

**Regular City Council Meeting
Meeting Minutes**



Tuesday, March 23, 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 March 23, 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.

Council Member Carver was absent.

2. Invocation and Pledge of Allegiance.

Mayor Pike led the Invocation and Pledge.

3. Neighbor Comments.

Gina Maria Ottavio - spoke regarding her concerns with giving personal information at public meetings.

4. Work Session.

5. Reports.

- a. Recognition of the Texas State Comptroller's Transparency Stars for Debt Obligations and Public Pensions. (Finance Director Alan Guard)

The City of Anna Finance Department strives to provide transparency for the City Council and our neighbors. In an effort to accomplish that goal the City participates in the Texas State Comptroller's Transparency Star Awards program. The program provides a Transparency Star for five facets of governmental accounting. These include Traditional Finance, Debt Obligations, Public Pensions, Purchasing and Economic

Development. The department has previously earned the Traditional Finance Star.

The Texas Comptroller's Transparency Stars program recognizes local governments for going above and beyond in their transparency efforts.

The program recognizes government entities that accomplish the following:

- * Open their books not only in their traditional finances, but also in the areas of contracts and procurement, economic development, public pensions and debt obligations; and

- * Provide clear and meaningful financial information not only by posting financial documents, but also through summaries, visualizations, downloadable data and other relevant information.

The City was notified it has received the Stars for Debt Obligations and Public Pensions which were submitted in October of 2020. These pages can be found on the City's website. Staff is currently working on the Stars for Purchasing and Economic Development. One of the department's goals in the strategic plan is to receive all five stars.

- b. Neighborhood Services Department update on park and recreation events and activities. (Director of Neighborhood Services Marc Marchand)

Staff updated City Council with a departmental update on the Neighborhood Services Department and the recent accomplishments and plans.

Mayor Pike moved to Closed Session.

6. **Consent Items.**

MOTION: Council Member Toten moved to approve the Consent Agenda as presented. Council Member Ussery seconded. Motion carried 6-0.

- a. Approve Council Meeting Minutes for March 9, 2021. (City Secretary Carrie Land)

- b. Review minutes of the February 4, 2021, Joint Community Development Corporation Board and Economic Development Corporation Board Meeting. (Director of Economic Development Joey Grisham)
- c. Approve a Resolution amending the Economic Development Incentive Policy. (Director of Economic Development Joey Grisham)

After further review and discussions with City Attorney Clark McCoy, staff is recommending some minor edits to the Economic Development Incentive Policy. The EDC and CDC Boards approved the amendments on March 4, 2021. The amendments deal with the self-disclosure of information and the Texas Ethics 1295 filing form. Because incentives requests are increasing rapidly, these forms will allow staff to secure additional information to vet projects and individuals seeking incentives.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS AMENDING THE ECONOMIC DEVELOPMENT INCENTIVE POLICY TO PROMOTE ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITY IN THE CITY OF ANNA.

- d. Approve a Resolution amending the City of Anna Public Improvement District Policy (Director of Economic Development Joey Grisham)

After further review and discussions with City Attorney Clark McCoy, staff is recommending some minor edits to the Economic Development Incentive Policy. The EDC and CDC Boards approved the amendments on March 4, 2021. The amendments deal with the self-disclosure of information and the Texas Ethics 1295 filing form. Because incentives requests are increasing rapidly, these forms will allow staff to secure additional information to vet projects and individuals seeking incentives.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS AMENDING THE ANNA PUBLIC IMPROVEMENT DISTRICT (PID) POLICY.

- e. Approve a Resolution regarding the Villages of Hurricane Creek, Phases 1B, 2, and 3, Revised Preliminary Plat. (Director of Development Services Ross Altobelli)

CADG Hurricane Creek, LLC, submitted an application for approval of a revised preliminary plat consisting of 596 single-family residential lots, one public school, parkland, and 21 common area lots on 270± acres

located at the northwest corner of Standridge Boulevard and Suzie Lane. Zoned Planned Development-886-2020.

The purpose for this revised preliminary plan is to add a public school lot, relocation of the fire station lot, and additional lots meeting the recent rezoning (Ord. No. 886-2020).

