



MINUTES-REGULAR COUNCIL MEETING

Tuesday, April 8, 2014 – 7:00 pm

Police and Courts Building, 100 West Main Street
Royse City, Texas

- * Prior to the Regular Council Meeting, at 6:00 pm a quorum of Council Members may or may not attend a pre-council meeting
- * social gathering. No action of the City Council will be taken at this gathering. Council Chambers will be open to the public.
- * No action was taken at the social gathering.

A. CALLED TO ORDER AT 7 PM BY MAYOR BALEY

Members Present: Mayor, Jerrell Baley
Council Member Place 1, Janet Nichol, Mayor Pro Tem
Council Member Place 2, Clay Ellis
Council Member Place 3, Bill Bell
Council Member Place 4, Matt Wheatley
Council Member Place 5, James Branch
Council Member, Place 6, Tom Crowley

Staff Present: City Manager, Carl Alsabrook
City Attorney, Jason Day
City Secretary, Brenda Craft
Asst. City Secretary, Julia Riley
Ex. Director of Development & Community Services, Janet McPherson
Fire Chief, Richard Bell
Police Chief, Jeff Stapleton
Main St Manager, Paula Morris
HR Director, Tauna Ratliff
Public Works Director, Dario Lopez

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Invocation by Council Member Ellis.

C. PRESENTATION - TEEN COURT KIDS

Judge Goldstein: Introduced Danielle Howard, Juvenile Case Manager. Ms. Howard's position is similar to a Probation Officer. **Danielle Howard:** 2013 a total of 43 defendants, so far this year 12. Training in 2013 was 8, this year so far 14 with 16 being involved. Ms. Howard introduced the teens in attendance.

Nathan Potter: in program for 4 months - good program, a lot of work but fun; Mason McCall: 1 year in program, 2 years on football A team; Soraya Hernandez: 2 years in program, will study Criminology; Michaela Morris: in program since beginning, Senior, will study Pre-Law; Shelby Short: 2 years in program, Beta Club; Sage Day: started program this year; Kaitlyn Agee: 1 year in program, will study Pre-Law; Jared Payne: 1 year as Prosecutor; Haleigh Sillavan: in program since beginning. Teen Court Kids not in attendance: Brian Sillavan (Senior Attorney) - Devon Goolsby - Sloan Johnson - Rubby Gomez; Zenia Jones - Kenzie Kines - Sarah Richardson

D. RECESS REGULAR COUNCIL MEETING AT 7:20 PM

E. PUBLIC HEARING AT 7: 20 PM

1. Take testimony concerning amending Royse City Ordinance Chapter 14 of the Royse City Code of Ordinances: Section 3-1: Use of Land and Buildings; Land Use Table, requiring Specific Use Permits in Commercial 1, Commercial 2, and Industrial for the use “Tobacco Shop”; Section 3-2: Special Conditions for Listed Uses, A. Description of Land Use Table Conditions and Special Regulations, adding: 26. Establishment must post signs prohibiting entrance of anyone younger than 18 years of age without being accompanied by a parent or legal guardian. Establishment must refuse entrance to anyone under the age of 18 without being accompanied by parent or legal guardian. 27. Establishment must meet distance requirements of a business that sales alcoholic beverages as outlined in Section 4.04.32 (a) – (c); and Section 3-4: Land Use Definitions and Explanations, amending the definition of “Tobacco Shop” to be: 1) A retail establishment who holds a permit from the State of Texas for retail sales of tobacco and whose display space and / or gross sales exceed 25% of tobacco, smoking products, electronic cigarettes, or any smoking paraphernalia; or 2) any person who does not hold a permit from the State of Texas for retail sales of tobacco and who sells electronic cigarettes or any smoking paraphernalia.

Ms. McPherson: E-cigarettes issue brought to City Attorney by Council Member Wheatley. Planning and Zoning Commission met on March 20, 2014 to discuss the issue and make recommendation to the council. Change in definition of “Tobacco Shop”, Specific Use Permit (SUP) needed in Commercial 1 (C1), Commercial 2 (C2) and Industrial (I) plus distance from schools and church’s required. **Mr. Day:** Some paraphernalia comes under these changes too; the 25% rule helps convenience stores to still allow under 18 years of age in the store.

