



**CITY COUNCIL WORKSESSION, PUBLIC HEARING, & REGULAR MEETING
CELINA COUNCIL CHAMBERS
302 W. WALNUT STREET
MONDAY, APRIL 12, 2010
5:00 P.M. Regular Session/Worksession/6:30 P.M. Public Hearing**

MINUTES

REGULAR SESSION

I. CALL TO ORDER AND ANNOUNCE A QUORUM PRESENT:

Mayor Jim Lewis called the meeting to order at 5:08 p.m. Council members present were Mayor Pro Tem Todd McCally, Brad Glendening, Wayne Nabors, Dewey Isham, Dick Smith and Sean Terry.

II. WORKSESSION/COMMITTEE REPORTS/STAFF REPORTS:

- A. Monthly Police Dept Report, Monthly Fire Dept Report and recognitions, 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. An update regarding the outer loop alignment was given by City Manager Jason Gray.
- C. Dagoberto Rodriguez presented the activities planned and organizational processes being utilized to hold a Cinco De Mayo celebration on the square, Saturday, May 8, 2010.

The City Council convened into executive session at 6:05 p.m. with City Attorney Lance Vanzant.

III. 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, Section 551.072, Deliberation regarding the purchase exchange, lease or value of real property, and section 551.087 Deliberation regarding Economic Development Negotiation

- A. Economic Development – location of retail store
- B. Real Property located generally west of Preston Road, east of Collin County line, south of FM 455 and north of Frontier Parkway
- C. Boundary line agreement with the City of Pilot Point

City council reconvened into open session at 6:27 p.m.

RECONVENE INTO OPEN SESSION

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

No action taken on items discussed in executive session.

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

IV. PLEDGE OF ALLEGIANCE/INVOCATION:

Council members and those in attendance walked to the flagpole on the Downtown Square to hear the *Star Spangled Banner* sung by the Celina High School Choir. Mayor Lewis led the pledges of allegiance. An invocation was given by Pastor Goolsby of Grace Baptist Fellowship Church. Council returned to the chambers at 6:39 p.m.

V. PROCLAMATIONS/PRESENTATIONS/OATHS OF OFFICE:

Fire Chief Jerry Duffield, EMS Chief Kyle Mills and Mayor Lewis recognized Volunteer Fireman Brad Lowe for his years on the force. Steven Gray and JD McCarty with Raytheon were recognized for donations of computers and equipment to the Celina Fire Department.

VI. OPEN FORUM:

No comments received.

VII. CONSENT AGENDA:

- A. Minute Approval-03/08/2010, 03/09/2010
- B. Consider and act upon an ordinance of the City of Celina, Texas, adopting the annexation of certain territory contiguous to and adjoining the City of Celina, Texas, to wit: all that certain tract or parcel of land situated in Collin County, Texas, in the M. E. P. & P. RY. Co. Survey, Abstract No. 653, being a resurvey of the 2.00 acres of land described in a deed from Harper Smith, et al to Dairy Queen Enterprises, Inc. dated Dec 27, 1972, of the Collin County Deed Records, and being more particularly described by metes and bounds in Exhibit "A" attached hereto and incorporated herein, such tract located generally in the northwest corner of the intersection of SH 289 and Carthage Road. Ordinance No. 2010-08
- C. Consider and act upon an ordinance of the City of Celina, Texas, adopting the annexation of certain territory contiguous to and adjoining the City of Celina, Texas, to wit: being all of a 40.00 acre tract of land out of the F. D. Gary Survey, Abstract No. 360 in Collin County, Texas, described in deed to Planetial, LP recorded in Document No. 20091016001276920 of the official public records of Collin County, Texas, and being more particularly described by metes and bounds in Exhibit "A" attached hereto and incorporated herein, such tract located generally east of the intersection of FM 428 and County Road 6. Ordinance No. 2010-09
- D. Consider and act upon an ordinance of the City of Celina, Texas, adopting the annexation of certain territory contiguous to and adjoining the City of Celina, Texas, to wit: all that certain tract or parcel of land situated in the George Joy Survey, Abstract Number 488, County of Collin, State of Texas, said tract being all of a tract as described in deed to N E Coit & CR 101, LP, filed 14 October 2008, and recorded in County Clerks Number 08-001224170 of the deed records of the County of Collin, State of Texas, and being more particularly described by metes and bounds in Exhibit "A" attached hereto and

