

**Regular City Council Meeting
Meeting Minutes**



Tuesday, January 25, 2022 @ 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 January 25, 2022, at the Anna ISD Board Room located at 201 E. 7th Street, Anna, Texas, 75409, to consider the following items.

1. Call to Order, Roll Call, and Establishment of Quorum.

Mayor Pike called the meeting to order at 6:30 PM.

Council Member Carver was absent.

2. Invocation and Pledge of Allegiance.

Mayor Pike led the Invocation and Pledge of Allegiance.

3. Neighbor Comments.

The following individuals addressed the City Council with regard to the traffic hazards at the entrance of Anna Town Square and requested the City Council take immediate action to work with TxDOT to rectify the situation:

- Jonathan Schwyzer
- Francis Colls
- Kay Hickey
- Scott Intrieri

4. Reports.

None.

5. Work Session.

- a. Staff update on Traffic Studies in key locations across the City of Anna, including the results of the studies. (Director of Public Works Greg Peters, P.E.)

In 2021, the City of Anna contracted with three different traffic engineering firms to conduct traffic studies in multiple locations throughout the City of Anna, including:

- ☐ Traffic Signal Warrant Studies on SH 5 at Finley Boulevard and at

Rosamond Parkway

- ☐ Traffic signal warrant studies on FM 455 at Oak Hollow Drive and at Willow Creek Drive/Westfield Drive
- ☐ Traffic Signal and Turning Movement Studies on FM 455 at US 75 and at Throckmorton/Walmart

Director of Public Works Peters provided a PowerPoint presentation of the results of the traffic studies and discussed the next steps in the process to seek traffic improvements in areas where they are warranted.

Director of Public Works Peters provided a sample letter to neighbors who wished to send a letter to their County/State representative(s) expressing their desire and support for the installation of a traffic control signal at SH 5 (S Powell Pkwy) and Finley Boulevard (Co Rd 422) and urging the representatives to encourage TxDOT to install the signal.

City Manager Proce and Mayor Pike encouraged all Anna neighbors to contact their elected County and State officials regarding the traffic improvements needed in the above-mentioned areas.

- b. Discuss plans for funding the final engineering and construction of the future Hurricane Creek Regional Wastewater Treatment Plant. (Director of Public Works Greg Peters, P.E.)

Director of Public Works Peters provided a PowerPoint presentation providing project information, including cost and timing, as well as revenue sources, current available funds, and future funding options.

- c. Presentation by Michael Hanschen regarding the Mantua/Risland project. (Director of Economic Development Joey Grisham)

Michael Hanschen with the Risland Corporation provided an update on the Mantua project that includes part of Anna and Van Alstyne.

6. **Consent Items.**

MOTION: Council Member Miller moved to approve Consent Items 6. a. through 6.h. Council Member Toten seconded. Motion carried 5-0 (Council Member Atchley was out of the room at the time of the vote).

- a. Approve Meeting Minutes  for City Council Meeting held January 11, 2022. (City Secretary Carrie Land)
- b. Approve a Resolution adopting Amendment to Professional Services Agreement for Municipal Judge Services. (City Manager Jim Proce)

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING AND AUTHORIZING THE CITY MANAGER TO ACT ON THE CITY'S BEHALF IN EXECUTING THE FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT FOR MUNICIPAL JUDGE SERVICES

- c. Acting as the Anna Housing Finance Corporation Board of Directors, approve an Agreement to engage the services of Chapman and Cutler, LLP related to the Parmore Senior Living Project. (Director of Economic Development Joey Grisham)

Anna Housing Finance Corporation (HFC) staff recommends entering into an Agreement for legal services with Chapman & Cutler, LLP. related to the Parmore Senior Living Project. Ryan Bowen is an expert on matters related to HFCs, PFCs and tax credit projects, and has been involved in multiple deals across the country.

- d. Acting as the Anna Public Facility Corporation Board of Directors, approve a Memorandum of Understanding (MOU) with JPI Village Waters Creek Development, LLC. (Director of Economic Development Joey Grisham)

Staff has been working with JPI on a proposed project at the Villages at Waters Creek located on FM 455. This Memorandum of Understanding (MOU) is non-binding and outlines the partnership between the developer and the Anna PFC. The document has been approved by legal counsel and staff recommends approval.