No citizens for or against.

F. CLOSE PUBLIC HEARING AT 7:26 PM

G. RECONVENE REGULAR COUNCIL MEETING AT 7:26 PM

H. CITIZENS PARTICIPATION - none

This Period is reserved for citizens to discuss items not listed on the listed Agenda, (persons may have three (3) minutes to address the council) however, by law, no action or discussion may be taken on these items.

I. CONSENT AGENDA

All items under Consent Agenda Minutes are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

1. City Council Regular Meeting Minutes: March 11, 2014 and March 25, 2014.
2. Ordinance, amending the Code of Ordinances by adding creating the Cultural Arts Advisory Board, setting powers and duties, terms and meetings. (Board creation approved at the Regular Council Meeting held March 25, 2014)

Motion was made by Council Member Branch, second by Council Member Wheatley to approve the Consent Agenda. **Motion carried: 7 Ayes, 0 Nays, and 0 Abstentions.**

J. BUSINESS

1. Consider and act concerning authorizing Mayor Baley to sign the “Letter of Intent”, regarding the county-wide radio communications and dispatch center, drafted by Rockwall County; within the next thirty days Judge Hogan or Commissioner Bailey would brief the council regarding the Interoperability Radio Network (IRN) and dispatch services, allowing for the letter of intent signed by the Mayor returned to the county within the next thirty days, and any matters related thereto.

Council Member Branch: Concerned with some of the wording plus no agreement with letter, no ownership in equipment, still does not address whether the new communications will reach our citizens in Hunt and Collin County. **Mr. Day:** Concerns with operating costs, financial responsibility, and portion of ownership a minimum plus letter says the city will be responsible for all fire calls.

Motion was made by Council Member Branch, second by Council Member Crowley to table this item till the April 22, 2014 regular Council Meeting. **Motion carried: 7 Ayes, 0 Nays, and 0 Abstentions.**

2. Consider and act concerning an Ordinance amending the Code of Ordinance Article 3.02 Technical and Construction Codes and Standards Sec 3.02.051 and 3.02.052 adopting the 2009 Building Code with amendments, and any matters related thereto.

Motion was made by Council Member Bell, second by Council Member Wheatley to approve an Ordinance amending the Code of Ordinance Article 3.02 Technical and Construction Codes and Standards Sec 3.02.051 and 3.02.052 adopting the 2009 Building Code with amendments. **Motion carried: 7 Ayes, 0 Nays, and 0 Abstentions.**

3. Consider and act concerning an Ordinance amending Royse City Ordinance Chapter 14 of the Royse City Code of Ordinances: Section 3-1: Use of Land and Buildings; Land Use Table, requiring Specific Use Permits in Commercial 1, Commercial 2, and Industrial for the use “Tobacco Shop”; Section 3-2: Special Conditions for Listed Uses, A. Description of Land Use Table Conditions and Special Regulations, adding: 26. Establishment must post signs prohibiting entrance of anyone younger than 18 years of age without being accompanied by a parent or legal guardian. Establishment must refuse entrance to anyone under the age of 18 without being accompanied by parent or legal guardian. 27. Establishment must meet distance requirements of a business that sales alcoholic beverages as outlined in Section 4.04.32 (a) – (c); and Section 3-4: Land Use Definitions and Explanations, amending the definition of “Tobacco Shop” to be: 1) A retail establishment who holds a permit from the State of Texas for retail sales of tobacco and whose display space and / or gross sales exceed 25% of tobacco, smoking products, electronic cigarettes, or any smoking paraphernalia; or 2) any person who does not hold a permit from the State of Texas for retail sales of tobacco and who sells electronic cigarettes or any smoking paraphernalia, and any matters related thereto.

Ms. McPherson: Planning and Zoning Commission recommends approval.

Mr. Day answered the council’s questions.

Mayor Baley: the 25% rule allows convenience stores to allow under 18 to come in their store? **YES** **Council Member Crowley:** current store would have to abide by this ordinance? **NO** they would be grandfathered. **Mayor Pro Tem Nichol:** can current store sell to under 18? **YES** since they are grandfathered plus there is no current state or federal law (state or federal law is probably forthcoming). **Council**

Member Crowley: could under 18 years old come in current store? YES Could a church come in next to the current store? YES.

