



**Regular City Council Meeting
Meeting Minutes**

Tuesday, October 12, 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 October 12, 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 6:32 PM.

2. Invocation and Pledge of Allegiance.

Mayor Pike led the Invocation and Pledge of Allegiance.

3. Neighbor Comments.

Stephanie Hendricks spoke with regard to Agenda Item 7.e. and requested the City Council to consider reducing the swimming pool setback to three or four feet.

City Council moved to Closed Session.

4. Work Session.

a. Discuss the upcoming Sherley Water Tower Rehabilitation. (Director of Public Works Greg Peters, P.E.)

- The tower functions as a historical element in Downtown Anna and is located adjacent to Sherley Heritage Park. The park is home to other historical references, including the train depot, the Collin McKinney statue, and the future Train Engine.
- The tower is no longer in service. It is disconnected from the water system and is not used for the public water supply. There are no plans to bring it into service for public water.
- There is surface rust on multiple sections, including structural elements.
- The tower is currently coated with paint which contains lead, which is common for the age of the tower.

Rehabilitation Option 1 - Encapsulate

- Gently wash away dirt, grime, and loose paint from the structure using low-pressure equipment.
- Overcoat the tank with specialized paint which will encapsulate the existing paint and rust to prevent additional deterioration.
- Paint the top of the cone blue, to match the City colors
- Paint block lettering "ANNA" in blue on the tank to match the cone.

Rehabilitation Option 2 – Full Rehabilitation

- Install a containment zone surrounding the entire tower. Sandblast the tower back down to bare metal.
- Paint the tower white (any color could be used) and the top of the cone blue to match the City colors.
- Paint the City logo on the tank.

The budget for this project in the FY2022 Community Investment Program budget is \$195,000 in the Utility Non-Bond Fund.

City Council discussion ensued. Staff will perform additional research as to when the tower was last painted.

- b. Discuss the use of the American Rescue Plan Act of 2021 (ARPA) Funds for the replacement of critical infrastructure in Downtown Anna. (Director of Public Works Greg Peters, P.E.)

The City of Anna has received the first remittance of the American Rescue Plan Act of 2021 funds in the amount of \$1.858 million. (The second remittance is expected in the spring of 2022.) The funding is currently deposited in investment accounts, and the City has up to four years to spend it. Once decisions are made regarding project scope and scheduling, a budget amendment will be brought back to the City Council for approval.

- c. Discuss and update on the Municipal Complex and Central Fire Station with discussion of the upcoming Change Order 3. (Director of Public Works Greg Peters, P.E.)

During the fall of 2019, the City went through an extensive value engineering process to decrease the cost of the project as necessary due to rising construction costs. Many key aspects of the project were removed from the project scope in order to maintain the project budget.

There have been 2 change orders to the contract, including:

- Change Order 1: Increase of \$79,107.00 for unforeseen additional site work to cap an underground water well/aquifer
- Change Order 2: November 30, 2020. No Cost, Time Extension of 5 months for incurred delays and weather to October 31, 2020. New Substantial Completion Date: September 30, 2021

Director of Public Works Greg Peters provided an update on the status of the project and discussed items to include in the upcoming Change Order 3, which may include multiple items which were removed from the project scope during the value engineering process.

The financial impact will be determined based upon the selection of additional items for approval by the City Council. The budget for the Municipal Complex Project is \$30.9 million in the Capital Projects Bond Fund and \$1.24 million in the Capital Projects Non Bond Fund for FFE (Furniture, Fixtures and Equipment), including the Bump Out Safety System, a Commercial Extractor, and an SCBA Compressor for the Fire Department.

Mr. Lee Lewis of Lee Lewis Construction and Randall Scott of Randall Scott Architects were present and addressed the City Council.

