



**CITY COUNCIL WORKSESSION, PUBLIC HEARING, & REGULAR MEETING
CELINA COUNCIL CHAMBERS
302 W. WALNUT STREET
MONDAY, SEPTEMBER 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 5:03 p.m. Council members present were Mayor Pro Tem Sean Terry, Brad Glendening, Dewey Isham, Dick Smith and Bill Webber. Councilman Wayne Nabors arrived at 7:14 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. Discussion regarding the driving of golf carts on public streets-Police Chief Joe Williams presented options to the council for regulating or not regulating golf carts on public streets.
- C. Fence ordinance discussion-Planning Director Keith Billick sought input from the council regarding fencing (materials, height, placement) regulations.

Council did not convene into executive session regarding Item A listed below. Council took a short recess from 6:04 p.m. until 6:38 p.m.

III. EXECUTIVE SESSION:

City Council will convene into Executive Session pursuant to Texas Government Code Section 551.074, Personnel Matters;

- A. City Manager – Annual Review

RECONVENE INTO OPEN SESSION

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

No action taken.

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

IV. PLEDGE OF ALLEGIANCE/INVOCATION: Girl Scout Kayla Dunning led the pledges. Pastor Cliff Lester of Bethel Baptist Church gave the invocation and announced celebration activities for the church's 100 year anniversary.

V. PROCLAMATIONS/PRESENTATIONS/OATHS OF OFFICE:

National Night Out – presented to Lieutenant Paul Jones of the Celina Police Department
Constitution Week – presented to Donna Adamo with Daughters of the American Revolution

VI. OPEN FORUM:

No comments received

Public Hearing items were considered before the consent agenda.

VII. CONSENT AGENDA:

- A. Consider and act upon approval of minutes from: 08/09/201, 08/10/2010, 08/16/2010, 08/31/2010
Item A was considered after an executive session called by Mayor Lewis at 10:00 p.m., pursuant to Texas Government Code Section 551.074, Personnel Matters; to deliberate the appointment, employment, evaluation reassignment, duties, discipline, or dismissal of a public officer or employee, in regards to the minutes of 08/31/2010. Council reconvened into open session at 10:05 p.m. Councilman Smith moved to approve the minutes with a correction to the minutes of 08/31/2010. Councilman Nabors seconded. Motion carried. 6-yes;0-no.
- B.. Consider and act upon an ordinance (No. 2010-34) of the City Council of the City of Celina, Texas, approving a negotiated resolution between the ATMOS Cities Steering Committee and ATMOS Energy Corp., Mid-Tex Division regarding the company's third rate review mechanism filing in all cities exercising original jurisdiction; declaring existing rates to be unreasonable; requiring the company to reimburse cities' reasonable ratemaking expenses; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; approving ATMOS Mid-Tex's proof of revenues; extending the RRM process for two cycles and adopting a new RRM Tariff; ratifying the settlement agreement, including cost recovery for a steel service line replacement program; adopting a savings clause; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; declaring an effective date; and requiring delivery of this ordinance to the company and steering committee's legal counsel.
- C. Consider and act upon a contract for Election Services by and between the City of Celina and Collin County in regard to coordination, supervision and running of the City's November 2, 2010 Special Election.
- D. Consider and act upon a resolution (No. 2010-18R) of the City Council of the City of Celina, Texas, authorizing the submission of a Texas Community Development Block Grant Program Application to the Texas Department of Rural Affairs for the Community Development Fund; and authorizing the city manager to act as the city's executive officer and authorized representative in all matters pertaining to the city's participation in the Community Development Program.
- E. Consider and act upon amended by-laws for the Main Street Advisory Board.
Councilman Terry moved to approve consent agenda items B thru E. Councilman Webber seconded. Motion carried. 6-yes;0-no.
- F. Consider and act upon an ordinance of the City Council of Celina, Texas, amending the City's Code of Ordinances, Chapter 37: Master Fee Schedule, Section 37.01 Water and Sewer; (J) Review Fees for Permits, (1) Individual Wastewater Discharge Permit.
- No action on Item F.