- incorporated herein, such tract located generally in the northeast corner of the intersection of CR 97 and CR 101. Ordinance No. 2010-10
- E. Consider and act upon an ordinance of the City of Celina, Texas, adopting the annexation of certain territory contiguous to and adjoining the City of Celina, Texas, to wit: all that certain tract or parcel of land situated in the John McKim Survey, Abstract Number 889, and the C. Copenhagen Survey, Abstract Number 253, both in Denton County, Texas, and being a 10 foot wide strip of land along the north line of a called 2.5 acre tract 1 and all of a called 14.879 acre tract 11 described in the deed from Rafael P Gutierrez to Jose Gutierrez and Josefina Gutierrez as recorded under County Clerk's File No. 2004-1 3958 1 of the real property records of Denton County, Texas, and being more particularly described by metes and bounds in Exhibit "A" attached hereto and incorporated herein, such tract located generally in the northeast corner of the intersection of Smiley Road and Parvin Road. Ordinance No. 2010-11
- F. Consider and act upon an ordinance of the City of Celina, Texas, adopting the annexation of certain territory contiguous to and adjoining the City of Celina, Texas, to wit: all that certain tract or parcel of land situated in the John McKim Survey, Abstract Number 889, and the C. Copenhagen Survey, Abstract Number 253, both in Denton County, Texas, and being a 10 foot wide strip of land along the north line of a called 7.42 acre tract of land, being the second tract described in the deed to Coit 49 Partners, L.P. as recorded in County Clerk's File Number 06-149811, real property records of Denton County, Texas, and being more particularly described by metes and bounds in Exhibit "A" attached hereto and incorporated herein, such tract located generally in the northeast corner of the intersection of Smiley Road and Parvin Road. Ordinance No. 2010-12
- G. Consider and act upon an ordinance of the City of Celina, Texas adopting the annexation of certain territory contiguous to and adjoining the City of Celina, Texas, to wit: All that certain tract or parcel of land situated in C. Copenhagen Survey, Abstract Number 253, Denton, County, Texas, and being a 10 foot wide strip of land along a portion of the south line of a called 56.465 acre tract of land described in deed to Teel Lakes L.L.C., as recorded in County Clerk's file Number 09-126512, Real Property Record of Denton County, Texas, and being more particularly described by metes and bounds in Exhibit "A" attached hereto and incorporated herein, such tract located generally in the northeast corner of the intersection of Smiley Road and Parvin Road. Ordinance No. 2010-13
- H. Consider and act upon an ordinance of the City of Celina, Texas, adopting the annexation of certain territory contiguous to and adjoining the City of Celina, Texas, to wit: all that certain tract or parcel of land situated in Thomas Slayton Survey, Abstract No. 806, I. C. Williamson Survey, Abstract No. 973 and the R. Anderson Survey, Abstract No. 7, Collin County, Texas and also being all three tracts as conveyed to the Nichols Family Farms, LP as recorded in Volume 5300, Page 324 of the Deed Records of Collin County, Texas, and being a part of that same tract of land described in a deed to Moses Hubbard of record in Volume 29, Page 487, Deed Records, Collin County, Texas, being, and being more particularly described by metes and bounds in Exhibit "A" attached hereto and incorporated herein, such tract located generally east of CR 51 and north of CR 7. Ordinance No. 2010-14
- I. Consider and act upon an ordinance of the City of Celina, Texas, adopting the annexation of certain territory contiguous to and adjoining the City of Celina, Texas, to wit: all that certain tract or parcel of land situated in the Collin County School Land Survey Abstract No. 167 and being a part of a 37.014 acre tract as described in a deed from Ben O. Choate to Johnny Lee Fussell et al, dated December 28, 1976 and recorded in Volume 1032, Page 639 of the Collin County Deed Records, and being more particularly described by

metes and bounds in Exhibit "A" attached hereto and incorporated herein, such tract located generally in the northeast corner of the intersection of SH 289 and County Road 89. Ordinance No. 2010-15