The Planning and Zoning Commission recommended approval.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING A REVISED PRELIMINARY PLAT FOR THE VILLAGES OF HURRICANE CREEK, PHASES 1B, 2, AND 3.

- f. Approve the Quarterly Investment Report for the Period Ending December 31, 2020. (Finance Director Alan Guard)

In accordance with the Public Funds Investment Act (PFIA), the City of Anna is required to submit a quarterly report on the investment of all Public funds held by the City. The report includes:

- * Review of the City's holdings
- * Comparison of book vs. market value
- * Allocation information
- * Other information related to PFIA.

The City's portfolio as of the quarter ending December 31, 2020 earned an average yield of 0.36%. The total year-to-date interest \$68,198. The report is attached for your review.

- g. Approve a Resolution authorizing the City Manager to execute an agreement for professional engineering services with Kimley-Horn & Associates, Incorporated in an amount not to exceed \$150,000 for wastewater facility analysis and design in the City of Anna, Texas. (Director of Public Works, Greg Peters, P.E.)

Kimley-Horn has been working with the City on the needs, concept, analysis and feasibility of wastewater facilities in the City of Anna. Due to the significant growth and development in the City, additional wastewater facilities are required to adequately provide public sewer service to the community.

The scope of the services pertain to the future wastewater utility service needs for the Hurricane Creek sewer basin located west of US 75 from

the southern City Limit to the northern City Limit, as shown in the current City of Anna Wastewater Master Plan attached to this item.

This item will allow Kimley-Horn to move forward with preliminary engineering and the necessary TCEQ permitting processes associated with future wastewater facilities.

FINANCIAL IMPACT: The total fee for the scope of work is \$135,000, plus hourly fees as required for additional coordination. Staff is recommending a not-to-exceed amount of \$150,000 for the project. The project is funded through Wastewater Impact Fees.

A RESOLUTION OF THE CITY OF ANNA, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES AS SHOWN IN EXHIBIT "A" ATTACHED HERETO, IN THE AMOUNT NOT TO EXCEED ONE HUNDRED FIFTY THOUSAND DOLLARS AND ZERO CENTS (\$150,000); AND PROVIDING FOR AN EFFECTIVE DATE.

- h. Approve Resolution approving extension of Agreements with Collin County for Animal Control Services regarding Sheltering. (Neighborhood Services Director Marc Marchand)

Extension of the Animal Shelter interlocal agreement with Collin County Animal Control Services. The Extension of agreement for a one (1) year period which shall be in effect from October 1, 2020 continuing through and including September 30, 2021.

FINANCIAL IMPACT: \$25,244

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING EXTENSION OF THE INTERLOCAL AGREEMENT FOR FACILITY CONSTRUCTION AND USE OF AN ANIMAL SHELTER IN COLLIN COUNTY

7. Items for Individual Consideration.

- a. Consider/Discuss/Action on a Resolution accepting the FY 2020 audit report. (Finance Director Alan Guard)

Weaver and Tidwell representative Brent Young gave Council an overview of the Fiscal Year 2020 Financial Audit.

A RESOLUTION ACCEPTING THE FISCAL YEAR 2020 FINANCIAL
AUDIT OF THE CITY OF ANNA.

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

- b.
 - 1) Conduct a public hearing to consider public comments regarding the request to amend Ordinance No. 843-2020 (Waterview, Block A, Lot 1). (Director of Development Services Ross Altobelli)
 - 2) Consider/Discuss/Action on an Ordinance regarding the request to amend Ordinance No. 843-2020 (Waterview, Block A, Lot 1).
 - 3) Consider/Discuss/Action on a Resolution regarding the Concept Plan, Waterview, Block A, Lot 1, associated with the zoning amendment request.

Mayor Pike opened the public hearing at 7:37 PM.

MOTION: Mayor Pike moved to table the public hearing until 4/13/2021 meeting at 6:30 PM. Council Member Toten seconded. Motion carried 6-0.

MOTION: Mayor Pike moved to table the public hearing until 4/13/2021 at 6:30 PM at Sue Rattan Elementary School, 1221 Ferguson. Council Member Toten seconded. Motion carried 6-0.

