Regular City Council Meeting
Meeting Minutes

Tuesday, September 22, 2020 @ 6:30 PM

Sue Rattan Elementary School
1221 S. Ferguson Parkway, Anna, Texas 75409

The City Council of the City of Anna met at 6:30 PM, on September 22, 2020, at the Sue Rattan Elementary School, Located at 1221 S. Ferguson Parkway, 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.**

Mayor Pike led the invocation and pledge.

3. **Neighbor Comments.**

No comments.

4. **Reports.**

a. Comprehensive Plan Update. (Director of Development Services Ross Altobelli)

For five months, city staff and the Kimley-Horn-led consultant team have worked together to collect data forming the background of Anna. Through conducting interviews, sharing and assembling Geographic Information Systems (GIS) data, searching through historic documents, and holding two workshops the consultant team has a well-rounded understanding of Anna's past and present.

The first workshop held with the Comprehensive Plan Advisory Task Force (CPATF) on June 25, 2020 to learn about neighbors' feelings of development, opportunities for growth, and community priorities. The keypad polling of priorities was compared to the staff State of the City meeting held June 16, 2020. The presentation and notes are available under the documents page of Anna2050.com.

The consultant team is compiling the input gathered at the August 11, 2020 Joint

Workshop and follow-up surveys. The workbook, presentation, and place types from the Joint Workshop are available on the website under the documents page. The comments and results will be posted in the upcoming week. The consultant team is in the process of analyzing this information in order to create scenarios of the future development patterns based on the impact of decisions made. City staff will meet with the consultants in early October to see the results of the analysis performed by the consultant team. The Comprehensive Plan Advisory Task Force is scheduled to meet Tuesday, October 13, 2020 prior to the regularly scheduled City Council meeting. It is at this meeting that the task force and consultant team will finalize future development scenarios.

Since launching the website, Anna2050.com, there have been 1,476 unique visitors.

Due to COVID-19, staff and the consultant team have not been able to host in-person booths at the annual 4 th of July nor Anna Harvest Fest to gain input from the community. With modern technology providing the opportunity to reach more people in the community, the consultant team created virtual workshops for neighbors to provide input. The first virtual room opened August 11, 2020 and the second opened August 21, 2020. There have been less than 20 responses for each room. Due to the low response rate, staff and the consultant team have agreed to extend the ending dates for these virtual workshops to October 2, 2020.

The third virtual room will be open by September 25, 2020 and contain more park specific questions.

Next Meetings

The next Comprehensive Plan Advisory Task Force (CPATF) Meeting is tentatively scheduled for October 13, 2020 prior to the City Council Meeting.

The next Joint Workshop (City Council, P&Z, EDC/CDC, Parks Board, & CPATF) is tentatively scheduled for early December 2020.

5. **Consent Items.**

MOTION: Council Member Miller moved to approve Consent Items 5. a. through 5. d. Council Member Toten seconded. Motion carried 6-0.

a. Approve Council Meeting Minutes for September 8, 2020. (City Secretary Carrie Land)

b. Review minutes of the July 30, 2020 Special Called Joint Community Development and Economic Development Corporation meeting. (Director of Economic Development Joey Grisham)

c. Approve a Resolution authorizing the City Manager to execute a Local Government Project Advance Funding Agreement with TxDOT for the Ferguson Parkway project. (Director of Public Works Greg Peters, P.E.)

The City of Anna has a CIP project identified for the future construction of Ferguson Parkway from Elm Street to the Collin County Outer Loop. The City has partnered with the North Texas Council of Governments to fund the engineering design of the project as a Surface Transportation Block Grant Program Project.

The City previously funded the schematic design phase for the project using only City funds.

Since the next phase of the project will have State and Federal funding, it is required for TxDOT to provide design review and oversight for the project. As such, the City is required to execute an agreement with TxDOT, called a Local Government Project Advanced Funding Agreement, or LPAFA for short.

The LPAFA defines the roles of both the City and TxDOT in the advancement of the project, including the review fees and project management fees which the City will pay for TxDOT's services.

This LPAFA is for environmental clearance and engineering design only. A future LPAFA will be required for the construction phase of the project. Execution of the LPAFA is required in order to begin the engineering scope of the project.

FINANCIAL IMPACT:
The LPAFA estimates a total direct cost for TxDOT review and management to be $3,485, which will be paid to TxDOT by the City of Anna at the start of the project. The final cost will be based on actual time and costs encountered during the project.

The LPAFA also defines the funding mechanisms for the environmental and design scope, including:
Total estimated cost: $1,400,000
Federal Participation: $1,072,481
State Participation: $59,807
Local (City of Anna) Participation: $268,120

Therefore, the agreements with NCTCOG and TxDOT result in the City receiving $1,131,880 in project funding from the State and Federal Government, saving our local tax dollars.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION.

d. Approve a Resolution authorizing the City Manager to execute an agreement for a partnership and cost sharing of costs associated with the construction of public sidewalk in the Northpointe Crossing Subdivision along Elam Drive and Dumas Drive. (Director of Public Works Greg Peters, P.E.)

There is a segment of unbuilt public sidewalk in Phase 1 North of Northpointe Crossing along Elam Drive and Dumas Drive, adjacent to the HOA lot which has a playground on it. The HOA recently installed the playground. The City of Anna has been working with the Northpointe HOA to develop a cost-sharing solution to allow this sidewalk to be constructed.

