



**CITY COUNCIL WORKSESSION, PUBLIC HEARING, & REGULAR MEETING
CELINA COUNCIL CHAMBERS
302 W. WALNUT STREET
MONDAY, DECEMBER 13, 2010
5:00 P.M. Regular Session/Worksession / 6:30 P.M. Public Hearing**

MINUTES

REGULAR SESSION 5:00 P.M.

I. CALL TO ORDER AND ANNOUNCE A QUORUM PRESENT:

Mayor Jim Lewis called the meeting to order at 5:05 p.m. Council members present were Dick Smith, Bill Webber, Dewey Isham and Mayor Pro Tem Sean Terry. Councilman Wayne Nabors arrived at 6:36 p.m.

II. WORKSESSION/COMMITTEE REPORTS/STAFF REPORTS:

- A. Monthly Police Dept Report, Monthly Fire Dept Report, Monthly Public Works Dept Report, Monthly Financial Report, Monthly Development Services Report, Monthly Main Street Report, Monthly Parks Dept Report, Monthly Library Report, Monthly EDC Report and all agenda items
- B. Square Renovation project – presentation (Jason)
- C. Preston Road Vision update – presentation (Keith)

Council adjourned for dinner at Papa Gallo's Restaurant (241 W. Pecan St.) from 5:28 p.m. to 6:25 p.m. *No city business was discussed or acted upon during the dinner break.*

PUBLIC HEARING/ACTION ITEMS 6:30 p.m.

Mayor Lewis called the meeting back to order at 6:30 p.m.

III. PLEDGE OF ALLEGIANCE/INVOCATION:

City Council led the pledge of allegiance. The invocation was given by Pastor Mark Rylander

IV. PROCLAMATIONS/PRESENTATIONS/OATHS OF OFFICE:

City Manager Jason Gray presented a plaque of appreciation to Matt Furr for his contribution as Park Superintendent from 2006 to 2010.

V. OPEN FORUM:

Peter Kimbark asked about progress on the sewer rate study. He asked what the next step would be and what the city's expectations are regarding the outcome.

VI. CONSENT AGENDA:

Item D was removed from the consent agenda and voted on separately.

- A. Consider and act upon approval of minutes from: 11/01/2010, 11/06/2010, 11/08/2010, 11/10/2010, 11/22/2010, 12/02/2010
- B. Consider and act upon an amendment to the Light Farms Development Agreement.

- C. Consider and act upon approval of a resolution (2010-43) of the City Council of the City of Celina, Texas, reaffirming and ratifying development agreements related to certain properties in the city's extraterritorial jurisdiction; and providing an effective date. (2010-43R)
- D. Consider and act upon an ordinance of the City of Celina, Texas, adopting and enacting a new code of ordinances; all prior ordinances pertaining to the subjects treated in the Code of Ordinances shall be deemed repealed from and after the effective date of this ordinance except as they are included and re-ordained in whole or in part in the Code; provided, such repeal shall not affect any offense committed or penalty incurred or any right established prior to the effective date of this ordinance, nor shall such repeal affect the provisions of ordinances levying taxes, appropriating money, annexing or detaching territory, establishing franchises, or granting special rights to certain persons, authorizing public improvements, authorizing the issuance of bonds or borrowing of money, authorizing the purchase or sale of real or personal property, granting or accepting easements, plat or dedication of land to public use, ~~vacating or setting the~~ boundaries of streets or other public places; nor shall such repeal affect any other ordinance of a temporary or special nature or pertaining to subjects not contained in or covered by the Code; providing a penalty for the violation thereof; providing for the amendment of such code; and providing when such code and this ordinance shall become effective.

Councilman Smith moved to approve item D (2010-77) as presented with changes as read into the record by City Attorney Lance Vanzant. Councilman Isham seconded. Motion carried. 5-yes;0-no.

"Section 2; to add provided any such repeal shall not affect any offense committed or penalty incurred or any right established prior to the effective date of this ordinance, nor shall such repeal affect the provisions of ordinances levying taxes, appropriating money, annexing or detaching territory, establishing franchises, or granting special rights to certain persons, authorizing public improvements, authorizing the issuance of bonds or borrowing of money, authorizing the purchase or sale of real or personal property, granting or accepting easements, plat or dedication of land to public use, vacating or setting the boundaries of streets or other public places; nor shall such repeal affect any other ordinance of a temporary or special nature or pertaining to subjects not contained in or covered by the Code."

E. Consider and act upon a Merchant Agreement with ETS Corporation for credit card processing.

F. Consider and act upon an agreement with Tyler Technologies for a Utility Billing On-Line Payment Component.

G. Consider and act upon a petition for annexation of 33.7 acres of land in Collin County, located at 12365 W. FM 455, and set public hearing dates of Monday, January 10, 2010 at 6:30 p.m., and Tuesday, January 11, 2010 at 6:00 p.m.

Councilman Smith moved acceptance of the Consent Agenda (minus item D). Mayor Pro Tem Terry seconded. Motion carried. 5-yes;0-no.