- J. Consider and act upon an ordinance of the City of Celina, Texas, adopting the annexation of certain territory contiguous to and adjoining the City of Celina, Texas, to wit: all that certain tract or parcel of land situated in the W.W. Shawver Survey, Abstract No. 810, William B. Tucker Survey, Abstract No. 912, G.W. Estes Survey, Abstract No. 299, and the W.H. Rattan Survey, Abstract No. 753, Collin County, Texas and being all of the same tracts of land described in a deed to Moses Hubbard of record in Volume 125, Page 220, Deed Records, Collin County, Texas, and being a part of that same tract of land described in a deed to Moses Hubbard of record in Volume 29, Page 487, Deed Records, Collin County, Texas, being, and being more particularly described by metes and bounds in Exhibit "A" attached hereto and incorporated herein, such tract located generally in the northeast corner of the intersection of SH 289 and County Road 105. Ordinance No. 2010-16
- K. Consider and act upon an ordinance of the City of Celina, Texas, adopting the annexation of certain territory contiguous to and adjoining the City of Celina, Texas, to wit: all that certain tract or parcel of land situated in situated in Collin County, Texas, in the Thomas Kendall Survey, Abstract No. 503, being a survey of the 52.433 acre tract described in a deed from Vernon T. Winchester and Dorothy M. Winchester, trustees of the Winchester Family Living Trust, dated October 29, 2002, recorded in Volume 5290, Page 7 of the Collin County Deed Records, being more particularly described by metes and bounds in Exhibit "A" attached hereto and incorporated herein, such tract located generally in the southeast corner of the intersection of SH 289 and County Road 106. Ordinance No. 2010-17
- L. Consider and act upon an ordinance of the City of Celina, Texas, adopting the annexation of certain territory contiguous to and adjoining the City of Celina, Texas, to wit: all that certain tract or parcel of land situated in situated in Collin County, Texas, in the B.B.B. & CR. R., Co. Survey, Abstract No. 128, being a survey of part of the 223.16 acre tract described in a deed from Barbara Wallace Moses to Jenchin Partners, Ltd, dated December 22, 2000, recorded in Volume 4823, Page 2898 of the Collin County Deed Records, and being more particularly described by metes and bounds in Exhibit "A" attached hereto and incorporated herein, such tract located generally in the northeast corner of the intersection of SH 289 and County Road 106. Ordinance No. 2010-18
- M. Consider and act upon an ordinance of the City of Celina, Texas, adopting the annexation of certain territory contiguous to and adjoining the City of Celina, Texas, to wit: all that certain tract or parcel of land situated in the Collin County School Land Survey, Abstract No. 168, Collin County, Texas, and also being all of a 243.82 acre tract as conveyed to Laura Latham Shinker, Elizabeth Brent and David Brent as recorded in Volume 967, Page 705 of the Deed Records of Collin County, Texas, and being more particularly described by metes and bounds in Exhibit "A" attached hereto and incorporated herein, such tract located generally in the northeast corner of the intersection of FM 428 and County Road 54. Ordinance No. 2010-19
- N. Consider and act upon an ordinance of the City of Celina, Texas, adopting the annexation of certain territory contiguous to and adjoining the City of Celina, Texas, to wit: all that certain tract or parcel of land situated in the Richard Alderson Survey, Abstract No. 7 and the F.D. Gray Survey, Abstract No. 360 in Collin County, Texas and being all that certain tract of land conveyed to Emma L. Perry by deed recorded in Volume 04828, Page 00170, Deed Records, Collin County, Texas, and being more particularly described by

metes and bounds in Exhibit "A" attached hereto and incorporated herein, such tract located generally south of FM 428 and north of County Road 51. Ordinance No. 2010-20

Councilman Glendening moved to approve the consent agenda as read. Mayor Pro Tem McCally seconded. Motion carried. 6-yes;0-no.