- c.
 - 1) Consider/Discuss/Act on a resolution approving an Agreement Regarding Services including a plan for municipal services regarding a 27.8± acre tract of land generally located on the south side of County Road 376, 3,910± feet east of N Powell Parkway (State Highway 5). (Director of Development Services Ross Altobelli)
 - 2) Conduct a public hearing to consider public comments regarding annexation of a 27.8± acres of land into the City's corporate boundaries generally located on the south side of County Road 376, 3,910± feet east of N Powell Parkway (State Highway 5).
 - 3) Consider/Discuss/Action on an ordinance annexing 27.8± acres generally located on the south side of County Road 376, 3,910± feet east of N Powell Parkway (State Highway 5).

It is recommended that the City Council approve a resolution for an agreement regarding services and an ordinance regarding the request to annex 27.8± acres of land located on the south side of County Road 376, 3,910± feet east of N Powell Parkway (State Highway 5). Kenneth O'Neal and Kathyene Boring submitted a petition to annex 27.8± acres of land located on the south side of County Road 376, 3,910± feet east of N Powell Parkway (State Highway 5).

A RESOLUTION ADOPTING A CONDITIONAL AGREEMENT REGARDING SERVICES RELATED TO ANNEXATION OF A 27.809 ACRE TRACT OF LAND.

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

Mayor Pike opened the public hearing at 7:39 PM.

No Comments.

Mayor Pike closed the public hearing at 7:40 PM.

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

AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF ANNA, COLLIN COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID MUNICIPALITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID MUNICIPAL CORPORATE LIMITS AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY AS SET FORTH HEREIN; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

- d.
 - 1) Conduct a public hearing to consider public comments regarding the request to zone 27.8± acres located on the south side of County Road 376, 3,910± feet east of N Powell Parkway (State Highway 5) to Single-Family Residential District (SF-72). (Director of Development Services Ross Altobelli)
 - 2) Consider/Discuss/Action on an Ordinance regarding the request to zone 27.8± acres located on the south side of County Road 376, 3,910±

feet east of N Powell Parkway (State Highway 5) to Single-Family Residential District (SF-72).

Kenneth O'Neal and Kathyene Boring submitted an application to zone a 27.8± acre tract located on the south side of County Road 376, 3,910± feet east of N Powell Parkway (State Highway 5) to Single-Family Residential District (SF-72).

The purpose of the request is to establish zoning for a new tract of land associated with an annexation petition.

The Planning & Zoning Commission recommended approval.

Mayor Pike opened the public hearing at 7:43 PM.

No Comments.

Mayor Pike closed the public hearing at 7:44 PM.

Property rezoned under this ordinance is generally located on the south side of County Road 376, 3,910± feet east of N Powell Parkway (State Highway 5) 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: Mayor Pike moved to approve. Council Member Miller seconded. Motion carried 6-0.

- e. 1) Conduct a public hearing to consider public comments regarding the request to amend Ordinance No. 2002-34, referred to as PD # 08-2002 and commonly known as Lakeview Estates Phases 1 & 2, 51± acres located on the east side of Ferguson Parkway, 186± feet north of Taylor Boulevard. The request is to allow the additional use of Registered Family Home by specific use permit. (Director of Development Services Ross Altobelli)

- 2) Consider/Discuss/Action on an Ordinance regarding the request to amend Ordinance No. 2002-34, referred to as PD # 08-2002 and

commonly known as Lakeview Estates Phases 1 & 2, 51± acres located on the east side of Ferguson Parkway, 186± feet north of Taylor Boulevard. The request is to allow the additional use of Registered Family Home by specific use permit.

3) Consider/Discuss/Action on an Ordinance regarding the request to grant a Specific Use Permit for a Registered Family Home to Jacoby Goode for the property located at 1225 Bridgeport Drive, Lakeview Estates Phase 2.

City Manager Jim Proce recused himself.

It is recommended that the City Council approve an ordinance regarding the request to amend Ordinance No. 08-2002 to allow the additional use of Registered Family Home by issuance of a Specific Use Permit and grant a Specific Use Permit for a Registered Family Home to Jacoby Goode for the property located at 1225 Bridgeport Drive, Lakeview Estates, Phase 2.

At the January 26, 2021 meeting, City Council called a public hearing for a zoning amendment initiation to Ordinance No. 2002-34.