- e. Acting as the Anna Public Facility Corporation ("APFC") Board of Directors, approve and ratify the execution by the APFC President of that certain letter agreement between the APFC and Hilltop Securities, Inc. dated January 14, 2022. (Director of Economic Development Joey Grisham)

This item approves and ratifies a letter of agreement with Hilltop Securities, Inc. related to the JPI Villages at Waters Creek project that was signed by PFC Board President Nate Pike. The document was reviewed and approved by legal counsel.

- f. Approve a Resolution authorizing the purchase and installation of replacement parts for the Phase 1 Rehabilitation of the John R. Geren Wastewater Treatment Plant in accordance with the City of Anna Community Improvement Program (CIP). (Director of Public Works Greg Peters, P.E.)

The John R. Geren Wastewater Treatment Plant is located on the east side of Slayter Creek and just south of the Soil Conservation Service Reservoir located adjacent to Lakeview Estates. The plant is in need of replacement parts and rehabilitation, which have been shown in the City CIP as a four-phase project.

The Phase 1 Rehabilitation includes the replacement of the bar screens and sludge press.

The original budget for Phase 1 of the rehabilitation was set at \$170,000 for only replacement of the bar screen. Since that time, we have seen prices increase. In addition, the belt press has also become problematic and is regularly failing. Staff is recommending the replacement of both at this time, as the Utility Fund balance has the necessary funds to include the required \$33,422.50 for the belt press replacement. The funding source is the Utility Non Bond Fund.

A RESOLUTION OF THE CITY OF ANNA, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE PURCHASE ORDERS FOR THE PURCHASE OF WASTEWATER TREATMENT EQUIPMENT IN THE AMOUNT NOT TO EXCEED TWO HUNDRED TWENTY-EIGHT THOUSAND NINE HUNDRED SEVENTY-TWO DOLLARS AND FIFTY CENTS (\$228,972.50); AND PROVIDING FOR AN EFFECTIVE DATE.

- g. Approve a Resolution authorizing the City Manager to execute easement dedication documents and payment for a sanitary sewer easement across the Dickey Tract as required for the Hurricane Creek Sanitary Sewer System. (Director of Public Works Greg Peters, P.E.)

Staff has been working with the Holland/Dickey family since 2019 regarding the acquisition of a sanitary sewer easement for the construction of the Hurricane Creek Regional Sewer system. The family worked with staff to reach an agreed upon price based on an appraisal conducted on the property. Now that the project will be bidding soon, the family is ready to execute the necessary documents and finalize the easement.

The City previously discussed a price of \$100,000 for the easement with the family, which is in-line with the appraised value and the discussions between the City and the family over the past two years. In addition, the family has already granted the City right-of-entry to the property which allowed us to continue to move the project forward. Staff recommends approval of the resolution so that the City can finalize the documents with the family and make final payment.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS, FINDING THAT A PUBLIC NECESSITY EXISTS FOR ACQUISITION OF A PERMANENT SANITARY SEWER EASEMENT ON AND UNDER 2.869 ACRES OF REAL PROPERTY AND A TEMPORARY CONSTRUCTION EASEMENT PROVIDING LIMITED RIGHTS ON AND UNDER 2.869 ACRES OF REAL PROPERTY, MORE OR LESS; AUTHORIZING THE CITY MANAGER, STAFF, CONTRACTORS, AND THE CITY'S ATTORNEYS TO ACQUIRE SAID EASEMENTS BY ANY LAWFUL MEANS, INCLUDING BUT NOT LIMITED TO NEGOTIATIONS, AND, IF NECESSARY, PROCEEDINGS IN EMINENT DOMAIN; PROVIDING AN EFFECTIVE DATE.

- h. Approve a Resolution to amend, restate, and replace the Development Agreement related to development and design regulations for multiple-family residence located at the northeast corner of Finley Boulevard and Florence Way otherwise known as Parmore-Anna. (Director of Development Services Ross Altobelli).

The applicant is requesting an amendment to the automatic termination provisions in Section 4 of the Original Agreement by changing the entity name from TDI Affordable Housing, LLC, to Parmore Anna Holdings, LLC, which is an entity of the Anna Housing Finance Corporation. The proposed amendments have been reviewed and approved to form by the City Attorney.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING AN AMENDED

AND RESTATED 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.