VIII. PUBLIC HEARING/ACTION:

- A. The Celina City Council will conduct a public hearing to consider testimony regarding the submission for annexation of 50.9 acres in Collin County by Adi and Edith Torkiya located generally north of CR 53 and east of CR 51.

No comment.

- B. The Celina City Council will conduct a public hearing to consider testimony and take action on an ordinance regarding Case No. Z10-05, a rezoning request from AG (Agriculture) to MU-2 (Mixed Use Regional), for property located at 16191 Parvin Road, Denton County and more commonly known as A0889A J. MCKIM, TR 7, 13.029 ACRES, OLD DCAD TR #6A(1) and containing 17.423 acres.

No comment. Councilman Smith moved to pass an ordinance (No. 2010-21) approving case Z10-05. Mayor Pro Tem McCally seconded. Motion carried. 6-yes;0-no. An ordinance (2010-21) 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 17.208 acres of land situated in the John Mckim Survey, Abstract No. 889 and the C. Copenhagen Survey, Abstract No 253 in Denton County, Texas, and being all of a called 2.500 acre tract I and all of a called 14.879 acre tract II described in the deed from Rafael P Gutierrez to Jose Gutierrez and Josefina Gutierrez as recorded under County Clerk's File No. 2004-1 3958 1 of the real property records of 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; providing for incorporation of premises; providing findings; providing for amendment of zoning classification; providing for zoning designation and development standards; providing for revision of zoning map; providing for compliance; providing for a penalty not to exceed \$2,000.00 and a separate offense shall be deemed committed each day during or on which a violation occurs or continues and including provisions for the authorization to seek injunctive relief to enjoin violations which constitute an imminent hazard or danger to public health and safety; providing a cumulative repealer clause; providing for savings; providing for severability; providing for publication; providing for engrossment and enrollment; and providing an effective date.

- C. The Celina City Council will conduct a public hearing to consider testimony and take action on an ordinance regarding Case No. Z10-02, a rezoning request from AG (Agriculture) to C-2 (General Commercial), for property generally located west of CR 51, south of FM 428, east of CR 6 and north of CR 7, Collin County and more commonly known as A0360 GARY, F D, TRACT 7 and containing 40.0 acres.

No comment. Councilman Isham moved to approve an ordinance (No. 2010-22) as requested. Mayor Pro Tem McCally seconded. Motion carried. 6-yes;0-no. An ordinance (2010-22) 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 40.00 acres of land situated in the F. D. Gary Survey, Abstract No. 360, Collin County, Texas, and being part of a tract of land conveyed to Curtis D. Hodgson & Terrae Habendoe Properties, Ltd. by special warranty deed 20060703000907970, deed records, Collin County, Texas, and more fully described in exhibit

"A" and shown graphically in exhibit "B" attached hereto and incorporated herein, to be zoned "C-2" general commercial district; providing for incorporation of premises; providing findings; providing for amendment of zoning classification; providing for zoning designation and development standards; providing for revision of zoning map; providing for compliance; providing for a penalty not to exceed \$2,000.00 and a separate offense shall be deemed committed each day during or on which a violation occurs or continues and including provisions for the authorization to seek injunctive relief to enjoin violations which constitute an imminent hazard or danger to public health and safety; providing a cumulative repealer clause; providing for savings; providing for severability; providing for publication; providing for engrossment and enrollment; and providing an effective date.

- D. The Celina City Council will conduct a public hearing to consider testimony and take action on an ordinance regarding Case No. Z10-07, a rezoning request from AG (Agriculture) to MU-2/PD 40 (Mixed Use Regional), for properties generally located south and east of FM 428, north of CR 51 and west of CR 52, Collin County and more commonly known as A0360 GARY, F D, TRACT 4; A0007 ALDERSON, RICHARD, TRACT 1; A0943 WILLIAMSON I C, TRACT 2; ABSTRACT A0806 STAYTON, THOMAS, TRACT 1; and A0007 ALDERSON, RICHARD, TRACT 5 and containing 442.8186 acres.