Motion was made by Council Member Wheatley, second by Council Member Branch to approve an Ordinance amending Royse City Ordinance Chapter 14 of the Royse City Code of Ordinances: Section 3-1: Use of Land and Buildings; Land Use Table, requiring Specific Use Permits in Commercial 1, Commercial 2, and Industrial for the use “Tobacco Shop”; Section 3-2: Special Conditions for Listed Uses, A. Description of Land Use Table Conditions and Special Regulations, adding: 26. Establishment must post signs prohibiting entrance of anyone younger than 18 years of age without being accompanied by a parent or legal guardian. Establishment must refuse entrance to anyone under the age of 18 without being accompanied by parent or legal guardian. 27. Establishment must meet distance requirements of a business that sales alcoholic beverages as outlined in Section 4.04.32 (a) – (c); and Section 3-4: Land Use Definitions and Explanations, amending the definition of “Tobacco Shop” to be: 1) A retail establishment who holds a permit from the State of Texas for retail sales of tobacco and whose display space and / or gross sales exceed 25% of tobacco, smoking products, electronic cigarettes, or any smoking paraphernalia; or 2) any person who does not hold a permit from the State of Texas for retail sales of tobacco and who sells electronic cigarettes or any smoking paraphernalia. **Motion carried: 7 Ayes, 0 Nays, and 0 Abstentions.**

4. Consideration and action on final plat application for: Final Plat of the Kerala Christian Retirement Community, Phase 1 of Phase 1A, 38 Lots, 21.1422 acres (of the John Foote Survey, Abstract No. 333), Royse City, Collin County, Texas., and any matters related thereto.

Ms. McPherson: A small change in acreage to 21.279. Special Planning and Zoning Commission board meeting met yesterday. The commission recommended approval with conditions that the sidewalks be installed or escrow for the sidewalks in place prior to signing the plat.

Motion was made by Council Member Bell, second by Council Member Crowley to approve the final plat application for: Final Plat of the Kerala Christian Retirement Community, Phase 1 of Phase 1A, 38 Lots, 21.1422 acres (of the John Foote Survey, Abstract No. 333), Royse City, Collin County, Texas, with the conditions that the sidewalks be installed or escrow for the sidewalks in place prior to signing the plat. **Motion carried: 7 Ayes, 0 Nays, and 0 Abstentions.**

5. Consider and act concerning a Resolution initially appointing the prior Library Advisory Board Members as members of the Cultural Arts Advisory Board, and any matters related thereto.

Council Member Bill Bell withdrew his name from the nominees.

Motion was made by Mayor Pro Tem Nichol, second by Council Member Ellis to approve Place 1-Tonya Morris, Place 2-Open, Place 3-Lin Seals, Place 4-CF Goodwin, Place 5-Jackie Gilbert, Place 6-Richard Davis and Place 7-Stephanie Melillo on the Cultural Arts Advisory Board. **Motion carried: 7 Ayes, 0 Nays, and 0 Abstentions.**

6. Consider and act concerning approval to implement continuation of North Texas Municipal Water District (NTMWD) Seasonal Watering as Part of Stage 3 of the Water Conservation and Drought Contingency and Water Emergency Response Plan beginning April 1, 2014 through April 30, 2014; landscape watering is allowed only once every two weeks with even addresses watering on Tuesday and odd addresses watering on Thursday, with subsequent month to month extensions considered, and any matters related thereto.

Mayor Pro Tem Nichol: How to deal with the violations? Sunday seems to be the worse day. **Mr. Alsabrook:** Code Enforcement and Courts to address violations. **Chief Stapleton:** Effort to report violations would be with several different departments. **Mr. Lopez:** This issue will be a month to month action from council. Could pass out warnings, letters and or brochures to citizens and post on website to educate citizens. **Council Member Branch:** Add number of violations and tickets to monthly report. **Council Member Crowley:** Code and Police write tickets. **Mr. Alsabrook:** Opening of the Splash Park will be a call for the council to make at a later date.

