

## **ALLEN CITY COUNCIL**

### **REGULAR MEETING**

**JUNE 28, 2016**

#### **Present:**

Stephen Terrell, Mayor

#### **Councilmembers:**

Gary L. Caplinger, Mayor Pro Tem

Kurt Kizer

Ross Obermeyer

Joey Herald

Robin L. Sedlacek

Baine Brooks

#### **City Staff:**

Peter H. Vargas, City Manager

Shelli Siemer, Assistant City Manager

Eric Ellwanger, Assistant City Manager

Shelley B. George, City Secretary

Teresa Warren, Director, Public and Media Relations Office

Rebecca Vice, Assistant to the City Manager

Pete Smith, City Attorney

#### **Workshop Session**

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With a quorum of the Councilmembers present, the Workshop Session of the Allen City Council was called to order by Mayor Terrell at 6:16 p.m. on Tuesday, June 28, 2016, in the Council Conference Room of the Allen City Hall, 305 Century Parkway, Allen, Texas.

- Introduction of Tricia Losavio, Chairperson of the Parks and Recreation Board
- Briefing Regarding a Request to Amend the Code of Ordinances Relating to: Chapter 3 "Animals and Fowl" to Allow for Backyard Chickens
- Briefing Regarding a Request to Amend the Allen Land Development Code (ALDC) Regulations Pertaining to Solar Panels
- Committee Updates from City Council Liaisons
- Questions on Current Agenda

With no further discussion, the Workshop Session of the Allen City Council was adjourned at 7:01 p.m. on Tuesday, June 28, 2016.

#### **Call to Order and Announce a Quorum is Present**

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With a quorum of the Councilmembers present, the Regular Meeting of the Allen City Council was called to order by Mayor Terrell at 7:07 p.m. on Tuesday, June 28, 2016, in the Council Chambers of the Allen City Hall, 305 Century Parkway, Allen, Texas.

**Pledge of Allegiance**

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**Public Recognition**

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**1. Citizens' Comments.**

The following individuals spoke in support of allowing solar panels on street-facing roofs:

Lauren Doherty, 713 Longwood Drive, Allen, Texas;  
John Parchman, 1702 Edinburg Court, Allen, Texas;  
Jay Squyres, 3208 Village Crest Court, Flower Mound, Texas;  
Mohammed Abdalla, 1822 Rockford Court, Allen, Texas; and,  
James Orenstein, 1802 Rocky Creek Drive, Duncanville, Texas.

**2. Presentation of Proclamations by the Office of the Mayor.**

- Proclamation to Brandy O'Keefe, Marketing Manager of Parks and Recreation Proclaiming July 2016 as "*Parks and Recreation Month*."
- Presentation of a Proclamation to Gail Donaldson, Water Conservation Manager Proclaiming July 2016 as "*Smart Irrigation Month*."

**3. Presentation of Park and Recreation Board's Annual Report by Chairperson Tricia Losavio.**

**Consent Agenda**

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**MOTION:** Upon a motion made by Councilmember Brooks and a second by Councilmember Obermeyer, the Council voted seven (7) for and none (0) opposed to adopt all items on the Consent Agenda as follows:

**4. Approve Minutes of the June 14, 2016, Regular Meeting of the Allen City Council.**

**5. Adopt an Ordinance Amending Chapter 8 - Licenses and Business Regulations, Article III - Itinerant Merchants, Peddlers and Solicitors of the Code of Ordinances of the City of Allen, Texas.**

**ORDINANCE NO. 3389-6-16:** AN ORDINANCE OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 8, ARTICLE III., ITINERANT MERCHANTS, PEDDLERS, AND SOLICITORS, BY ADDING A NEW SECTION 8-61 PURPOSE AND BY RENUMBERING THE REMAINING SECTIONS; BY ADDING A DEFINITION OF MORAL TURPITUDE; BY AMENDING THE REGULATIONS FOR HANDBILL DISTRIBUTION AND SOLICITATIONS; BY AMENDING THE LOCATIONS FOR SOLICITATIONS IN PUBLIC RIGHTS-OF-WAY; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE, PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00); AND PROVIDING FOR AN EFFECTIVE DATE.