A Registered Family Home is defined as a child-care facility that regularly provides care in the caretaker's own residence for not more than six children under 14 years of age, excluding the caretaker's own children, and that provides care after school hours for not more than six additional elementary school siblings of the other children given care, but the total number of children, including the caretaker's own, does not exceed 12 at any given time.

A Registered Family Home is currently allowed by Specific Use Permit in the SF-E, SF1, MH-1, MF-1, MF-2, C-1, & C-2 zoning districts.

Licensing and minimum standards of childcare providers are through the Texas Health and Human Services Commission. Physical space requirements include 30 square feet of indoor space per child and 80 square feet of outdoor activity space for each child using the outdoor area at one time. Most backyards in Lakeview Estates exceed 960 square feet, which would be the minimum required space for the maximum number of children (12).

Brief research of other cities in Collin County (Allen, Celina, Frisco, Melissa, Murphy, Plano, Prosper, & Wylie) found that a registered family

home/in-home day care is allowed by right as a home occupation in single-family zoning districts.

The Planning & Zoning Commission recommended approval with the following stipulations: Amend Ordinance No. 2002-34 to allow the additional use of Registered Family Home with the issuance of a Specific Use Permit with the following minimum restrictions:

1. The Specific Use Permit shall expire when the property changes ownership; and
2. The applicant is required to obtain a Certificate of Occupancy from the City of Anna Building Department and provide a copy of the registration/license from the State of Texas.

Mayor Pike opened the public hearing at 7:46 PM.

Thirteen public comment forms were received, six in favor and seven opposed.

Gina Maria Ottavio spoke regarding traffic concerns.

Mayor Pike closed the public hearing at 7:53 PM.

(Property rezoned under this ordinance is generally located on the east side of Ferguson Parkway, 186± feet north of Taylor Boulevard) AN ORDINANCE OF THE CITY OF ANNA, TEXAS AMENDING THE CITY'S COMPREHENSIVE PLAN, ZONING MAP, AND ZONING ORDINANCE AND AMENDING 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 deny. Council Member Vollmer seconded. Motion Carried 5-1. Council Member Miller opposed.

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:

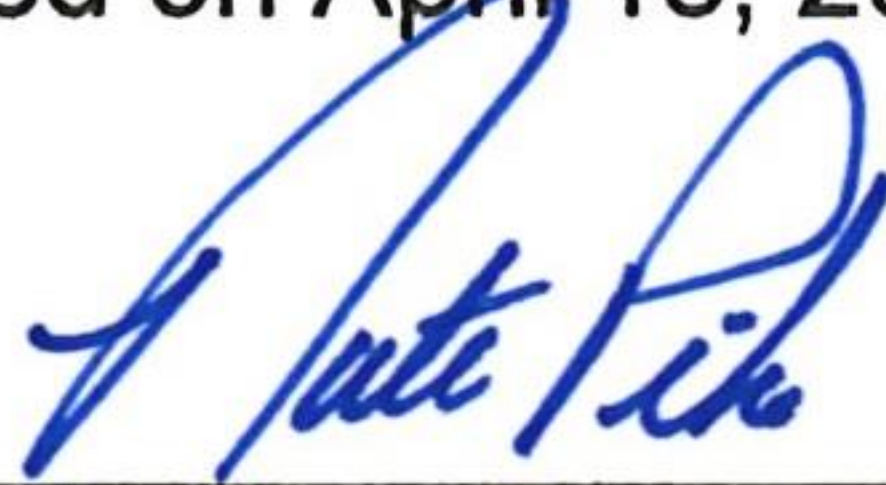
any City Council meeting occurring on the same date as the meeting noticed in this agenda.

10. Adjourn.

Mayor Pike adjourned the meeting at 8:01 PM.