Action Item N, (1-4) was considered and voted upon before public hearings items were opened.

VIII. PUBLIC HEARING/ACTION:

- A. The Celina City Council will conduct public hearings to consider testimony regarding petitions for annexation of the following properties:
- 1) 64.61 acres of land in Collin County located generally in the southeast corner of the intersection of FM 428 and Celina Road.
 - 2) 96.59 acres of land in Collin County located generally in the southeast corner of the intersection of SH 289 and County Road 134.
- No comment received.
- B. The Celina City Council will conduct a public hearing regarding FY2011 Annual City Budget.
Mike Ekrote of Twin Lakes Drive stated that he was opposed to a new water rate increase. He suggested that council revisit the 2010 rates as customers using over 30,000 gallons are penalized.
- C. The Celina City Council will conduct a public hearing 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 85.717 acres situated in the Collin County School Land Survey, Abstract No. 167, Collin County, Texas; being the remainder of a called 96.3 acre tract of land described in deed to the Walton Bradford Family Partnership, L.P., as recorded in Volume 5050, Page 785, of the Real Property 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 "I-1" Light Industrial District and "C-1" Retail District; (Z09-05)

Frank Abbott with Kimley Horn represented the landowner and requested approval of the zoning request. Councilman Smith moved to accept the zoning (Ordinance No. 2010-35) of I-1 and C-1 (Z09-05) that includes the new zoning exhibit handed out tonight. Councilman Isham seconded. Motion carried. 5-yes;0-no.

- D. The Celina City Council will conduct a public hearing 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 9.44 acres of land, and being Lot 2 and Lot 3 of the Meadow View Estates recorded in Cabinet M, Page 161 of the County Deeds and Records, Denton County, Texas, and more fully described in Exhibit "A" and shown graphically in Exhibit "B" attached hereto and incorporated herein, to be zoned "MU-2" Mixed Use Regional District. (Z10-13)

Planning Director Keith Billick that owner Dale Hill was present. He also noted that a stipulation requiring a concept plan to be submitted with any future plat applications was recommended. Councilman Isham moved to approve the zoning request (Ordinance No. 2010-36) Z10-13 as recommended by P & Z. Mayor Pro Tem Terry seconded. Motion carried. 5-yes;no.

- E. The Celina City Council will conduct a public hearing 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. (Z10-16)

Matt Robinson with Greater Texas Land and Resources represented the landowner and spoke with council regarding the request. The public hearing was left open for consideration at a future meeting.

- F. The Celina City Council will conduct a public hearing and take action regarding an ordinance of the City of Celina, Texas, amending the City's Code of Ordinances, Title XV; Land Usage; Chapter 160: Zoning; Section 160.020 Nonconforming Uses and Structures. (AM10-08)

Councilman Glendening moved to approve an ordinance (No. 2010-37) regarding Chapter 160, Nonconforming Uses and Structures. Councilman Smith seconded. Motion carried. 6-yes;0-no.

IX. ACTION ITEMS:

- A. Consider and act upon an ordinance of the City of Celina, Texas amending ordinance 2009-23, which adopted and approved the budget for Fiscal Year beginning October 1, 2009 and ending September 30, 2010, and make appropriations for each department, project and account, by adopting an amended fiscal Year 2009-2010 budget for the city of Celina, Texas, reallocating funds between accounts pursuant to Exhibit "A"

Councilman Nabors moved to approve an ordinance (No. 2010-38) for FY 2010 budget amendment. Councilman Smith seconded. Motion carried. 6-yes;0-no.

- B. Consider and act upon approving FY2011 Celina Economic Development Budget and Celina Community Development Budget.

Mayor Pro Tem Terry moved to approve FY2011 Celina EDC and Celina CDC budgets. Councilman Isham seconded. Motion carried. 6-yes;0-no.

- C. Consider and act upon an ordinance of the City of Celina, Texas adopting and approving the budget for the fiscal year beginning October 1, 2010 and ending September 30, 2011, and making appropriations for each department, project and account.