No comment. Councilman Nabors moved to approve an ordinance (No. 2010-23) for case Z10-07 as written. Councilman Glendening seconded. Motion carried. 6-yes;0-no. An ordinance (2010-23) 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 442.8186 acres of land situated in the Thomas Slayton Survey, Abstract No. 806, I.C. Williamson Survey, Abstract No. 943 and the R. Anderson Survey Abstract No.7, Collin County, Texas and also being all three tracts as conveyed to the Nichols Family Farms, LP. As recorded in volume 5300, page 3241 of the Deed Records of Collin County, Texas and situated in the Richard Alderson Survey, Abstract No.7 and the F.D. Gray Survey, Abstract No. 360 in Collin County, Texas and being all that certain tract of land conveyed to Emma L. Perry by deed recorded in Volume 04828, Page 00170, Deed records, 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-2/PD40" mixed use regional district; providing for incorporation of premises; providing findings; providing for amendment of zoning classification; providing for zoning designation and development standards; providing for revision of zoning map; providing for compliance; providing for a penalty not to exceed \$2,000.00 and a separate offense shall be deemed committed each day during or on which a violation occurs or continues and including provisions for the authorization to seek injunctive relief to enjoin violations which constitute an imminent hazard or danger to public health and safety; providing a cumulative repealer clause; providing for savings; providing for severability; providing for publication; providing for engrossment and enrollment; and providing an effective date.

- E. The Celina City Council will conduct a public hearing to consider testimony and take action on an ordinance regarding Case No. Z10-08, a rezoning request from AG (Agriculture) to MU-2/PD 41 (Mixed Use Regional), for property generally located north of FM 428, east of CR 6, south of CR 8 and west of CR 54, Collin County and more commonly known as A0168 COLLIN COUNTY SCHOOL LAND #16, BLOCK 2, TRACT 22 and containing 243.859 acres.

No comment. Councilman Smith moved to approve an ordinance (No. 2010-24) for case Z10-08. Mayor Pro Tem McCally seconded. Motion carried. 6-yes;0-no. 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 243.859 acres of land situated in the Collin County School Land Survey, Abstract No. 168, Collin County, Texas, and also being all of a 243 .820 acre tract as conveyed to Laura Latham Shinker, Elizabeth Brent and David Brent as recorded in volume 967, page 705 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-2/PD41" mixed use regional district; providing for incorporation of premises; providing findings; providing for amendment of zoning classification; providing for zoning designation and development standards; providing for revision of zoning map; providing for compliance; providing for a penalty not to exceed \$2,000.00 and a separate offense shall be deemed committed each day during or on which a violation occurs or continues and including provisions for the authorization to seek injunctive relief to enjoin violations which constitute an imminent hazard or danger to public health and safety; providing a cumulative repealer clause; providing for savings; providing for severability; providing for publication; providing for engrossment and enrollment; and providing an effective date.

- F. The Celina City Council will conduct a public hearing to consider testimony and take action on an ordinance regarding Case No. Z10-09, a rezoning request from AG (Agriculture) to MU-2/PD 42 (Mixed Use Regional), for properties generally located north of CR 102, east of Preston Road and west of CR 106, Collin County and more commonly known as A0128 B.B.B. & C. RY. CO., TRACT 3 and A0503 KENDALL, THOMAS, TRACT 1 and containing 261.186 acres.