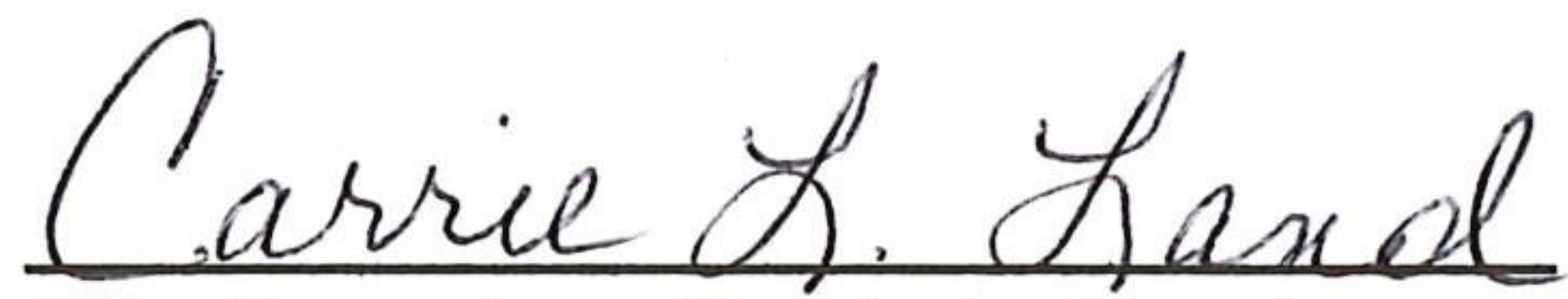
Approved on April 13, 2021.



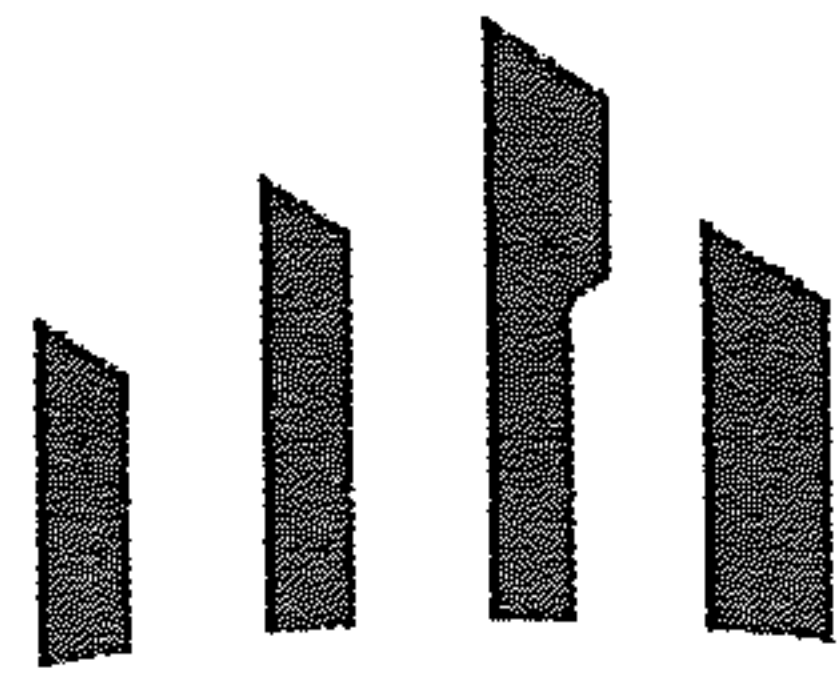


Mayor Nate Pike

ATTEST:



City Secretary Carrie L. Land



PROVIDENT

REALTY ADVISORS

Received
City of Anna

MAR 23 2021

By: LA

March 23, 2021

Ross Altobelli
Director of Development Services
City of Anna
3223 N. Powell Parkway
Anna, TX 75409

Re: Ordinance No. 843-2020 (Waterview, Block A, Lot 1)

Mr. Altobelli,

We are requesting this our zoning case be tabled until the April 13th council meeting, while we review the Planning and Zoning Commission Conditions.

Should you have any questions, please contact myself or Mr. Harris.

Sincerely,

PROVIDENT REALTY ADVISORS, INC.

John Hickman

Cc Matt Harris, Provident

From:
Sent: Sunday, March 21, 2021 8:35 PM
To: Lauren Mecke
Subject: Oppose Day Care in Lakeview Estates

Good Morning Lauren

Thank you for speaking to my wife and myself during last Monday's meeting. We are residents in the Lakeview Estates subdivision. **My wife and I are apposed to any day care facility that exceeds more than 5 children.**

Reasons for our objections included;

Concerns for disruption to the neighborhood, traffic, safety of the children, and parking. We have over 35 new homes that are being built over the next year within 200 feet of where this daycare is proposed.