Councilman Nabors moved to adopt an ordinance (No. 2010-39) approving the budget for the fiscal year beginning October 1, 2010 and ending September 30, 2011. Mayor Pro Tem Terry seconded. Motion carried. 6-yes;0-no.

- D. Consider and act upon an ordinance of the City of Celina, Texas, fixing and levying Municipal Ad Valorem Taxes for the fiscal year beginning October 1, 2010 and ending September 30, 2011, and for each fiscal year thereafter until otherwise provided, at a rate of \$.645 per one hundred dollars (\$100.00) assessed valuation on all taxable property within the corporate limits of the city.

Mayor Pro Tem Terry moved to adopt an ordinance (No. 2010-40) fixing a tax rate for the fiscal year beginning October 1, 2010 and ending September 30, 2011 at a rate of \$.645 per one hundred dollars of assessed valuation. Councilman Isham seconded. Motion carried. Councilman Webber voted aye, Councilman Smith voted aye, Councilman Isham voted aye, Councilman Nabors voted aye, Councilman Glendening voted aye, Mayor Pro Tem Terry voted aye.

- E. Consider and act upon a resolution of the City Council of the City of Celina, Texas, requesting that the Texas House of Representatives maximize elected representation in Collin County at the Congressional and State Levels.

Councilman Smith moved to approve the resolution (No. 2010-20R). Councilman Webber seconded. Motion carried. 6-yes;0-no.

- F. Consider and act upon conducting a sewer rate analysis based on winter averaging.

Mayor Pro Tem Terry moved to conduct a sewer rate analysis based on winter averaging. Councilman Webber seconded. Motion carried. 6-yes;0-no.

- G. Consider and act upon adoption of a resolution supporting the creation of the Mustang Lakes Municipal Management District.

Kirk Wilson, Attorney-at-Law, representing the Cambridge Group explained the reason for and process of establishing the District. Councilman Isham moved to approve a resolution (No. 2010-19R) supporting the creation of the Mustang Lakes Municipal Management District. Mayor Pro Tem Terry seconded. Motion carried. 6-yes;0-no.

- H. Discussion regarding the possibility of the City of Celina assuming ownership of the "Old Union Cemetery".

General discussion took place. City Manager Jason Gray will research questions brought by council.

- I. Consider and act upon an amendment to the development agreement by and between the City of Celina and Republic Property Group (a/k/a Light Farms).

No action taken on item I.

- J. Consider and act upon a resolution of the City of Celina, Texas, creating a temporary no truck route to regulate the activities of commercial trucks on Frontier Parkway from Dallas Parkway to BNSF Railroad as authorized in the City of Celina's Code of Ordinances, Title XI: Business Regulations; Chapter 115 Operation of Commercial Motor Vehicles.

Councilman Webber moved to approve a resolution (No. 2010-21R) creating a temporary no truck route to regulate commercial trucks on frontier Parkway from Dallas Parkway to BNSF Railroad. Councilman Isham seconded. Motion carried. 6-yes;0-no.

- K. Consider and act upon concurrence of the appointment of Mark Metdker as the Interim Fire Chief for the City of Celina.

Councilman Nabors moved to concur with the appointment of Mark Metdker as the Interim Fire Chief. Councilman Smith seconded. Motion carried. 6-yes;0-no.

- L. Consider and act upon a modification to the existing Green Meadows Development Agreement.

Scott Norris with Tomlin Associates was present as a representative of the Development. Councilman Nabors moved to approve the modification to the existing Green Meadows Development Agreement. Councilman Isham seconded. Motion carried. 6-yes;0-no.

M. Consider and act upon authorizing the city manager to sign a Strategic Partnership Agreement between the City of Celina and Smiley Road WCID.

Scott Norris with Tomlin Associates explained that this agreement would allow the development to be annexed more quickly. Mayor Pro Tem Terry moved to authorize the city manager to sign a Strategic Partnership Agreement between the City of Celina and Smiley Road WCID. Councilman Smith seconded. Motion carried. 6-yes;0-no.