7. **Items For Individual Consideration.**

- a. Annexation - Coyote Meadows (Director of Development Services Ross Altobelli)

1) Consider/Discuss/Action on a Resolution approving an Agreement regarding services including a plan for municipal services regarding 150.2± acres generally located on the south side of Rosamond Parkway, 279± feet east of N. Powell Parkway.

A RESOLUTION ADOPTING A CONDITIONAL AGREEMENT REGARDING SERVICES RELATED TO ANNEXATION OF A 150.2± ACRE TRACT OF LAND

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

2) Conduct a public hearing to consider public comments regarding annexation of 150.2± acres generally located on the south side of Rosamond Parkway, 279± feet east of N. Powell Parkway.

Mayor Pike opened the public hearing at 8:13 PM.

No comments received.

Mayor Pike closed the public hearing at 8:13 PM

3) Consider/Discuss/Action on an Ordinance annexing 150.2± acres generally located on the south side of Rosamond Parkway, 279± feet east of N. Powell Parkway.

TFCC Coyote, LLC, has submitted a petition to annex 150.2± acres of land located on the south side of Rosamond Parkway, 279± feet east of N. Powell Parkway.

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.

MOTION: Mayor Pike moved to approve. Council Member Miller seconded. Motion carried 5-1 (Council Member Toten opposed).

b. Zoning - Coyote Meadows (Director of Development Services Ross Altobelli)

The applicant has submitted an annexation and zoning petition to establish a planned development district to be located entirely within the City limits. The planned development will meet the design and development standards established with Res. No. 2021-10-1033 (Coyote Meadows Development Agreement). The request is in conformance with the Future Land Use Plan and elements of the City of Anna Strategic Plan and Comprehensive Plan, as well as Res. No. 2021-10-1033. For these reasons, staff is in support of the annexation and zoning request.

1) Conduct a Public Hearing/Consider/Discuss/Action on an Ordinance to zone 153.6± acres located on the south side of Rosamond Parkway, 279± feet east of N. Powell Parkway. Currently zoned: Agricultural District (AG) and Extraterritorial Jurisdiction (ETJ). Applicant: TFCC Coyote, LLC.

Mayor Pike opened the public hearing at 8:15 PM.

Mayor Pike closed the public hearing at 8:15 PM.

(Property zoned under this Planned Development ordinance is generally located on the south side of Rosamond Parkway, 279± feet east of N. Powell Parkway)

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 Ussery moved to approve. Council Member Atchley seconded. Motion carried 5-1 (Council Member Toten opposed).

2) Consider/Discuss/Action on a Resolution regarding the Coyote Meadows, Preliminary Plat.

A RESOLUTION OF THE CITY OF ANNA, TEXAS APPROVING COYOTE MEADOWS, PRELIMINARY PLAT.

MOTION: Council Member Vollmer moved to approve. Council Member Miller seconded. Motion carried 5-1 (Council Member Toten opposed).

c. Consider/Discuss/Action on appointment of a Boards and Commissions Interview Committee. (City Secretary Carrie Land)

The Interview Committee consists of three City Council Members to review Board and Commission appointments. They are to review applications, conduct interviews, and bring appointment recommendations to the City Council.

The deadline for submitting applications is April 1 by 5:00 PM. Applications are available on the City website and in the City Secretary's Office.

Interviews will be conducted on Saturday and Sunday, April 9 and 10, 2022.

Mayor Pike moved to appoint a Boards and Commissions Interview Committee consisting of Council Member Toten, Council Member Carver, and Mayor Pike. Council Member Vollmer seconded. Motion carried 6-0.

- d. Consider/Discuss/Action on a Resolution approving an Incentive Agreement for new Economic Development with Anna Investments Group, LLC. (Director of Economic Development Joey Grisham)

Anna Investments Group, LLC is planning to construct a Dairy Queen restaurant in Anna and is asking for assistance with impact fees. Staff is recommending a grant of \$53,187 (amount of water/wastewater/irrigation impact fees) to be paid once the group meets the incentive requirements: invest at least \$1 million, create at least 10 jobs, and receive a certificate of occupancy within nine months of execution of the Agreement.