5. Reports.

a. Proclamation for National Code Compliance Month

Mayor Pike presented the Code Compliance officers with a proclamation declaring October as National Code Compliance Month.

b. Recognition of Anna Economic Development Corporation for receiving the IEDC Silver Award in the General Purpose Print Category for the new map brochure. (Director of Economic Development Joey Grisham)

The Anna EDC received the 2021 Silver Award from the International Economic Development Council (Communities under 25,000) in the General Purpose Print Category for the new map brochure. Just a few years ago, the EDC received a Silver and Bronze IEDC Award for the EDC website and Anna Business Park video. Staff has been working diligently in partnership with Cooksey Communications to aggressively market Anna and reach multiple audiences and the results are paying off. This also fits within the Economic Development Strategic Plan goals of award recognition and marketing Anna. The IEDC is the largest Economic Development organization in the world and received over 500 nominations for awards.

6. Consent Items.

Consent Item 6.q. was removed.

MOTION: Council Member Miller moved to approve Consent Items 6. a. through p. and r. Council Member Toten seconded. Motion carried 7-0.

a. Approve the City Council Meeting Minutes for September 25, 2021, and September 28, 2021. (City Secretary Carrie Land)

- b. Review Council, Boards and Commissions Attendance for the past quarter. (City Secretary Carrie Land)
- c. Review Minutes of the August 5, 2021, Joint Community Development Corporation Board and Economic Development Corporation Board Meeting. (Director of Economic Development Joey Grisham)
- d. Review Planning & Zoning Commission Meeting Minutes from September 7, 2021. (Director of Development Services Ross Altobelli)
- e. Approve a Resolution regarding the Mercer Estate Development Plat, Block A, Lot 1, Development Plat. (Director of Development Services Ross Altobelli)

Single-family residence on one lot on 9.4± acres located on the east side of County Road 479, 3,100± feet south of County Road 429. Located within the Extraterritorial Jurisdiction (ETJ).

Planning & Zoning Commission recommended approval.

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

- f. Approve a Resolution regarding the Anna Retail Addition, Block A, Lot 5, Site Plan. (Director of Development Services Ross Altobelli).

Restaurant on one lot on 1.0± acres located on the east side of U.S. Highway 75 frontage road, 574± feet south of W. White Street. Zoned: General Commercial (C-2). The purpose of the site plan is to show the proposed restaurant development and related site improvements.

The Planning & Zoning Commission recommended approval per staff recommendation.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A SITE PLAN OF ANNA RETAIL ADDITION, BLOCK A, LOT 5.

- g. Approve a Resolution regarding the Anna Crossing Municipal, Block A, Lots 1 & 2, Final Plat. (Director of Development Services Ross Altobelli)

Park land on Lot 1 and municipal lift station on Lot 2 on 28.8± acres located on the south side of future Finley Boulevard, 475± feet east of Leonard Avenue. Zoned: Planned Development-Single-Family Residence-72 (PD-SF-72) (Ord Nos. 129-2004 & 627-2013).

The purpose for the Final Plat is to dedicate lot and block boundaries and easements necessary for the park land and municipal lift station.

The Planning & Zoning Commission recommended approval per staff recommendation.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING THE ANNA CROSSING MUNICIPAL, BLOCK A, LOTS 1 & 2, FINAL PLAT.

- h. Approve a Resolution regarding the Cox Addition, Block A, Lots 1 & 2, Replat. (Director of Development Services Ross Altobelli).

Two single-family residential lots on 4.5± acres located on the east side of Shalom Lane, 470± feet north of Graybill Road. Zoned: Extraterritorial Jurisdiction (ETJ).

The purpose for the Replat is to subdivide one residential lot into two residential lots.

The Planning & Zoning Commission recommended approval per staff recommendation.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING COX ADDITION, BLOCK A, LOTS 1 & 2, REPLAT

- i. Approve a Resolution regarding the Anna Retail Addition, Block A, Lots 3, 4, & 5, Preliminary Replat. (Director of Development Services Ross Altobelli)

Restaurant on Lot 5, and two vacant lots on 29.7± acres located on the east side of U.S. Highway 75 frontage road, 574± feet south of W. White Street. Zoned: General Commercial (C-2).