**6. Adopt a Resolution Authorizing the City Manager to Apply for, Accept, Reject, Alter, or Terminate a Three-year Grant from the United States Department of Justice, Office of Community Oriented Policing Services to Add Two Sworn Police Officer Positions.**

**RESOLUTION NO. 3390-6-16(R)**: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, TO APPLY FOR, ACCEPT, REJECT, ALTER, OR TERMINATE A GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES PROVIDING GRANT FUNDING FOR A TWO SWORN POLICE OFFICERS UNDER THE COPS HIRING PROGRAM, IF AWARDED; AND PROVIDING AN EFFECTIVE DATE.

7. **Authorize the City Manager to Execute a License and Facilities Agreement with Glendover Gardens, Ltd. and Glendover Gardens Homeowners Association, Inc. Related to Maintenance of Non-Standard Street Lights, Street Signs, and Sign Posts.**
8. **Authorize the City Manager to Execute an Arena License Agreement with the Sidekicks Sport Management, LLC, doing business as Dallas Sidekicks, a Texas Limited Liability Company to Base a Professional Major Arena Soccer League (MASL) Team at the Allen Event Center.**
9. **Authorize the City Manager to Execute a Contract with BW2 Engineers, Inc. in the Amount of \$57,675 for Engineering and Surveying Services for Watters Trail Connection Project.**
10. **Authorize the City Manager to Amend the Contract for Fire Engine and Ambulance Repair Services with North Texas Fleet Services for an Annual Amount Not to Exceed \$150,000.**
11. **Authorize the City Manager to Execute a Three-Year Agreement with Microsoft Corporation through SHI Government Solutions, Inc., to Provide Current Microsoft Network and Desktop Software in the Annual Amount of \$200,723.**
12. **Adopt a Resolution Authorizing an Interlocal Agreement Between the City of Allen and North Central Texas Council of Governments for the Installation of a Microwave System to Provide Redundant Network Service to the 911 Call Center.**

**RESOLUTION NO. 3391-6-16(R)**: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF ALLEN AND NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS (NCTCOG) FOR THE INSTALLATION OF A MICROWAVE SYSTEM TO PROVIDE REDUNDANT NETWORK SERVICE TO THE 911 CALL CENTER; AND PROVIDING FOR AN EFFECTIVE DATE.

13. **Receive the Capital Improvement Program (CIP) Status Reports.**
14. **Receive the Summary of Property Tax Collections as of May 2016.**

The motion carried.

#### **Regular Agenda**

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15. **Conduct a Public Hearing and Adopt an Ordinance Continuing and Readopting Chapter 10, Article II, Curfew for Juveniles, of the Code of Ordinances of the City of Allen, Texas.**

Mayor Terrell opened the public hearing and asked anyone wishing to speak for or against this item to do so at this time.

With no one speaking, Mayor Terrell closed the public hearing.

**ORDINANCE NO. 3392-6-16:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, CONTINUING AND READOPTING CHAPTER 10, ARTICLE II, CURFEW FOR JUVENILES, OF THE CODE OF ORDINANCES OF THE CITY OF ALLEN, TEXAS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500) FOR EACH OFFENSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**MOTION:** Upon a motion made by Councilmember Herald and a second by Councilmember Obermeyer, the Council voted seven (7) for and none (0) opposed to adopt Ordinance No. 3392-6-16, as previously captioned, continuing and readopting Chapter 10, Article II, Curfew for Juveniles, of the Code of Ordinances of the City of Allen, Texas. The motion carried.

16. **Conduct a Public Hearing and Adopt an Ordinance Amending the Base Zoning of Planned Development No. 58 from Light Industrial LI to Multi-Family Residential District MF-18, and Adopt a Concept Plan, Screening Plan, Building Elevations, and Development Regulations for Lot 3, Block A, Allen Station Business Park #3, Generally Located North of Exchange Parkway and East of Andrews Parkway at 1400 Andrews Parkway. [Luxe Allen]**

Mayor Terrell opened the public hearing and asked anyone wishing to speak for or against this item to do so at this time.

Gene Babb, 17304 Preston Road, Dallas, Texas 75252 spoke in favor of this item.

With no one else speaking, Mayor Terrell closed the public hearing.