No comment. Councilman Isham moved to approve an ordinance (No. 2010-25) for case Z10-09. Councilman Terry seconded. Motion carried. 6-yes;0-no. 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 261.186 acres of land situated in collin county, texas, in the b.b.b. & c.r.r. co. Survey, abstract no. 128, being a survey of part of the 223.16 acre tract described in a deed from barbara wallace moses to jenchin partners, ltd., dated december 22, 2000, recorded in volume 4823, page 2898 of the collin county deed records and the thomas kendall survey, abstract no. 503, being a survey of the 52.433 acre tract described in a deed from vernon t. Winchester and dorothy m. Winchester (trustmakers) to vernon t. Winchester and dorothy m. Winchester, trustees of the winchester family living trust, dated october 29, 2002, recorded in volume 5290, page 7 of the collin county deed records, and more fully described in exhibit "a" and shown graphically in exhibit "b" attached hereto and incorporated herein, to be zoned "mu-2/pd42" mixed use regional district; providing for incorporation of premises; providing findings; providing for amendment of zoning classification; providing for zoning designation and development standards; providing for revision of zoning map; providing for compliance; providing for a penalty not to exceed \$2,000.00 and a separate offense shall be deemed committed each day during or on which a violation occurs or continues and including provisions for the authorization to seek injunctive relief to enjoin violations which constitute an imminent hazard or danger to public health and safety; providing a cumulative repealer clause; providing for savings; providing for severability; providing for publication; providing for engrossment and enrollment; and providing an effective date.

- G. The Celina City Council will conduct a public hearing to consider testimony and take action on an ordinance regarding Case No. Z10-10, a rezoning request from AG (Agriculture) to MU-2/PD 43 (Mixed Use Regional), for properties generally located north of CR 134, east of Preston Road, south of CR 106 and west of CR 132, Collin County and more commonly known as A0753 RATTON, W H, TRACT 8; A0299

ESTES, G. W., TRACT 1; A0912 TUCKER, WILLIAM B, TRACT 1; and A0810 SHAWER, W. W., TRACT 9 and containing 156.890 acres.

Representatives Craig Curry and Matt Robinson said they met with the Dawson's who own an airstrip adjacent to the subject property to discuss the airstrip and drainage. Ms. Dawson told the council about the activities on their property and their desire to have surrounding property owners aware of such. Councilman Smith moved to approve an ordinance (No. 2010-26) for case Z10-10 with the stipulation that when deed restrictions are created that they include an announcement that there is an airport to the south of the property. Mayor Pro Tem McCally seconded. Motion carried. 6-yes;0-no.

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 156.890 acres of land situated in the w.w. shawver survey, abstract no. 810 william b, tucker survey, abstract no. 912, g.w. estes survey, abstract no. 299, and the w.h. rattan survey, abstract no. 753, collin county, texas and being all of the same tracts of land described in a deed to moses hubbard of record in volume 125, page 220, deed records, collin county, texas, and being a part of that same tract of land described in a deed to moses hubbard of record in volume 29, page 487, deed records, 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-2/pd43" mixed use regional district; providing for incorporation of premises; providing findings; providing for amendment of zoning classification; providing for zoning designation and development standards; providing for revision of zoning map; providing for compliance; providing for a penalty not to exceed \$2,000.00 and a separate offense shall be deemed committed each day during or on which a violation occurs or continues and including provisions for the authorization to seek injunctive relief to enjoin violations which constitute an imminent hazard or danger to public health and safety; providing a cumulative repealer clause; providing for savings; providing for severability; providing for publication; providing for engrossment and enrollment; and providing an effective date.

- H. The Celina City Council will conduct a public hearing to consider testimony and take action on an ordinance regarding Case No. Z10-11, a rezoning request from OT-R (Old Town Residential) to ONS (Office and Neighborhood Services), for property generally located at 401 E Beech and more commonly known as CELINA ORIGINAL DONATION, BLOCK 63, LOT 6 and containing 0.166 acres.

Neighbors speaking in opposition to the proposed rezone: Mr. and Mrs. Hanson stated concerns about traffic, children in the neighborhood, alcohol. They think the store is not needed. Pat Lory had concerns regarding children walking to school, security and parking. Dawn Lory said the project is not a good fit for the neighborhood, brings traffic and she does not believe there is room for parking. Jerry Malone spoke on behalf of his mother Dorothy Malone. He believes the store is not needed and is concerned for children walking to school. Councilman Nabors moved to disapprove the rezoning request. Councilman Terry seconded. Motion carried. 4-yes;1-no;(Councilman Smith);1-abstain (Councilman Glendening)

IX. ACTION ITEMS:

- A. Consider and act upon appointment of an alternate to the Board of Adjustments and a member to the Building and Standards Commission.