The purpose of the preliminary replat is to subdivide two existing vacant lots into three lots and propose easements necessary for the development of a restaurant on Lot 5.

The Planning & Zoning Commission recommended for approval.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING THE ANNA RETAIL ADDITION, BLOCK A, LOTS 3, 4, & 5, PRELIMINARY REPLAT.

- j. Approve a Resolution regarding the Villages of Hurricane Creek - North, Phase 1, Final Plat. (Director of Development Services Ross Altobelli)

344 single-family residential lots and 13 common area lots on 70.8± acres located at the southwest corner of Standridge Boulevard and Stockport Drive. Zoned Planned Development SF-84 Single-Family Residence District, SF-72 Single-Family Residence District, SF-60 Single-Family Residence District, SF-Z Single-Family Residence District – Zero Lot Line Homes, and SF-TH Single-Family Townhome District (PD-SF-84/SF72/SF-60/SF-Z/SF-TH) (Ord No. 932-2021).

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

The Planning & Zoning Commission recommended approval per staff recommendation.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING THE VILLAGES OF HURRICANE CREEK - NORTH, PHASE 1, FINAL PLAT.

- k. Approve a Resolution regarding the Villages of Hurricane Creek - North, Phase 1A, Final Plat. (Director of Development Services Ross Altobelli)

155 single-family residential lots and 5 common area lots on 44.3± acres located at the northeast corner of Rosamond Drive and Stockport Drive. Zoned Planned Development SF-84 Single-Family Residence District, SF-72 Single-Family Residence District, SF-60 Single-Family Residence District, SF-Z Single-Family Residence District – Zero Lot Line Homes, and Single-Family Townhome District (PD-SF-84/SF-72/SF-60/SF-Z/SF-TH) (Ord No. 932-2021).

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

The Planning & Zoning Commission recommended approval per staff recommendation.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING THE VILLAGES OF HURRICANE CREEK - NORTH, PHASE 1A, FINAL PLAT.

- l. Approve a Resolution regarding The Villages of Hurricane Creek, Phase 1B, Final Plat. (Director of Development Services Ross Altobelli)

68 single-family residential lots and 4 common area lots on 23.2± acres located at the north and southwest corner of S. Standridge Boulevard and Creek Meadow Drive and on the north and south side of Lakeshore Drive, 575± feet west of Parkview Lane. Zoned Planned Development SF-84 Single-Family Residence District, SF-72 SingleFamily Residence District, SF-60 Single-Family Residence District, and SF-Z SingleFamily Residence District – Zero Lot Line Homes (PD-SF-84/SF-72/SF-60/SF-Z) (Ord No. 886-2020).

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

The Planning & Zoning Commission recommended approval as submitted per staff recommendation.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING THE VILLAGES OF HURRICANE CREEK, PHASE 1B, FINAL PLAT.

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

Medical Office and vacant lot on two lots on 14.7± acres located on the east side of Standridge Boulevard, 276± feet north of Suzie Lane. Zoned: Planned Development Restricted Commercial (PD-C-1) (Ord No. 846-2020).

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

The Planning & Zoning Commission recommended approval per staff recommendation.

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

- n. Approve a Resolution regarding the One Anna Two Addition, Block A, Lot 3R, Site Plan. (Director of Development Services Ross Altobelli)

Medical Office on one lot on 2.9± acres located on the east side of Standridge Boulevard, 276± feet north of Suzie Lane. Zoned: Planned Development-Restricted Commercial (PD-C-1) (Ord No. 846-2020).

The purpose of the site plan is to show the proposed medical office development and related site improvements.

The Planning & Zoning Commission recommended approval per staff recommendation.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A SITE PLAN OF ONE ANNA TWO ADDITION, BLOCK A, LOT 3R.