The original developer who constructed this phase of Northpointe Crossing is no longer involved in the project and is no longer conducting any development business in the City. At the time of construction, the original developer should have constructed this segment of sidewalk during the completion of public improvements.

Under our current standards, developers are required to construct sidewalk along public right-of-way adjacent to HOA lots prior to the City accepting the public improvements. However, at the time of construction of Phase 1 North this was not done.

City staff finds it in the public interest to construct this sidewalk to allow proper pedestrian mobility in the subdivision and access to the HOA lot which contains a playground. The City has coordinated with the Northpointe HOA and reached a tentative agreement, if approved by the City Council, whereby the Northpointe HOA will share in the construction costs with a 50/50 match. The City would manage the project and oversee the construction.

Staff has obtained three quotes for the construction, and recommends a budget of $12,000 for the project, with $6,000 being paid by the HOA to the City prior to construction taking place. Any remaining funds will be reimbursed back to the HOA at the completion of the project.

FINANCIAL IMPACT:

The City's obligation is approximately $6,000.00, depending upon final construction costs. This funding would come from the Street Department's annual operating budget.3D_b

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING AND AUTHORIZING A SIDEWALK COST SHARING AGREEMENT FOR PUBLIC SIDEWALK ON DUMAS DRIVE AND ELAM DRIVE BY AND BETWEEN THE CITY OF ANNA AND NORTHPOINTE CROSSING HOMEOWNERS ASSOCIATION, INCORPORATED, AS SHOWN IN EXHIBIT “A” ATTACHED HERETO, AND PROVIDING FOR AN EFFECTIVE DATE.

6. **Items For Individual Consideration.**

a. Public Hearing: For City Council to hear public comment regarding the creation of the Sherley Tract Public Improvement District. (City Attorney Clark McCoy)

Mayor Pike opened the public hearing at 6:36 PM.

No Comments.

Mayor Pike closed the public hearing at 6:36 PM.

b. Consider/Discuss/Action regarding a resolution approving the creation of the Sherley Tract Public Improvement District. (City Attorney Clark McCoy)

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

c. 1) Conduct a Public Hearing regarding a request to amend subsection 9.04.042(d) *Appeals related to signs* and related sections of the City of Anna Code of Ordinances.

Mayor Pike opened the public hearing at 6:40 PM.

No Comments.

Mayor Pike closed the public hearing at 6:40 PM.

2) Consider/Discuss/Action on a recommendation regarding text amendments to subsection 9.0.042(d) *Appeals related to signs* and related sections of the City of Anna Code of Ordinances. (Director of Development Services Ross Altobelli)

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

d. Consider/Discussion/Action on a variance request to allow for modified signage. (Director of Development Services Ross Altobelli).

The applicant is requesting multiple variances from the City of Anna Sign Ordinance for the purpose of increasing sight visibility from U.S. Highway 75 and W. White Street (FM 455). The requested variances include variations to the height and copy area of a pole sign, minimum distance between signs on a same lot, and the height and copy area of three multiple-usage major free-standing signs.

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

e. Consider/Discuss/Action Letter to Governor Abbott regarding Executive Order GA-29. (City Manager Jim Proce)

At the August 11 City Council Meeting, the City Council discussed the merits and intent of submitting a letter to Governor Abbott requesting that he revoke Executive Order GA-29 mandating statewide face coverings. At the September 8 City Council Meeting, further edits and suggestions were made to bolster the

letter.

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

7. **Closed Session (Exceptions).**

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

a. Consult with legal counsel regarding pending or contemplated litigation and/or on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Government Code; Parks Agreements (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).

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

Mayor Pike recessed the meeting at 7:00 PM.

Mayor Pike reconvened the meeting at 7:44 PM.

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

No action taken.

9. **Adjourn.**

Mayor Pike adjourned the meeting at 7:48 PM.

Approved on October 13, 2020.

Mayor Nate Pike

ATTEST:

City Secretary Carrie L. Land

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Mailed 10/5/2020 CLL

THE CITY OF
Anna

111 North Powell Parkway Anna, TX 75409
Phone: 972-924-3325 www.annatexas.gov

September 22, 2020

Honorable Greg Abbott
Governor of Texas
Office of the Governor
P.O. Box 12428
Austin, Texas 78711-2428

Re: Request for revocation of Executive Order GA-29

Dear Governor Abbott,

The City of Anna City Council formally and thoroughly objects to the July 2, 2020, Executive Order GA-29 establishing a statewide face covering requirement. The City Council firmly believes that due to the highly varied circumstances and incidences of COVID-19 in different areas of the State, that as local officials, we are more than capable of making decisions on local health issues. We are concerned about the level of transparency from the Governor's Office and the Anna City Council lacks confidence in the State's decision-making process and ability to fully account for an accurate case count throughout the State. We, the City Council of the City of Anna, should have the authority on whether face coverings should be mandated within our community.

Furthermore, the City of Anna City Council firmly believes that this Executive mandate is out of step with the values of Texans, like those of us from the City of Anna, who treasure their individual liberties, individual responsibilities, and self-reliance.

The City of Anna City Council hereby demands that you revoke Executive Order GA-29, removing the State's authority of mandating face coverings within local jurisdictions.

Regards,

Mayor Nate Pike

Mayor Pro-Tem Lee Miller

Deputy Mayor John Beazley

Councilman Kevin Toten

Councilman Josh Vollmer

Councilman Nathan Bryan