MOTION: Council Member Toten moved to approve. Council Member Miller 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). *Bunetto v. City of Anna*, Civil Action No. 4:21-cv-00413, United States District Court, Eastern District of Texas, Sherman Division; *Miller Mendel, Inc. v. City of Anna, Texas, et al.*, U.S. District Court, Eastern District of Texas, Marshall Division; Case No. 2:21-cv-00445-JRG.
- 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; Meeting Procedures

MOTION: Council Member Vollmer moved to enter Closed Session. Council Member Toten seconded. Motion carried 6-0.

Mayor Pike recessed the meeting at 8:28 PM.

Mayor Pike reconvened the meeting at 10:03 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.

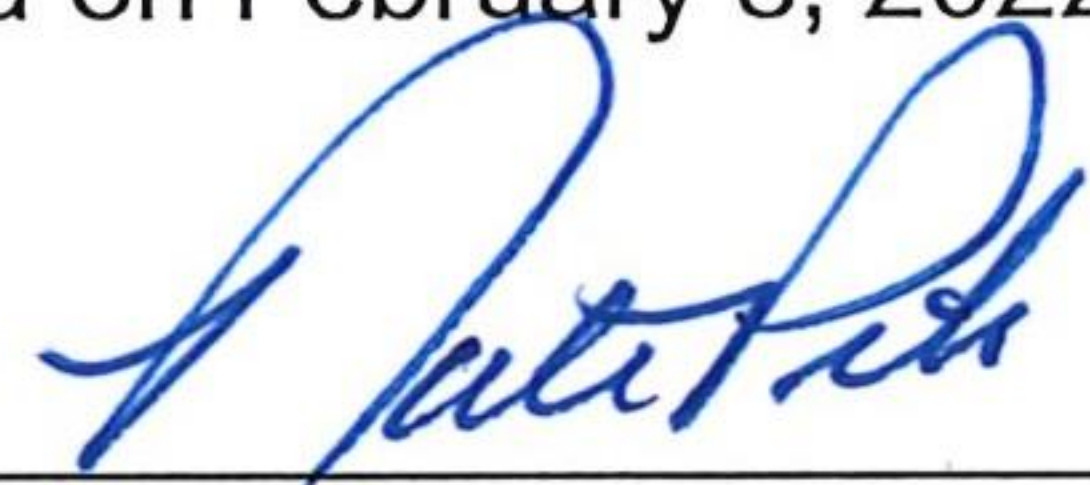
No action.

10. **Adjourn.**

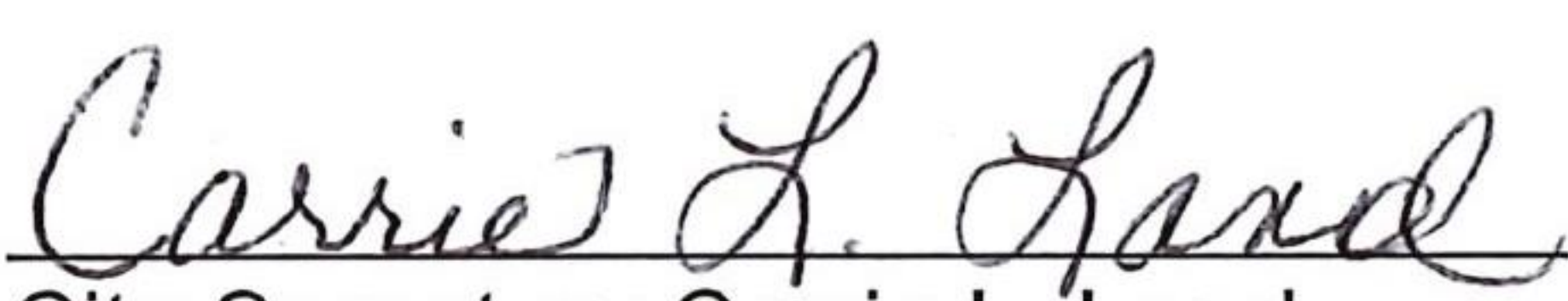
Mayor Pike adjourned the meeting at 10:03 PM.

Approved on February 8, 2022.




Mayor Nate Pike

ATTEST:


City Secretary Carrie L. Land