



Life Connected.

**CITY COUNCIL REGULAR MEETING
CELINA COUNCIL CHAMBERS
112 N. COLORADO ST.
TUESDAY, MAY 11, 2021
5:00 PM**

MINUTES

I. CALL TO ORDER AND ANNOUNCE A QUORUM PRESENT:

Attendee Name	Organization	Title	Status	Arrived	Departed
Justin Steiner	City of Celina	Place 1	Present		
Wendie Wigginton	City of Celina	Place 4	Present		
Jay Pierce	City of Celina	Board Member	Present		
Wayne Nabors	City of Celina	Place 2	Present		5:15 PM
Andy Hopkins	City of Celina	Place 3	Present		
Mindy Koehne	City of Celina	Place 5	Present		
Chad Anderson	City of Celina	Place 6	Present		
Sean Terry	City of Celina	Mayor	Present		

Mayor Terry called the meeting to order 5:00 p.m.

II. PLEDGE OF ALLEGIANCE/INVOCATION:

Mayor Terry led the pledges of allegiance. Pastor Chris Carter with Movement Church gave the invocation.

III. PROCLAMATIONS/PRESENTATIONS/OATHS OF OFFICE:

A. Council recognition/Oaths of Office

Mayor Terry presented Councilman Place 2 Wayne Nabors with a plaque, resolutions and flag for his fourteen years of service on the city council. City Secretary Vicki Tarrant gave the oath of office to new Councilman Place 2 Jay Pierce and Councilman Place 3 Andy Hopkins.

B. Citizen's Police Academy Proclamation (Guidera)

Mayor Terry presented a proclamation recognizing the inaugural Citizens Police Academy. Community Service Officer Chase Guidera spoke and invited the graduates in attendance to stand and be recognized.

C. Bike Month Proclamation (Webb)

Mayor Terry presented the proclamation to Joel Hoback with the Shawnee Trail Cycling Club.

D. National Public Works Week Proclamation (Figueroa)

Mayor Terry presented the proclamation to Director of Public Works Andy Figueroa and members of his staff.

E. Economic Development Week Proclamation (Jackson)

Mayor Terry presented the proclamation to EDC Director Alexis Jackson and members of the EDC Board. Members present were Carmen Roberts, Mindy Koehne and Jay Pierce.

F. 3942 : Gold Category - iSWM Program Implementation (Oduro)

Cindy Liggins with North Central Texas Council of Governments Public Works Council presented a plaque and street sign to the city as a Certified Gold Category iSWM Community.

IV. WORKSESSION/COMMITTEE REPORTS/STAFF REPORTS:

A. Discussion regarding a license agreement with the Chamber of Commerce for Digital Kiosks. (Colakovic)

Director of Development Services Dusty McAfee presented a potential license agreement with the Chamber of Commerce for Digital Kiosks on the square.

B. Discussion regarding a Charter Review Committee. (McAfee)

Director of Development Services Dusty McAfee presented options to the City Council regarding a Home Rule Charter Amendment and creation of a Home Rule Charter Committee.

C. Discussion regarding any and/or all agenda items.

No other items were discussed.

V. OPEN FORUM:

No public comment was received.

VI. EXECUTIVE SESSION:

The City Council convened into Executive Session at 5:50 p.m. with City Attorney Lance Vanzant, City Manager Jason Laumer, Assistant City Manager Karla Stovall, Director of Development Services Dusty McAfee and Executive Director of Public Services Kim Brawner. Mayor Terry recused himself from the discussion on item B.

The Celina City Council will convene into Executive Session pursuant to Texas Government Code 551.071, Consultation with Attorney, on a matter 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 this Chapter, pending or contemplated litigation.

A. Discussion regarding an interlocal agreement with District 10 for public works services (Artesia).

B. Discussion regarding a development agreement with Dynavest generally located north of J Fred Smith Parkway, west of Celina Parkway, east of Dallas Parkway, and south of Marilee Road.

C. Discussion regarding a development agreement with Merrit/Thornton Farm Partnership, (Mosaic) generally located in the northwest corner of Legacy Drive and Parvin Road.

D. Discussion regarding a development agreement with Celina ISD for Ousley Stadium.

- E. Discussion regarding a development agreement with Huffines Ranch and Jim Bray Sr (Bray and Carter tract) generally located south of Marilee Road, east of Preston Road and north of County Road 135.
- F. Discussion regarding eminent domain to condemn public water line easements and temporary construction easements in real properties as portions of tracts of land generally described as being located in the Ousley and Floyd Survey, Collin County School Land #15 Survey, Thomas Stayton Survey, Jno M Herron Survey generally located on the west and east sides of Business 289 beginning approximately 420 feet north of E. Malone Street and extending north to County Road 99;

and west along the northside of Future J. Fred Smith Parkway from BS 289 for approximately 1300 feet; and west along County Road 994 from BS 289 for approximately 1250 feet.