VII. PUBLIC HEARING/ACTION:

- A. Z10-16 The City Council will conduct a public hearing to consider testimony and take action regarding an ordinance of the City of Celina, Texas, amending Ordinance No. 2006-57, as heretofore amended, the same being the Comprehensive Zoning Ordinance, and amending the official Zoning Map of the city by designating the zoning of land that is approximately 267.63 acres, being part of the Richard Alderson Survey, Abstract 7, and part of the Spencer Rice Survey, Abstract 788, Collin County, Texas, being known as the 184 acres set aside to Jim B. Goodner and Mary G. Moore by Partition Deed

dated March 10, 1973, recorded in Volume 243, Page 369 of the Deed Records of Collin County, Texas, and more fully described in Exhibit "A" and shown graphically in Exhibit "B" attached hereto and incorporated herein, to be zoned "MU-1/PD44" Mixed Use Regional District.

Matt Robinson with Greater Texas Land Resources represented the applicant. After much discussion the hearing was continued to the next meeting with no action taken.

- B. Z10-17 The City Council will conduct a public hearing to consider testimony and take action on an ordinance regarding a rezoning request from AG (Agriculture) to MU-2/PD45 (Mixed Use Regional), for a property located generally located east of Preston Road, west of CR 97, south of CR 134 and north of CR 100, Collin County and more specifically known as A0753 W H RATTON SURVEY, TRACT 7, 28.345 ACRES; A0048 L M BOYD SURVEY, TRACT 1, 68.34 ACRES and containing 96.5905 acres.

Thom Hillsman represented the applicant. Council recessed at 9:04 p.m. until 9:30 p.m. for the city attorney and Mr. Hillsman to work out some wording on the PD. Councilman Smith moved to approve zoning case Z10-17 (Ordinance No. 2010-78) with the changes as amended. City Attorney Lance Vanzant read the following into the record regarding Exhibit C, Section 1.2.3 deleting the third sentence and in lieu thereof, add the following: "notwithstanding anything contained herein, in the event the MU-2 ordinance is amended in the future to apply a lower density or to restrict the total number of units for RTC type units described herein, such provision shall apply and control." Councilman Nabors seconded. Motion carried. 5-yes;0-no.

- C. Z10-20 The City Council will conduct a public hearing to consider testimony and take action on an ordinance regarding a rezoning request from AG (Agriculture) to MU-2 (Mixed Use Regional) and I-1 (Light Industrial), for a property located generally located west of Preston Road, north of CR 55 and east of BNSF Railroad, Collin County and more specifically known as A0132 B B B & C RY CO SURVEY, TRACT 14 and containing 64.543 acres.

Bob Roeder with Abernathy, Roeder represented the applicant for item C and D. Mayor Pro Tem Sean Terry moved to approve Z10-20 (Ordinance No. 2010-79). Councilman Smith seconded. Motion carried. 5-yes;0-no.

- D. Z10-21 The City Council will conduct a public hearing to consider testimony and take action on an ordinance regarding a rezoning request from AG (Agriculture) to MU-2 (Mixed Use Regional), for a property located generally located west of Preston Road, north of CR 55 and east of BNSF Railroad, Collin County and more specifically known as A0132 B B B & C RY CO SURVEY, TRACT 36, and containing 1.46 acres.

Councilman Webber moved to approve Z10-21 (Ordinance No. 2010-80). Councilman Isham seconded. Motion carried. 5-yes;0-no.

- E. Z10-01 The City Council will conduct a public hearing to consider testimony and take action regarding a rezoning request from AG (Agriculture) to I-1 (Light Industrial), for property more commonly known as Block 3, Tract 67, Collin County School Land Survey, Abstract No. 167, and generally located south of County Road 53, east of County Road 51 and west of BNSF Railroad and containing 47.2 acres.

Neighboring landowner Mark Wagner opposed the zoning and asked council to delay action and let him negotiate with the applicant. The hearing was continued to the next meeting with no action.

- F. Z10-19 The City Council will conduct a public hearing to consider testimony and take action regarding a rezoning request from AG (Agriculture) to MU-2 (Mixed Use Regional), for a property generally located east of Dallas North Tollway, west of CR 51, south of FM 428 and north of CR 7, Collin County and more specifically known as

A0734 JOHN RAGSDALE SURVEY, BLK 1, TRACT 3, 68.7752 ACRES; A0734 JOHN RAGSDALE SURVEY, BLK 1, TRACT 5, 43.84 ACRES; A0734 JOHN RAGSDALE SURVEY, BLK 2, TRACT 9 and containing 168.788 acres.

Councilman Smith moved to approve Z10-19 (Ordinance No. 2010-81). Councilman Nabors seconded. Motion carried. 5-yes;0-no.

G. Z10-27 The City Council will conduct a public hearing to consider testimony and take action regarding a rezoning request from AG (Agriculture) to MU-2 (Mixed Use Regional), for a property generally located east of Smiley Road, and south of FM 428, Denton County and more specifically known as A0211A COWAN, TR 34A, OLD DCAD SHT 2, TR #5 and containing 25.022 acres.

Councilman Nabors moved to approve Z10-27 (Ordinance No. 2010-82). Councilman Smith seconded. Motion carried. 5-yes;0-no.