We all bought into this submission knowing this is a residential area and its should remain zoned residential prohibiting business being run out of residential homes. Allowing for a day care license over 5 children not only constitutes being a business, but sets up a precedent that will allow others to also open additional day care business or other businesses that will disturb our residents and decrease our home values.

A day care proposed of this size needs to commit the financial resource to properly provide the facility and staff to provide safe educational child care services and a residential home does not adequately fit this need. It also discriminates against other local day care businesses that have committed the proper resources towards securing a facility in commercial area and making the necessary capital investment (such as the new Anna Kids Academy)

Again we oppose any license granted for this day care for more than 5 children.

Thank you

Greg Vachon
1631 Cherry Hill Drive
Anna, TX 75409
Phone 469 667 5992

3/23/2021
Item 7.e.

CITY OF ANNA, TEXAS - AFFIDAVIT

THE STATE OF TEXAS

COUNTY OF COLLIN

§
§
§

I, JAMES J. PROCE (printed name of affiant), a local public official, make this affidavit and hereby on oath state the following:

I have a substantial interest in a business entity or real property that may receive a special economic effect that is distinguishable from the effect on the public by an action contemplated by the City of ANNA

The business entity or real property in which I have a substantial interest is: [name and address of business and/or description of property] PRIMARY RESIDENCE

1601 SANDALWOOD LANE

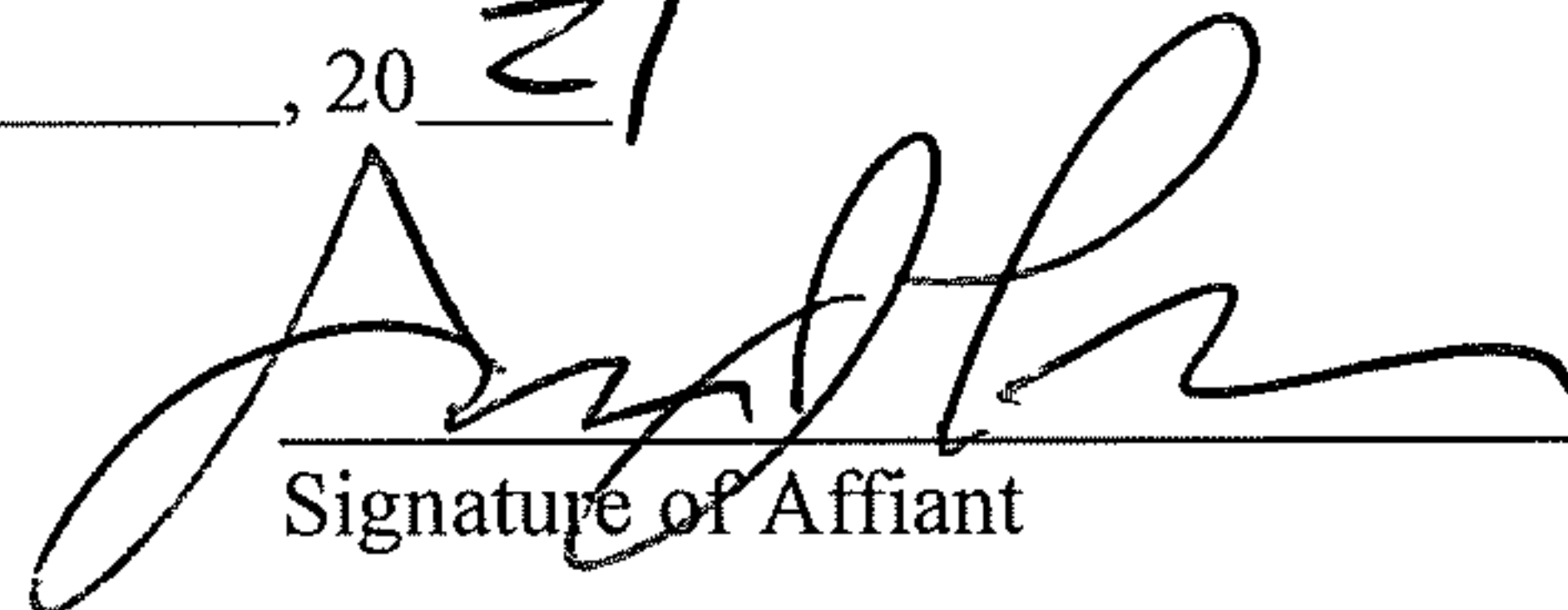
ANNA, TEXAS 75409

I or a person that is related to me within the first degree of consanguinity (blood) or affinity (marriage) as defined by state law has a substantial interest in this business entity or real property for the following reasons [circle all that apply]:

- (1) own 10% or more of the voting stock or shares of the business entity;
- (2) own 10% or more of the fair market value of the business entity;
- (3) own \$15,000 or more of the fair market value of the business entity;
- (4) receive from the business entity funds that exceed 10% of _____ [my, his, her] gross income for the previous year;
- ☒ (5) have/has an equitable or legal ownership of real property with a fair market value of \$2,500 or more.

Upon filing of this affidavit with the official record keeper of the city, I affirm that I shall abstain from voting or further participating in any matter involving the business entity or real property, unless allowed by law.

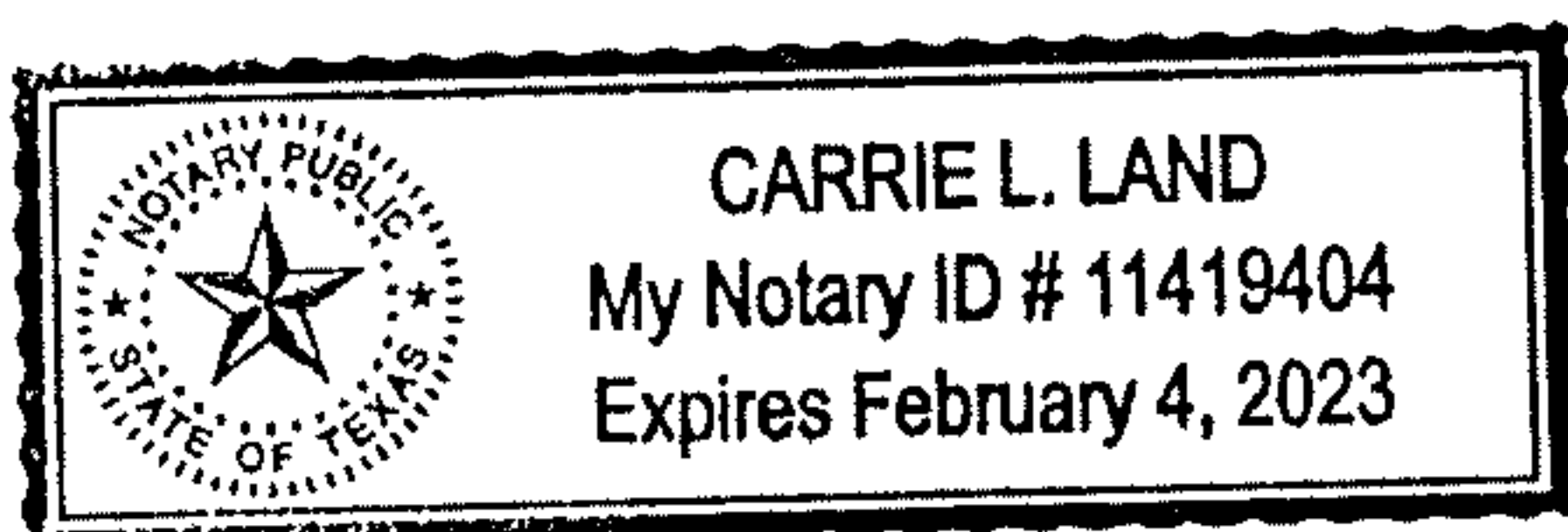
Signed this 23 day of MARCH, 2021


Signature of Affiant

JAMES J. PROCE
Affiant

BEFORE ME, the undersigned authority, this day personally appeared James Proce
[name of affiant] and by oath stated that the facts herein stated are true and correct.

SWORN TO AND SUBSCRIBED BEFORE ME before me on this 23 day of March, 2021.




Notary Public in and for the State of Texas

My commission expires: 2/4/2023