Reconvene Into Open Session

The City Council reconvened into Open Session at 6:45 p.m.

- G. Consider and act on a resolution authorizing the use of eminent domain to condemn public water line easements and temporary construction easements in real properties as portions of tracts of land generally described as being located in the Celina 22 Addition, Ousley and Floyd Survey, Collin County School Land #15 Survey, Thomas Stayton Survey, Jno M Herron Survey generally located on the west and east sides of Business 289 (BS 289) beginning approximately 420 feet north of E. Malone Street and extending north to County Road 99 (CR 99); and west along the northside of Future J. Fred Smith Parkway from BS 289 for approximately 1300 feet; and west along County Road 994 (CR 994) from BS 289 for approximately 1250 feet. (Glasgow)

(2021-23R) Councilman Hopkins moved to approve a resolution exercising eminent domain authority for all those units of property described in Exhibit A with the caption of said resolution reading as follows: A resolution of the City Council of the City of Celina, Texas, finding that a public necessity exists to acquire public waterline easements and temporary construction easements in real properties as portions of tracts of land generally described as being located in the Celina 22 Addition, Ousley and Floyd Survey Abstract A1053, Collin County School Land #15 Survey Abstract A0170, Thomas Stayton Survey Abstract A0805, and in the Jno M Herron Survey Abstract A0377 generally located on the west and east sides of Business 389 (BS 289) beginning approximately 420 feet north of E. Malone Street and extending north to County Road 99 (CR99); and west along the northside of Future J Fred Smith Parkway from BS 289 for approximately 1300 feet; and west along County Road 994 (CR 994) from BS 289 for approximately 1250 feet; providing notice of an official determination to acquire real properties for water easements, and/or temporary construction easements; authorizing the city manager to obtain the necessary appraisal report(s) and make bona fide offers of just compensation for the easements; ratifying prior documents made for acquisition of the easements; authorizing legal counsel to institute eminent domain proceedings on behalf of the city for the acquisition of the easements on said tracts if negotiations are unsuccessful; appropriating funds from a lawful source; and providing an effective date.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Andy Hopkins, Place 3
SECONDER:	Mindy Koehne, Place 5
AYES:	Steiner, Wigginton, Pierce, Hopkins, Koehne, Anderson
ABSENT:	Nabors

- H. Consider and act upon any items discussed in executive session.

Councilman Hopkins moved to approve Item A subject to review and approval by legal counsel.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andy Hopkins, Place 3
SECONDER:	Justin Steiner, Place 1
AYES:	Steiner, Wigginton, Pierce, Nabors, Hopkins, Koehne, Anderson

VII. CONSENT AGENDA:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jay Pierce, Board Member
SECONDER:	Mindy Koehne, Place 5
AYES:	Steiner, Wigginton, Pierce, Hopkins, Koehne, Anderson
ABSENT:	Nabors

A. Minutes Approval:

1. City Council - Regular Meeting - Apr 13, 2021 5:00 PM

B. Consider and act to authorize the City Manager to partially terminate the agreement by and between the City of Celina and C and C Land, LLC. (Tuscany Estates Partial DA Termination) (Mohan)

C. Consider and act upon a development agreement by and between the City of Celina and Bobcat Kuntry, Inc.; generally located at the northwest corner of Oklahoma Drive and Pecan Street, within the City Limits. (E L Marks (204 E. Pecan)- Development Agreement) (Mohan)

D. Consider and act upon an ordinance for the disannexation of the property generally located at the northeast corner of FM 127 and FM 2478, being an approximately 48.95 acre tract of land, and to partially repeal ordinance No. 2021-15, annexing certain territories contiguous to and adjoining the City of Celina, Texas. (VSS Limited Partnership Disannexation) (Mohan)

(2021-37)

E. Consider and act upon a resolution of the City Council of the City of Celina, Texas, renaming certain portions of County Road 84 to KC Robinson Lane. (County Road 84 name change) (Colakovic)

(2021-24R)

F. Consider and act upon a resolution of the City Council of the City of Celina, Texas renaming certain portions of County Road 99 to East G.A. Moore Parkway. (County Road 99 Name Change) (Colakovic)

(2021-25R)