- o. Approve a Resolution regarding the Walnofer Addition, Block A, Lot 2R, Replat. (Director of Development Services Ross Altobelli)

Self-Storage Facility on one lot on 6.7± acres located on the west side of N. Powell Parkway, 417± feet north of Butler Street. Zoned: Planned Development-Restricted Commercial (PD-C-1).

The purpose for the Replat is to abandon portions of the existing fire lane easement and dedicate new fire lane and access easements.

The Planning & Zoning Commission recommended approval per staff recommendation.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING THE WALNOFER ADDITION, BLOCK A, LOT 2R, REPLAT.

- p. Approve a Resolution regarding the Whiterock Subdivision, Block A, Lots 1-5, Preliminary Plat. (Director of Development Services Ross Altobelli)

Five single-family residential lots on 5.5± acres located on the east side of Whiterock Trail, 630± feet south of Farm-to-Market 455. Zoned: Extraterritorial Jurisdiction (ETJ).

The purpose for the preliminary plat is to propose lot and block boundaries and easements necessary for the creation of the single-family subdivision.

The Planning & Zoning Commission recommended approval per staff recommendation.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING WHITEROCK SUBDIVISION, BLOCK A, LOTS 1-5, PRELIMINARY PLAT

- q. Approve a Resolution authorizing the City Manager to execute a professional services agreement with Project Advocates for project scoping services on the Anna Public Library project. (Director of Public Works Greg Peters, P.E.)

In May of this year, Anna Neighbors approved Bond Proposition B for the creation of a public library, including an overall project budget of \$22,000,000. Since that time, the City has been working on the preliminary stages of the project, including the completion of a multidisciplinary RFQ process which allowed the City to identify a short list of high quality professional engineering, architectural design, and general contractor construction firms.

Now that the first phase of funding is in place and available, the City is ready to move into the pre-design phase of the project where a due diligence process will be completed and a firm scope for the project will be identified. This process will create a clear path to success of the project and ensure that the project stays on-track, on budget, and within the goals set forth for the project by the City Council.

Project Advocates is a firm that specializes in providing owners with a strong advocate to ensure that the owner's vision, budget, and needs come first throughout the course of a construction project. They will work with the City to complete a three-step due diligence process which includes:

1. Project Scoping Exercise
 - a. Working with City Staff and the City Council to identify Facility Use needs
 - b. Coordinated tour of other libraries and the establishment of comparison libraries to use for the project scope
 - c. Identifying space allocation for the facility and each use-type
 - d. Identifying technology services needed for a modern library and how to implement those technologies
2. Establishment of a detailed Project Charter, to be formally adopted by the City Council, which includes:
 - a. Project Goals and Objectives
 - b. Guidelines for stakeholder input and creation of a board to provide input
 - c. Guidelines for a specific public input process to follow

- d. Creation of Design Team Constraints to ensure the design team stays within the focus areas of the project and on budget
 - e. Assistance in the design team selection process from the shortlisted firms identified in the City's previous RFQ
 - f. Creation of Contractor constraints to ensure that the project stays on time and on budget
3. Initial Cost Planning through a Project Cost Plan which includes:
- a. Construction cost estimates
 - b. Cash flow analysis
 - c. Furniture, storage, equipment, materials costs
 - d. Design/testing costs

Staff feels very strongly that the process explained is critical to the success of this project. Adoption of a comprehensive Project Charter will ensure that the community, City Council, staff, design team, and construction teams are all on the same page throughout the process. Staff believes that the services provided by Project Advocates will result in a more efficient, more cost-effective, and more successful project.

The proposed scope of services has a total estimated cost of \$49,932.00. The funding source will be Bond Funds for the Library.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR PROFESSIONAL SERVICES BY AND BETWEEN THE CITY OF ANNA, TEXAS AND PROJECT ADVOCATES FOR DUE DILIGENCE SERVICES ON THE ANNA PUBLIC LIBRARY, AS SHOWN IN EXHIBIT "A" ATTACHED HERETO, AND PROVIDING FOR AN EFFECTIVE DATE.

