
City Secretary Carrie L. Land