G. Item G was moved to Items Moved From Consent Agenda

H. Item H was moved to Items Moved From Consent Agenda

I. Consider and act upon an ordinance amending the City's Code of Ordinances, Chapter 3: Building Regulations; Division 8 National Electrical Code; Section 3.02.351 National Electrical Code. (2020 NEC - National Electric Code) (Hernandez)

(2021-38)

- J. Consider and act upon an ordinance amending the City's Code of Ordinances, Chapter 13: Utilities, by amending Article 13.11: Irrigation Systems. (Irrigation Ordinance) (Hernandez)

(2021-39)

- K. Consider and act upon a resolution accepting a petition to create the Celina North Sky Public Improvement District within the extraterritorial jurisdiction of the City of Celina, Collin County, Texas; calling a public hearing; and authorizing the issuance of notice by the City Secretary of Celina, Texas regarding the public hearing. (Celina North Sky – PID Petition) (Lopez)

(2021-26R)

- L. Consider and act upon a resolution of the City of Celina, Texas, determining the costs of improvements to be financed within Phase #5 of The Lakes at Mustang Ranch Public Improvement District; approving a preliminary amended and restated service plan and assessment plan, including a proposed Phase #5 Assessment Roll; directing the filing of the proposed Phase #5 Assessment Roll with the City Secretary; and providing for noticing and calling a public hearing for June 8, 2021, to consider an ordinance levying assessments on property located within Phase #5 of The Lakes at Mustang Ranch Public Improvement District. (Mustang Lakes Phase #5 – Pre-SAP) (Pouladi)

(2021-27R)

- M. Consider and act upon a resolution of the City of Celina, Texas, determining the costs of improvements to be financed with Neighborhood Improvement Area #5 of the Wells North Public Improvement District; approving a preliminary amended and restated service plan and assessment plan, including a proposed Neighborhood Improvement Area #5 Assessment Roll; directing the filing of the proposed Neighborhood Improvement Area #5 Assessment Roll with the City Secretary; and providing for noticing and calling a public hearing for June 8, 2021, to consider an ordinance levying assessments on property located within Neighborhood Improvement Area #5 of the Wells North Public Improvement District. (Wells North NIA #5 – Pre-SAP) (Pouladi)

(2021-28R)

- N. Consider and act upon a resolution of the City Council of the City of Celina, Texas appointing Corbett Howard as the city's representative to serve as a member of the board of directors of the Upper Trinity Regional Water District.

(2021-29R)

- O. Consider and act to authorize the City Manager to execute a Sanitary Sewer Cost Sharing Agreement by and between GRBK Edgewood LLC, ("DEVELOPER"); Celina Titus, LLC, ("CELINA TITUS") and Celina Ownsby Coit, LLC, ("CELINA OWNSBY"; Celina Titus and Celina Ownsby are hereinafter collectively referred to as "TITUS"); and THE CITY OF CELINA ("CITY"), collectively referred to as the "PARTIES", for the construction of a sanitary sewer main. (Glasgow)

- P. Consider and act upon an ordinance of the City of Celina, Texas amending ordinance 2020-77 which adopted and approved the budget for fiscal year beginning October 1, 2020 and ending September 30, 2021, and make appropriations for each department, project and account, by adopting an amended 2020-2021 budget for the City of Celina, Texas, reallocating funds between accounts, attached hereto and incorporated into this ordinance. (Bromiley)
- (2021-40)
- Q. Consider and act to award bid 2021-0072 for Cedar and Utah Drainage Improvements at the unit prices listed to ANA Site Construction in an amount of \$2,058,582.55 plus ten percent contingency in an amount of \$205,858.25 for a total amount not to exceed \$2,264,440.80. (Berry)
- R. Consider and act to authorize the use of contingency funds for additional work on the 2021 Street Maintenance and authorize Change Order 1 in an amount not to exceed \$98,187.00 (Berry)
- S. Consider and act upon an ordinance amending the City's Code of Ordinances Chapter 12: Traffic and Vehicles; Article 12.04: Parking. (Parking Ordinance) (Glasgow)
- (2021-41)
- T. Consider and act to authorize the City Manager to execute a maintenance agreement between the City of Celina ("CITY") and American Telephone and Telegraph ("AT&T") for the occupation and usage of AT&T's property adjacent to the CITY's property. (Glasgow)
- U. Consider and act to authorize an agreement for engineering services for the preparation of the Downtown WWTP Permit Application with Garver in an amount not to exceed \$135,378.00. (Berry)
- V. Consider and act to authorize an agreement for engineering services with TRC Engineers, Inc., to prepare the CCN STM Application amendment for Aqua Water, Mustang SUD and Marilee SUD in an amount not to exceed \$55,950.00. (Berry)
- W. Consider and act to authorize an agreement for engineering services with Freese and Nichols, Inc., for the development of Bobcat Trail in an amount not to exceed \$224,300.00. (Berry)
- X. Consider and act to purchase a 2020 Pierce Pumper from Siddons Martin Emergency Group, LLC through a cooperative contract with Houston Galveston Area Council (HGAC) in an amount not to exceed \$452,590.00. (Berry)
- Y. Consider and act to authorize amendment 1 for engineering services to Garver, LLC for construction administration of the 3MG Downtown Waste Water Treatment Plant in an amount of \$744,051 for a total amount not to exceed 3,490,013.00. (Berry)
- Z. Consider and act to award bid 2021-0067 for Louisiana Water Line, Phase 3 at the unit prices listed to Four Star Excavating in an amount of \$820,296.00 plus ten percent retainage in an amount of \$82,029.60 for a total amount not to exceed \$902,325.60. (Berry)