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

- r. Approve a Resolution authorizing the City Manager to execute a First Amended and Restated Impact fee Reimbursement Agreement for Shadowbend Subdivision. (Director of Public Works Greg Peters, P.E.)

LGI Homes, LLC, is the developer of Shadowbend Subdivision, located at the northwest corner of State Highway 5 and Rosamond Parkway in Anna, Texas. The development has two phases. As a part of the project, LGI is constructing segments of both Rosamond Parkway and West Crossing Boulevard. Both Rosamond Parkway and West Crossing Boulevard are included in the City of Anna Master Thoroughfare Plan as shown in Exhibit A, and per State Law, are eligible for impact fee reimbursement.

In Phase 1, LGI recently completed construction of a portion of Rosamond Parkway. The original Impact Fee Reimbursement Agreement was approved by Resolution 2020-03-695, attached as Exhibit B. LGI is now moving forward on Phase 2 of the project, and will be constructing West Crossing Boulevard within their development north of Rosamond Parkway.

This agreement authorizes the City to reimburse roadway impact fees collected as building permits are issued. The reimbursements will be provided to LGI up to the cost of constructing Rosamond Parkway and West Crossing Boulevard in accordance with State Law.

The segments of Rosamond Parkway are complete and it is anticipated that construction of West Crossing Boulevard will commence in 2022. The agreement includes a requirement for the construction of West Crossing to commence no later than June 1, 2022. This agreement allows for the continued construction of major roadways in Anna which are necessary to accommodate traffic throughout the community as we grow.

The funding will be from Roadway Impact Fees collected from building permits within the development. No taxpayer funding is required.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A FIRST AMENDED AND RESTATED ROADWAY IMPACT FEE REIMBURSEMENT AGREEMENT BY AND BETWEEN THE CITY OF ANNA, TEXAS AND LGI HOMES - TEXAS, LLC, A TEXAS LIMITED LIABILITY COMPANY, AS SHOWN IN EXHIBIT "A" ATTACHED HERETO, AND PROVIDING FOR AN EFFECTIVE DATE.

7. Items For Individual Consideration.

- a. Consider/Discuss/Action on a Resolution approving a Development Agreement with Anacapri Laguna Azure, LLC. (Director of Economic Development Joey Grisham)

City Council approved zoning for the Anacapri project back in December 2020 being developed by Megatel. Over the past few months, staff has been working with Megatel and our financial consultants and legal counsel to develop a Development Agreement. Below are some highlights:

- City to create TIRZ and PID District(s)
- City will dedicate 50% to residential TIRZ and 70% to commercial/multifamily TIRZ
- City will collect over \$2.1 million in PID fees
- Developer to construct a 30,000 square feet entertainment building, 2.3-acre lagoon, restaurant, water slide and other amenities—must expend at least \$25 million
- Developer will construct their portion of Ferguson Parkway
- If lagoon ceases to operate for more than 30 consecutive days other than seasonal, governmental, or weather reasons, TIRZ payment for corresponding year will not be paid
- City will receive 65% of sales/use tax on construction materials
- EDC/CDC will each receive .50 on ticket sales into Lagoon

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A DEVELOPMENT AGREEMENT WITH ANACAPRI LAGUNA AZURE, LLC RELATING TO DEVELOPMENT OF PROPERTY FOR MIXED USE MASTER PLANNED DEVELOPMENT

MOTION: Mayor Pike moved to approve a Resolution adopting the AnaCapri Development Agreement conditioned on:

1. Developer's execution of said agreement;
2. Developer's execution of the Development Agreement for 95.444 acres; and
3. Approval as to legal form of these agreements by the City's legal counsel.

Council Member Toten seconded. Motion carried 6-1. Vollmer opposed.

- b. Hold a Public Hearing and Consider/Discuss/Act on a Resolution approving a declaration of no objection for a proposed multifamily project. (Director of Economic Development Joey Grisham)

As a part of the process for projects seeking the 4% housing tax credits through the Texas Department of Housing and Community Affairs, a public hearing and declaration of no objection resolution is required. This is for the Palladium East Foster Crossing Project across from the Anna Business Park (City Council approved the zoning at the last Council Meeting).