N. Consider and act upon ordinances of the City of Celina, Texas, adopting the annexations of certain territory contiguous to and adjoining the City of Celina, Texas to Wit:

- 1) 267.6 acres in Collin Co. located generally west of CR 50 and north of CR 970 (2010-41)
- 2) 24.49 acres in Denton Co. located generally south of Celina Road/west of FM 428 (2010-42)
- 3) 5.57 acres in Denton Co. located generally south of Celina Road/west of FM 428 (2010-43)
- 4) 9.2 acres in Denton Co. located generally south of Celina Road/west of FM 428 (2010-44)

Councilman Smith moved to adopt annexation ordinances (Nos. 2010-41 – 2010-44) for items 1 thru 4 as listed. Councilman Glendening seconded. Motion carried. 5-yes;0-no. (Councilman Nabors not present at this time)

O. Consider and act upon resolutions of the City Council of the City of Celina, Texas, setting a date, time and place (Thursday, October 7, 2010 at 6:00 p.m., and Monday, October 11, 2010 at 6:30 p.m.) for public hearings on the proposed annexations of certain properties by the city and authorizing and directing the city secretary to publish notice of such public hearings and authorizing city staff to take all necessary actions to fulfill the requirements of the Municipal Annexation Act.

- 1) 2.22 Acres located at 729 N. Louisiana (D & L Farm & Home) (2010-22)
- 2) 4.42 acres located at 870 N. Preston Road (Texas Seasons Nursery & Landscape) (2010-23)
- 3) 1.45 acres located at 881 N. Louisiana (FlexKrete Technologies) 2010-24)
- 4) 765.3 acres (Area 2 as depicted on attached map) located across the Collin County/Denton County line and north of FM 428.(2010-25)
- 5) 1368.5 acres (Area 3 as depicted on attached map) located along and east of the Collin County/Denton County line and north of FM 428 and south of Grayson County line. (2010-26)
- 6) 152.2 acres (Area 4 as depicted on attached map) located along and east of the Collin County/Denton County line and south of Grayson County line. (2010-27)
- 7) 92.6 acres (Area 1 as depicted on attached map) located in Denton County west of Celina Road (2010-28)
- 8) 36.4 acres (Area 5 as depicted on attached map) located in Denton County south of Carey Road and west of County Road 6. (2010-29)

Councilman Smith moved to approve the resolutions (Nos. 2010-22 – 2010-29). Mayor Pro Tem Terry seconded. Motion carried. 6-yes;0-no.

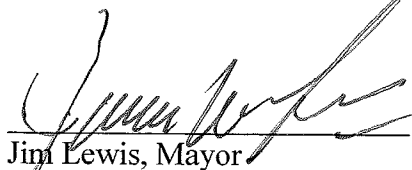
P. Consider and act upon the following voluntary petitions for annexation and set public hearing dates of Thursday, October 7, 2010 at 6:00 p.m., and Monday, October 11, 2010:

- 1) 25.0 acres in Denton County located south of FM 428 and east of Smiley Road
- 2) 57.18 acres in Denton County located north of FM 428 and east of Smiley Road
- 3) 36.78 acres in Denton County located north of FM 428 and east of Smiley Road
- 4) 104.27 acres in Collin County located north of County Road 8 and east of County Road 6
- 5) 49.31 acres in Denton County located south of Carey Road and west of County Line Road
- 6) 1.46 acres in Collin County located West of SH 289 and north of County Road 55
- 7) 71 acres in Collin County located east of SH 289 and south of County Road 83
- 8) 5.37 acres in Collin County located west of SH 289 and north of Founders Lane
- 9) 39.53 acres in Collin County located west of County Road 50 and south of County Road 51
- 10) 103.61 acres in Collin County located east of County Road 50 and south of County Road 51
- 11) 168.78 acres in Collin County located east of the Dallas North Tollway and south of CR 51

12) 82.5 acres in Collin County located west of W. FM 455 and north of CR 57
Councilman Smith moved to accept the petitions and set public hearings. Mayor Pro Tem Terry seconded.
Motion carried. 6-yes;0-no.

X. **ADJOURNMENT:**

There being no further comment, the meeting adjourned at 10:08 p.m.


Jim Lewis, Mayor


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

October 11, 2010
Date Minutes Approved