- AA. Consider and act upon a resolution of the city of Celina, Texas finding that Oncor electric delivery company LLC's application for approval to amend its Distribution Cost Recovery Factor to increase distribution rates within the city should be denied; authorizing participation with OCSC; authorizing the hiring of legal counsel and consulting services; finding that the city's reasonable rate case expenses shall be reimbursed by the company. (Oncor Rate Increase Denial) (Jenks)

(2021-30R)

- AB. Consider and act to ratify and authorize an amendment with Freese and Nichols, Inc., in an amount of \$5,250.00 to the agreement for engineering services for the Bobcat Trail Feasibility Study for a total amount of \$55,250.00. (Berry)
- AC. Consider and act to award bid 2021-0073 for DC Ranch Drainage, Phase 1 to ANA Site Construction in the amount of \$96,945.00 plus ten percent retainage in an amount of \$9,694.50 for a total amount not to exceed \$106,639.50. (Berry)
- AD. Consider and act to authorize an agreement for engineering services for the design of a new police building to Brinkley Sargent Wiginton Architects, Inc., in an amount not to exceed \$1,606,000.00. (Berry)

ITEMS MOVED FROM CONSENT AGENDA:

- AE. Consider and act to authorize the City Manager to execute an agreement by and between the City of Celina and Celina Real Estate for economic incentive funding under Chapter 380 of the Texas Local Government Code. (Papa Gallo's– DIP) (Mohan)

RESULT:	NO ACTION
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- AF. Consider and act upon a development agreement for Papa Gallo's; generally located at the northeast corner of Ohio Drive and Pecan Street, within the City Limits. (Papa Gallo's – Development Agreement) (Mohan)

RESULT:	NO ACTION
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VIII. PUBLIC HEARING/ACTION:

- A. Conduct a public hearing to consider and act upon an ordinance amending the Comprehensive Zoning Ordinance, by zoning approximately 1.3 acres to Specific Use Permit (SUP) to allow for Alternative Retail Services (Body Art Studio), generally located at the northeast corner of Preston Road and Founders Lane, within the City Limits. (Patriot Tattoo - SUP) (Mohan)

Mayor Terry opened the hearing at 6:49 p.m. First Baptist Church Pastor Kevin Lykins, 522 S. Alabama said he thought this (issue) was a matter of fit for the location in a family friendly area. Applicants Robert and Gisela Minuto said their hours would be 9 a.m. to 5 p.m., and that they provide a family friendly environment. Councilman Hopkins moved to deny the Specific Use Permit.

RESULT:	DEFEATED [UNANIMOUS]
MOVER:	Andy Hopkins, Place 3
SECONDER:	Mindy Koehne, Place 5
AYES:	Steiner, Wigginton, Pierce, Hopkins, Koehne, Anderson
ABSENT:	Nabors

- B. Conduct a public hearing to consider testimony and act upon a resolution of the City of Celina, Texas authorizing and creating the Tuscany Estates Public Improvement District in accordance with Chapter 372 of the Texas Local Government Code; providing for related matters; and providing an effective date. (Tuscany Estates - PID Creation) (Lopez)

Mayor Terry opened the hearing at 7:00 p.m. No public comment was received. The hearing was closed at 7:01 p.m. No action was taken per the applicants request.