Mayor Pike opened the public hearing at 9:25 PM.

No comments received.

Mayor Pike closed the public hearing at 9:26 PM.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS, PROVIDING FOR A DECLARATION OF NO OBJECTION TO THE PALLADIUM EAST FOSTER CROSSING MULTIFAMILY DEVELOPMENT IN ANNA, TEXAS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

- c. Acting as the Anna Public Facility Corporation, Consider/Discuss/Act on approving a bond inducement resolution for the Palladium East Foster Crossing Multifamily Project. (Director of Economic Development Joey Grisham)

The Anna Public Facility Corporation has been presented with an opportunity to partner with the Palladium Group on 8.3 acres located across from the Anna Business Park. It will include 239 apartment units and provide affordable housing for Anna neighbors--zoning was approved by the City Council on September 28, 2021. There will be 75 one-bedroom apartments, 121 two-bedroom apartments, and 43 three-bedroom apartments. Palladium developed the only current multifamily development in Anna. To move forward with the bond process, a bond inducement resolution is required. This allows for the application to be submitted and for Palladium to get in line for funding.

A RESOLUTION DECLARING THE INTENT TO ISSUE MULTIFAMILY MORTGAGE REVENUE BONDS OR NOTES WITH RESPECT TO PALLADIUM EAST FOSTER CROSSING MULTIFAMILY RENTAL

DEVELOPMENT IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$33,000,000; AUTHORIZING THE FILING OF AN APPLICATION FOR ALLOCATION OF PRIVATE ACTIVITY BONDS WITH THE TEXAS BOND REVIEW BOARD; AND AUTHORIZING OTHER ACTION RELATED THERETO

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

- d. Consider/Discuss/Act on a Resolution approving an Amended and Restated Economic Development Incentive Agreement between the City of Anna, Texas and Waypoint Land & Capital, LLC, Anna Village Residential, Ltd., and Anna Village Commercial, Ltd. (Director of Economic Development Joey Grisham)

Staff was approached by the developer to update the Economic Development Incentive Agreement in order to firm up their financing--the original was approved in February 2020. The Agreement requires the developer to move forward with permits in the next three months and updates a few other small items.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA APPROVING AND AUTHORIZING AN AMENDED AND RESTATED INCENTIVE AGREEMENT FOR NEW ECONOMIC DEVELOPMENT WITH ANNA VILLAGE RESIDENTIAL, LTD. AND WAYPOINT LAND AND CAPITAL, LLC

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

- e. Conduct a Public Hearing/Consider/Discuss/Action on an Ordinance to amend Article 9.04 Zoning Ordinance and related sections of the Development Regulations to modify regulations pertaining to swimming pool setbacks. (Director of Development Services Ross Altobelli)

The purpose of the swimming pool regulations is to promote the safety and enjoyment of property rights by establishing rules and regulations governing the location and improvement of swimming pools whether privately, publicly, or commercially owned or operated.

Currently, the City of Anna prohibits swimming pools within eight feet from any property line. The Planning & Zoning Commission recommended this distance be reduced to five feet. The proposed reduction would match the five-foot setback requirement that was recently adopted for accessory buildings.

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

The Planning & Zoning Commission recommended approval as submitted.

Mayor Pike opened the public hearing at 9:03 PM.

No comments received.

Mayor Pike closed the public hearing at 9:04 PM.

AN ORDINANCE OF THE CITY OF ANNA, TEXAS AMENDING THE CITY'S CODE OF ORDINANCES BY AMENDING CHAPTER 9 (PLANNING AND DEVELOPMENT REGULATIONS); 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 Toten seconded. Motion carried 4-3. Miller, Vollmer, and Ussery opposed.