Motion was made by Council Member Branch, second by Council Member Crowley to approve Seasonal Watering as Part of Stage 3 of the Water Conservation and Drought Contingency and Water Emergency Response Plan beginning April 1, 2014 through April 30, 2014, landscape watering is allowed only once every two weeks with even addresses watering on Tuesday and odd addresses watering on Thursday, with subsequent month to month extensions considered. **Motion carried: 7 Ayes, 0 Nays, and 0 Abstentions.**

7. Consider and act concerning a recommendation from the Parks and Recreation Board, approving a Resolution naming a park and or water tower on Main Street in honor of Ouida Baley, and any matters related thereto.

Ms. McPherson: Parks Board met yesterday with their recommendation to the council to honor Ouida Baley by naming the water tower on Main St., "Ouida's Tower at Old Jail Park". **Mayor Pro Tem Nichol:** Obtain quote to have the tower painted with the name.

Motion was made by Council Member Crowley, second by Council Member Branch to name the water tower on Main St. in honor of Ouida Baley, "Ouida's Tower at Old Jail Park". **Motion carried: 7 Ayes, 0 Nays, and 0 Abstentions.**

8. Discussions concerning City Manager Carl Alsabrook update: Erby Campbell, April 11th Ribbon Cutting at City Lake Park for new playground, Car Show May 10th, Rough Riders Baseball Game on May 3rd, Spring Clean-up in May, street rehabilitation, any matters related thereto.

Erby Campbell Interchange Project: Design and name plates are next to be installed, close to being on schedule, last update on the interchange project unless more news.

Council Member Branch: north service road is terrible, check out repairs.

Ribbon Cutting at City Lake Park for new playground April 11th: 3pm Friday

Mayor Pro Tem Nichol: would like to brag on Janet McPherson and Brent Stowers for the wonderful job, the new playground is great.

Car Show May 10th: 10 am till 2 pm on Main St.

Rough Riders Baseball Game on May 3rd: Game starts at 7:05 pm, see Tauna for tickets.

Spring Clean-up in May: **Mayor Baley:** need to see Thomas for disposal of electronics, would like different dumpsters for different items so they can be separated with disposal for paint and garden poisons plus citizens picking out items to keep. **Ms. McPherson:** Group effort in the past.
Street rehabilitation: List of streets in Heritage District for rehab-will discuss during budget time. **Council Member Bell:** What about bonds for street repairs?

K. RECESS REGULAR MEETING AT 8 :06 PM

L. EXECUTIVE SESSION AT 8:08 PM

Recess into Closed Session in compliance with Section the Texas Government Code, to wit:

- a. Section 551.074. Personnel Matters: Discuss personnel organization of the judiciary and the transference of duties between the judges. Discuss process for selecting new Associate Municipal Court Judge.

Council Member Bell left the Executive Session and the meeting at 8:18 pm

M. CLOSE EXECUTIVE SESSION AT 8:20 PM

N. RECONVENE REGULAR MEETING AT 8:20 PM

Action as a result of Executive Session:

Motion was made by Council Member Ellis, second by Council Member Wheatley to appoint Paul Liston as Presiding Municipal Judge after the departure of Bonnie Goldstein and to start the process to hire an Associate Judge. **Motion carried: 6 Ayes, 0 Nays, and 0 Abstentions.**

O. FUTURE AGENDA ITEMS

1. Consider and/or action to determine and direct City Staff in scheduling topics for discussion at future City Council Meetings, and any matters related thereto.

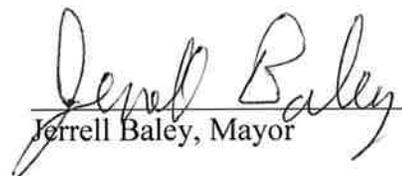
Street repair bonds
Street rehabilitation
N. Houston islands and/or no parking
Wal-Mart News

P. ADJOURNED AT 8:24 PM

Motion was made by Council Member Branch, second by Mayor Pro Tem Nichol to adjourn the Regular Council Meeting. Adjournment unanimous at 8:24 pm.

ATTEST:


Brenda Craft, City Secretary


Jerrell Baley, Mayor