RESULT:	NO ACTION
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- C. Conduct a public hearing to consider and act upon an ordinance amending the City's Code of Ordinances, by repealing and replacing the entirety of Chapter 14: Zoning, Section 14.02.206, OT-R, Old Town Residential (Downtown) District and Section 14.02.407, OT, Old Town (Downtown) District. (Downtown Code Text Amendment) (Nusser)

(2021-42) Mayor Terry opened the hearing at 7:01 p.m. Evan Gonzales with Kimley Horn presented the final amendments. No public comment was received. The hearing was closed at 7:12 p.m.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Andy Hopkins, Place 3
SECONDER:	Justin Steiner, Place 1
AYES:	Steiner, Wigginton, Pierce, Hopkins, Koehne, Anderson
ABSENT:	Nabors

- D. Conduct a public hearing to consider and act upon an ordinance amending to the Comprehensive Zoning Ordinance, by rezoning approximately 395 acres from 2F, C1, C2, CF, HD, I-1, MF-2, OT-R, SF-15, and PD zoning districts to the Downtown Code (DTC) zoning district, generally located east of Florida Drive, west of Preston Road, north of Cedar Street, and south of Malone Street, within the City Limits. (Downtown Code) (Nusser)

(2021-43) Mayor Terry opened the hearing at 7:12 p.m. No public comment was received. The hearing was closed at 7:13 p.m.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Andy Hopkins, Place 3
SECONDER:	Mindy Koehne, Place 5
AYES:	Steiner, Wigginton, Pierce, Nabors, Hopkins, Koehne, Anderson

IX. ACTION ITEM:

- A. Consider and act upon approval of canvass documents for the November 3, 2020, General Election results. (Tarrant)

City Secretary Vicki Tarrant noted that final canvass documents had been received from Collin and Denton Counties. The total votes received from both counties was 1,072.

Jay Pierce Place 2 725 votes

Andy "Hop" Hopkins Place 3 619 votes
Lanford RodgersPlace 3 376 votes

RESULT: APPROVED [UNANIMOUS]
MOVER: Andy Hopkins, Place 3
SECONDER: Chad Anderson, Place 6
AYES: Steiner, Wigginton, Pierce, Hopkins, Koehne, Anderson
ABSENT: Nabors

- B. Consider and act upon an amendment to Dynavest development agreement; generally located a north of J Fred Smith Parkway, west of Celina Parkway, east of Dallas Parkway, and south of Marilee Road within the City Limits. (Dynavest – DA Amendment) (McAfee)

Mayor Terry recused himself from this item.

RESULT: APPROVED [UNANIMOUS]
MOVER: Justin Steiner, Place 1
SECONDER: Andy Hopkins, Place 3
AYES: Steiner, Wigginton, Pierce, Hopkins, Koehne, Anderson
ABSENT: Nabors

- C. Consider and act to authorize an agreement for engineering services for the preparation of the Dynavest WWTP Permit Application with Garver in an amount not to exceed \$144,088.00. (Berry)

Mayor Terry recused himself from this item.

RESULT: APPROVED [UNANIMOUS]
MOVER: Wendie Wigginton, Place 4
SECONDER: Andy Hopkins, Place 3
AYES: Steiner, Wigginton, Pierce, Hopkins, Koehne, Anderson
ABSENT: Nabors

- D. Consider and act to authorize an agreement for engineering services with Garver, LLC for the design of the Dynavest WWTP in an amount not to exceed \$2,530,142. (Berry)

Mayor Terry recused himself from this item.

RESULT: APPROVED [UNANIMOUS]
MOVER: Andy Hopkins, Place 3
SECONDER: Justin Steiner, Place 1
AYES: Steiner, Wigginton, Pierce, Nabors, Hopkins, Koehne, Anderson

- E. Consider and act upon all matters incident and related to the issuance and sale of “City of Celina, Texas, General Obligation Refunding Bonds, Series 2021”, including the adoption of an ordinance authorizing the issuance of such bonds and providing for the redemption of the obligations being refunded. (Stovall)

(2021-44)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Chad Anderson, Place 6
SECONDER:	Justin Steiner, Place 1
AYES:	Steiner, Wigginton, Pierce, Nabors, Hopkins, Koehne, Anderson

- F. Consider and act upon of all matters incident and related to approving and authorizing publication of notice of intention to issue certificates of obligation in one or more series in the principal amount not to exceed THIRTY-THREE MILLION SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$33,750,000), including the adoption of a resolution pertaining thereto. (Stovall)

(2021-32R)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Andy Hopkins, Place 3
SECONDER:	Mindy Koehne, Place 5
AYES:	Steiner, Wigginton, Pierce, Hopkins, Koehne, Anderson
ABSENT:	Nabors

X. ADJOURNMENT:

There being no further comment Mayor Terry adjourned the meeting at 7:29 p.m.

Sean Terry, Mayor

Secretary

Date Minutes Approved