- f. Conduct a Public Hearing/Consider/Discuss/Action on a Resolution regarding The Villages of Hurricane Creek, Phase 1B, Block K, Lots 19R, 20-23, 3X, & 24X, Replat. (Director of Development Services Ross Altobelli)

Five single-family residential lots and 2 common area lots on 10.2± acres located at the southwest corner of Shadybrook Trail and Hidden Valley Drive. Zoned Planned Development SF-84 Single-Family Residence District, SF-72 Single-Family Residence District, SF-60 Single-Family Residence District, and SF-Z Single-Family Residence District – Zero Lot Line Homes (PD-SF-84/SF-72/SF-60/SF-Z) (Ord No. 886-2020).

The purpose for the replat is to create five additional single-family residential lots and two common area lots within The Villages of Hurricane Creek, Phase 1 subdivision.

The Planning & Zoning Commission recommended approval per staff recommendation.

Mayor Pike opened the public hearing at 9:31 PM.

No comments received.

Mayor Pike closed the public hearing at 9:31 PM.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING THE VILLAGES OF HURRICANE CREEK, PHASE 1, BLOCK K, LOTS 19R, 20-23, 3X, & 24X, REPLAT.

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

- g. Conduct a Public Hearing/Consider/Discuss/Action on a Resolution regarding Anacapi, Phase 1C, Replat. (Director of Development Services Ross Altobelli)

One Single-Family Residence-60 (SF-60) lot, 61 Single-Family Residence District - Zero lot line home lots (SF-Z), and four common area lots on 14.7± acres located on the east side of future Ferguson Parkway, 1,106± feet north of

Hackberry Drive. Zoned: Planned Development- Single-Family Residence-60/Single-Family Residence District - Zero lot line homes (PD-SF-60/SF-Z) (Ord. No. 887-2020).

The purpose for the Replat is to dedicate right-of-way, lot and block boundaries, and easements necessary for the construction and ultimate completion of the single-family subdivision.

The Planning & Zoning Commission recommended approval per staff recommendation.

Mayor Pike opened the public hearing at 9:32 PM.

No comments received.

Mayor Pike closed the public hearing at 9:32 PM.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING THE ANACAPRI, PHASE 1C, REPLAT.

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

- h. Conduct a Public Hearing/Consider/Discuss/Action on a Resolution regarding the Camden Parc in Anna, Phase 5, Replat. (Director of Development Services Ross Altobelli)

16 single-family dwelling, detached lots and one common area lot on 4.5± acres located at the southeast intersection of Rosamond Parkway and West Crossing Boulevard. Zoned: Planned Development-Single-Family Residence-60 (PD-SF-60 Ord No. 133- 2004).

The purpose for the Replat is to dedicate right-of-way, lot and block boundaries, and easements necessary for the construction and ultimate completion of the single-family subdivision.

The Planning & Zoning Commission recommended approval per staff recommendation.

Mayor Pike opened the public hearing at 9:33 PM.

No comments received.

Mayor Pike closed the public hearing at 9:33 PM.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING THE CAMDEN PARC IN ANNA, PHASE 5, REPLAT.

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

- i. Consider/Discuss/Act on a Resolution approving an Economic Development Incentive Agreement between Vaquero DG Westminster Partners, LP, and the City of Anna, Texas. (Director of Economic Development Joey Grisham)

This is an economic development incentive agreement for a new Dollar General project that will be located at FM 2862 and SH 121. Staff recommends approval as the developer will incur additional infrastructure costs at the site. The new Dollar General store will be over 10,000 square feet with a capital investment of at least \$1,200,000. The store will also employ around ten people and add to the Anna sales tax base. Terms of the agreement include the waiver of impact fees valued at \$93,656.04 with the developer being required to invest at least \$1.2 million. Based on new sales and property tax collections for the City, we anticipate a payback period of less than 2 years.

Waiver of impact fees totaling approximately \$93,656.04.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS
APPROVING AN INCENTIVE AGREEMENT WITH VAQUERO DG
WESTMINSTER PARTNERS, LP.