**ORDINANCE NO. 3393-6-16:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE ALLEN LAND DEVELOPMENT CODE AND ZONING MAP, AS PREVIOUSLY AMENDED, RELATING TO THE USE AND DEVELOPMENT OF LOT 3, BLOCK A, ALLEN STATION BUSINESS PARK #3, CITY OF ALLEN, COLLIN COUNTY, TEXAS, PRESENTLY ZONED AS PLANNED DEVELOPMENT PD NO. 58 FOR LIGHT INDUSTRIAL (LI) BY CHANGING THE BASE ZONING ON SAID PROPERTY TO MULTI-FAMILY RESIDENTIAL (MF-18) AND ADOPTING DEVELOPMENT REGULATIONS, A CONCEPT PLAN, SCREENING PLAN AND BUILDING ELEVATIONS; PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

**MOTION:** Upon a motion made by Councilmember Sedlacek and a second by Mayor Pro Tem Caplinger, the Council voted seven (7) for and none (0) opposed to adopt Ordinance No. 3393-6-16, as previously captioned, to amend the base zoning of Planned Development No. 58 from Light Industrial LI to Multi-Family Residential District MF-18, and Adopt a Concept Plan, Screening Plan, Building Elevations, and Development Regulations for Lot 3, Block A, Allen Station Business Park #3, Generally Located North of Exchange Parkway and East of Andrews Parkway at 1400 Andrews Parkway for Luxe Allen. The motion carried.

17. **Conduct a Public Hearing and Adopt an Ordinance Amending Planned Development No. 3 Light Industrial LI, and Adopt a Concept Plan, Development Regulations, and Building Elevations for**

**Tract F-2, Allen Business Centre Located at 19 Prestige Circle. [Allen Business Centre - Tract F-2]**

Mayor Terrell opened the public hearing and asked anyone wishing to speak for or against this item to do so at this time.

With no one speaking, Mayor Terrell closed the public hearing.

**ORDINANCE NO. 3394-6-16:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE ALLEN LAND DEVELOPMENT CODE AND ZONING MAP, AS PREVIOUSLY AMENDED, BY AMENDING THE DEVELOPMENT REGULATIONS, ADOPTING A CONCEPT PLAN, AND ADOPTING BUILDING ELEVATIONS FOR TRACT F-2, ALLEN BUSINESS CENTRE, CITY OF ALLEN, COLLIN COUNTY, TEXAS, WHICH PROPERTY IS LOCATED IN AND SUBJECT TO THE REGULATIONS OF PLANNED DEVELOPMENT NO. 3; PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

**MOTION:** Upon a motion made by Councilmember Obermeyer and a second by Councilmember Herald, the Council voted seven (7) for and none (0) opposed to adopt Ordinance No. 3394-6-16, as previously captioned, amending Planned Development No. 3 Light Industrial LI, and Adopt a Concept Plan, Development Regulations, and Building Elevations for Tract F-2, Allen Business Centre Located at 19 Prestige Circle. The motion carried.

**18. Adopt a Resolution Amending and Establishing Fees and Charges Related to Solicitation Permit Applications for Each Applicant.**

**RESOLUTION NO. 3395-6-16(R):** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ESTABLISHING FEES AND CHARGES FOR SOLICITATION PERMIT APPLICATIONS, CRIMINAL HISTORY BACKGROUND CHECKS AND IDENTIFICATION CARDS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**MOTION:** Upon a motion made by Mayor Pro Tem Caplinger and a second by Councilmember Sedlacek, the Council voted six (6) for and one (1) opposed, with Councilmember Herald casting the negative vote, to adopt Resolution No. 3395-6-16(R), as previously captioned, amending and establishing fees and charges related to Solicitation Permit Applications for each applicant. The motion carried.

**Other Business**

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**19. Calendar.**

- July 4 – City Facilities Closed for the Independence Day Holiday.

**20. Items of Interest.**

- Council wished happy birthday to Emma Herald.
- Council expressed having amazing fireworks at the Allen USA celebration.

- Council urged the public to contact the city and schedule a home irrigation inspection.

**Executive Session**

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The Executive Session was not held.

**Adjournment**

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**MOTION:** Upon a motion made by Councilmember Herald and a second by Councilmember Brooks, the Council voted seven (7) for and none (0) opposed to adjourn the Regular Meeting of the Allen City Council at 8:35 p.m. on Tuesday, June 28, 2016. The motion carried.

These minutes approved on the 12<sup>th</sup> day of July 2016.

**APPROVED:**

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**Stephen Terrell, MAYOR**

**ATTEST:**

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**Shelley B. George, TRMC, CITY SECRETARY**