H. DP10-01 The City Council will conduct a public hearing to consider testimony and take action regarding a development plat for a property located generally east of FM 455 and north of CR 57, Collin County and more specifically known as A0125 BENJAMIN BREWTON SURVEY, TRACT 7 and containing 5.0 acres more or less.

Mayor Pro Tem Terry moved to approve DP10-01. Councilman Nabors seconded. Motion carried. 5-yes;0-no.

VIII. ACTION ITEMS:

A. Consider and act upon a modification development agreement by and between the City of Celina and Oncor Electric Delivery regarding payment for a visual screen of an Oncor Distribution Facility.

Councilman Nabors moved to approve a modification development agreement. Mayor Pro Tem Terry seconded. Motion carried. 5-yes;0-no.

B. Consider and act upon Interlocal Services Agreements for Ambulance and Fire Protection Services by and between the City of Celina and Denton County.

Councilman Smith moved approval of an Interlocal Services Agreement with Denton County. Councilman Webber seconded. Motion carried. 5-yes;0-no.

C. Consider and act upon an Interlocal Agreement for Emergency Ambulance Services by and between the City of Celina and the City of Gunter.

Councilman Nabors moved to approve to extend the agreement to January 31st. Mayor Pro Tem Terry seconded. Motion carried. 5-yes;0-no.

D. Consider and act upon an In-House License Agreement for water tower antenna space.

Mayor Pro Tem Terry moved to approve the agreement. Councilman Isham seconded. Motion carried. 5-yes;0-no.

E. Consider and act upon an ordinance amending Title VII, Traffic, of the Celina Code of Ordinances by adding a new Chapter 72 entitled Regulation of Golf Carts; regulating the operation of golf carts on public streets; providing for the incorporation of premises; for finding; for amendment to the Code of Ordinances; a cumulative repealer clause; a savings clause; a penalty; for severability; for publication; for engrossment and enrollment; and an effective date.

Councilman Smith moved to approve with the exception of 30 mph or less, and brake lights. Councilman Webber seconded. Motion failed. 2-yes;3-no. (Wayne Nabors, Sean Terry, Dewey Isham)

F. Consider an act upon an ordinance of the City of Celina, Texas, amending Title VII, Traffic, of the Celina Code of Ordinances by adding a new Chapter 72, Prohibiting Golf Carts on Public Streets or Highways within the City limits; providing for incorporation of premises; for findings; for amendment to the Code of Ordinances; a cumulative

repealer clause; a savings clause; a penalty of a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense; for severability; for publication; for engrossment and enrollment; for an effective date.

Councilman Nabors moved to approve an ordinance (2010-83) prohibiting Golf Carts. Councilman Isham seconded. Motion carried. 3-yes;2-no (Dick Smith, Bill Webber)

G. Consider and act upon an ordinance regulating commercial vehicle parking in residential subdivisions.

Councilman Webber moved to approve an ordinance (2010-84) regulating commercial vehicle parking. Mayor Pro Tem Terry seconded. Motion carried. 5-yes;0-no.

H. Consider and act upon a variance request for side yard setback requirements for a barn located at 211 Stephanie Drive.

Item tabled.

I. Consider and act upon an ordinance (2010-85) with an amendment to the 2008-25 Fire Sprinkler Ordinance to clarify exceptions to the requirements.

Councilman Smith moved to approve the modification to the sprinkler ordinance with the exception it shall not apply in the event an existing structure is torn down or destroyed. Mayor Pro Tem Terry seconded. Motion carried. 5-yes;0-no.

J. Consider and act upon an ordinance to unify requirements necessary for County Animal Control to enforce a leash law.

Item tabled.

K. Consider and act upon an agreement for consulting services by and between the City of Celina and Solutions for Local Control, LLC.

Mayor Pro Tem Terry moved to approve the agreement. Councilman Nabors seconded. Motion carried. 5-yes;0-no.

The City Council adjourned into executive session at 10:28 p.m. with City Attorney Lance Vanzant.

IX. EXECUTIVE SESSION:

City Council will convene into Executive Session pursuant to Texas Government Code Section 551.071, Consultation with Attorney, to seek the advice of the City Attorney or other legal counsel concerning pending or contemplated litigation or on a matter in which the duty of the attorney (s) to the City under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act, and 551.074, Personnel Matters to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

A) Dynavest Joint Venture vs. City of Celina, 367th District Court, Denton County, Texas; Cause No. 2010-50356-367.

B) Employment of Fire Chief

C) City Manager-Annual Review

The City Council reconvened into open session at 11:26 p.m.

RECONVENE INTO OPEN SESSION

1. Consider and act upon items discussed in executive session.

Councilman Nabors moved to accept the Fire/EMS Chief contract. Mayor Pro Tem Terry seconded. Motion carried. 5-yes;0-no.

X. ADJOURNMENT:

There being no further comment, Mayor Lewis adjourned the meeting at 11:28 p.m.


Jim Lewis, Mayor


Vicki Faulkner, TRMC
City Secretary, City of Celina, Texas

01/10/11
Date Minutes Approved