No action taken.

- B. Consider and act upon creation of East Denton County MUD #1.

No action taken.

C. Consider and act upon reconsideration of a unanimous vote for Item IX E from the March 8, 2010 regular council meeting regarding variance request Case No. VAR10-02. Councilman Smith moved to reconsider the motion made last month concerning signs. Councilman Isham seconded. Motion carried. 5-yes;1-no (Councilman Glendening)

D. Consider and act upon Case No. VAR10-02, a request for meritorious exception to Chapter 156.21 (C) Illuminated Signs.

Councilman Nabors moved to approve the partial recommendation as stated by the Planning & Zoning Commission to allow the east facing signs and not the north facing signs. Councilman Glendening seconded. Motion carried. 4-yes;3-no (Mayor Lewis cast the deciding vote) Those voting no were Councilmen Smith, Isham and McCally.

E. Consider and act upon a contract for emergency ambulance services between the City of Gunter and the City of Celina.

Mayor Pro Tem McCally moved to approve the services contract with the stipulation of a 12 month term. Councilman Smith seconded. Motion carried. 6-yes;0-no.

F. Consider and act upon a joint resolution and agreement between the City of Celina, Texas, and the City of Gunter, Texas, releasing and accepting extraterritorial jurisdiction to include a certain tract of real property in Grayson County, Texas; and providing an effective date.

Councilman Smith moved to release ETJ as requested in item F (Resolution No. 2010-07R). Councilman Terry seconded. Motion carried. 6-yes;0-no.

G. Consider and act upon a resolution of the City of Celina, Texas, endorsing certain legislative changes relating to the sunset review of the Texas Public Utility Commission and the special purpose review of the Electric Reliability Council of Texas.

Councilman Isham moved to endorse legislative changes relating to the sunset review of the Texas Public Utility Commission and the special purpose review of the Electric Reliability Council of Texas (Resolution No. 2010-08R). Councilman Smith seconded. Motion carried. 6-yes;0-no.

H. Consider and act upon a resolution of the City Council of the City of Celina, Texas authorizing the construction of a water line and other utilities necessary to serve a portion of the city's southern service area; determining the public necessity; authorizing the acquisition of property rights necessary for the project; appointing an appraiser and negotiator as necessary; authorizing the city manager of the City of Celina to establish just compensation for the property rights to be acquired; authorizing the city manager to take all steps necessary to acquire the needed property rights in compliance with all applicable laws and regulations; finding and determining that the meeting at which this resolution was passed was open to the public as required by law; and providing an effective date.

Councilman Glendening moved to adopt a resolution (No. 2010-09R) authorizing the construction of a water line and other utilities necessary to serve a portion of the city's southern service area and do all other activities duly noted. Mayor Pro Tem McCally seconded. Motion carried. 6-yes;0-no.

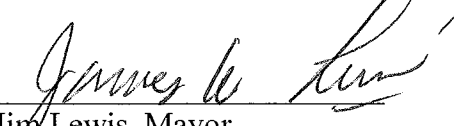
I. Consider and act upon approval of an interlocal cooperation agreement by and between the City of Celina and the City of Frisco for a Household Hazardous Waste Disposal and Reuse Program.

Mayor Pro Tem McCally moved to authorize the city manager to enter into an interlocal cooperation agreement by and between the City of Celina and the City of Frisco for a Household Hazardous Waste Disposal program (Resolution No 2010-10R). Councilman Isham seconded. Motion carried. 6-yes;0-no.

Council reconvened into executive session at 9:03 p.m. to continue discussion regarding items A and B from the executive session agenda. Council reconvened into open session at 9:40 p.m. No action was taken on items discussed.

X. ADJOURNMENT:

There being no further comment, Mayor Lewis adjourned the meeting at 9:41 p.m.



Jim Lewis, Mayor



Vicki Faulkner, City Secretary

May 10, 2010
Date Minutes Approved