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

- j. A) Reopen Previously Continued 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). (Director of Development Services Ross Altobelli)

B) Consider/Discuss/Action on an Ordinance approving 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).

C) 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.

The Future Land Use Plan designates this property as Community Commercial. Community Commercial development is typically characterized by small, freestanding buildings containing one or more businesses. This form of development primarily provides services for residents of surrounding neighborhoods.

The proposed development conforms with the Future Land Use Plan for the commercial designation and the City of Anna Strategic Plan by expanding the commercial tax base. Major corridors, such as Sam Rayburn Highway and Farm-to-Market 2862, are the most suitable locations for commercial uses due

to the high visibility of passing traffic. The purpose for the preliminary plat is to propose easements necessary for development of a department store.

The Planning & Zoning Commission recommended approval.

Mayor Pike opened the public hearing at 9:37 PM.

No comments received.

Mayor Pike closed the public hearing at 9:38 PM.

(Property rezoned under this ordinance is generally located at the southwest corner of State Highway 121 and Farm-to-Market Road 2862)

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 the zoning. Council Member Toten seconded. Motion carried 7-0

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

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

- k. Consider/Discuss/Action on a Resolution nominating a candidate or candidates for the Board of Directors for election of Collin Central Appraisal District. (City Secretary Carrie Land)

The Board of Directors governs the Collin Central Appraisal District. The taxing entities that vote on the appraisal district's budget (county, city, school and special districts).

In accordance with the Texas Property Tax Code, the Appraisal District's five directors are to be elected by the taxing units that participate in the Appraisal District. Each taxing unit may nominate one to five board candidates. The District's Board of Directors serve two-year terms, with the next term beginning January 1, 2022.

A taxing unit's nominations must be made in an open meeting and a written resolution from Mayor Pike must be submitted to the Chief Appraiser by October 14, 2021. To be eligible to serve on the board, an individual must be a resident of the district and must have resided in the district for a least two years immediately preceding the date they take office.

Mayor Pike would like to nominate Brian Mantzey. Mr. Mantzey is a current board member who has served since January 2020 and resides in McKinney, Texas.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS,
NOMINATING A CANDIDATE OR CANDIDATES FOR THE BOARD OF
DIRECTORS FOR ELECTION OF COLLIN CENTRAL APPRAISAL DISTRICT.

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

- I. Consider/Discuss/Action on filling a vacancy on the Planning and Zoning Commission. (City Secretary Carrie Land)

Mr. Alonzo Tutson has submitted his formal resignation effective immediately.

The vacancy to be filled is for a term expiring May 2023.

MOTION: Mayor Pike moved to appoint Kelly Patterson-Herndon to the vacancy on the Planning and Zoning Commission. Council Member Ussery 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). Veterans Program; *Bunetto v. City of Anna*, Civil Action No. 4:21-cv-00413, United States District Court, Eastern District of Texas, Sherman Division.
- 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). Boards and Commissions

MOTION: Mayor Pike moved to enter Closed Session. Council Member Vollmer seconded. Motion carried 7-0.

Mayor Pike recessed the meeting at 6:36 PM.

Mayor Pike reconvened the meeting at 7:43 PM.

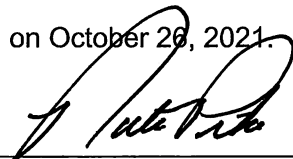
9. Consider/Discuss/Action on any items listed on any agenda - work session, regular meeting, or closed session - that is duly posted by the City of Anna for any City Council meeting occurring on the same date as the meeting noticed in this agenda.

No action taken.

10. **Adjourn.**

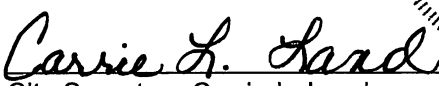
Mayor Pike adjourned the meeting at 9:49 PM.

Approved on October 26, 2021.



Mayor Nate Pike

ATTEST:


City Secretary Carrie L. Land

