

## **ALLEN CITY COUNCIL**

### **REGULAR MEETING**

**JUNE 9, 2020**

#### **Present:**

Debbie Stout, Mayor

#### **Councilmembers:**

Gary L. Caplinger, Mayor Pro Tem

Kurt Kizer

Carl Clemencich

Lauren Doherty

Chris Schulmeister

Baine Brooks

#### **City Staff:**

Eric Ellwanger, City Manager

Eric Strong, Deputy City Manager

Tim Dentler, Assistant City Manager (absent)

Rebecca Vice, Assistant City Manager (absent)

Shelley B. George, City Secretary

Teresa Warren, Director, Public and Media Relations

Lauren Field, Deputy City Secretary

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 Stout at 6:15 p.m. on Tuesday, June 9, 2020, in the Council Chambers of the Allen City Hall, 305 Century Parkway, Allen, Texas.

- 1. Update and Findings from Consolidated Planning Process.**
- 2. Committee Updates from City Council Liaisons.**
- 3. Questions on Current Agenda.**

With no further discussion, the Workshop Session of the Allen City Council was adjourned at 6:55 p.m. on Tuesday, June 9, 2020.

#### **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 Stout at 7:01 p.m. on Tuesday, June 9, 2020, 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. Citizen Comments.**

- Mahesh Chamaria, a representative for the Hindu Swayamsevak Sangh, thanked the City for their response to the recent pandemic.
- Phillip Brewer, 879 Starcreek Parkway, Allen, Texas, spoke on policing policies and community support.
- Naila Syed, 2035 Temperate Drive, Allen, Texas, spoke on policing policies.
- Alicia Makaye, 874 Cinnamon Court, Allen, Texas, spoke against racial injustice and police brutality.
- Rosalind Booker, 550 N Central Expressway, McKinney, Texas, spoke regarding policing policies.
- Ray Ash, P.O. Box 941104, Plano, Texas, spoke regarding policing policies.
- Doug Gallagher, 204 Glenwick Place, Allen, Texas, thanked the Council and City on their work during the current pandemic.
- Scott Cote, 710 Rock Crossing Lane, Allen, Texas, spoke regarding policing policies.
- Tom Adair, Plano, Texas, spoke regarding policing policies.
- Sasha Bennett, 201 N. Greenville Avenue, Allen, Texas, spoke regarding policing policies.
- Pearl Lewis, 5000 K Avenue Apt. 3321, Plano, Texas, spoke about racism and policing policies.
- Melanie Hughes, 920 Rush Creek Drive, Allen, Texas, did not speak but wished to record her thoughts on racial injustice and police brutality.
- Ryan Pearson, 550 S. Watters Road Suite 271, Allen, Texas, did not speak but wished to record his thoughts on social injustice.
- Allen Police Chief Brian Harvey, spoke on the department's policing policies, transparency, accountability, adherence to best practices, ongoing training and customer service.

**Consent Agenda**

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

- 2. Approve Minutes of the May 26, 2020, Regular City Council Meeting.**
- 3. Authorize the City Manager to Execute the Change Order for the Contract with Crossland Construction Company in the Amount of \$220,924 for the Construction Services on the Central Fire Station Project and Revise the Contract Award Total Amount to \$6,510,959.**

The motion carried.

**Regular Agenda**

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- 4. Consider All Matters Incident and Related to the Issuance and Sale of City of Allen, Texas, General Obligation Improvement and Refunding Bonds, Series 2020, Including the Adoption of an Ordinance Authorizing the Issuance of Such Bonds, Establishing Parameters for the Sale and Issuance of Such Bonds and Delegating Certain Matters to Authorized Officials of the City.**

**ORDINANCE NO. 3750-6-20:** AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF ALLEN, TEXAS, GENERAL OBLIGATION IMPROVEMENT AND REFUNDING BONDS, SERIES 2020"; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF SAID BONDS; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, PAYMENT, AND DELIVERY OF SAID BONDS, INCLUDING ESTABLISHING PARAMETERS THEREFOR AND DELEGATING MATTERS RELATING TO THE SALE AND ISSUANCE OF THE BONDS TO AUTHORIZED CITY OFFICIALS

**MOTION:** Upon a motion by Councilmember Schulmeister and a second by Councilmember Clemencich, the Council voted seven (7) for and none (0) opposed to adopt Ordinance No. 3750-6-20, as previously captioned, authorizing the issuance of "City of Allen, Texas, General Obligation Improvement and Refunding Bonds, Series 2020"; establishing the parameters for the sale and issuance of such bonds; and delegating certain matters to authorized officials of the City. The motion carried.

5. **Consider All Matters Incident and Related to the Issuance and Sale of City of Allen, Texas, Tax Notes, Series 2020, Including the Adoption of an Ordinance Authorizing the Issuance of Such Notes, Establishing Parameters for the Sale and Issuance of Such Notes and Delegating Certain Matters to Authorized Officials of the City.**

**ORDINANCE NO. 3751-6-20:** AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF ALLEN, TEXAS, TAX NOTES, SERIES 2020"; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF SAID NOTES; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, PAYMENT, AND DELIVERY OF SAID NOTES, INCLUDING ESTABLISHING PARAMETERS THEREFOR AND DELEGATING MATTERS RELATING TO THE SALE AND ISSUANCE OF THE NOTES TO AUTHORIZED CITY OFFICIALS.

**MOTION:** Upon a motion by Mayor Pro Tem Caplinger and a second by Councilmember Kizer, the Council voted seven (7) for and none (0) opposed to adopt Ordinance No. 3751-6-20, as previously captioned, authorizing the issuance of "City of Allen, Texas, Tax Notes, Series 2020"; establishing the parameters for the sale and issuance of such notes; and delegating certain matters to authorized officials of the City. The motion carried.

6. **Consider all Matters Incident and Related to the Issuance and Sale of City of Allen, Texas, Waterworks & Sewer System Revenue Bonds (WW&SS), Series 2020, Including the Adoption of an Ordinance Authorizing the Issuance of Such Bonds, Establishing Parameters for the Sale and Issuance of Such Bonds and Delegating Certain Matters to Authorized Officials of the City.**

**ORDINANCE NO. 3752-6-20:** AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF ALLEN, TEXAS, WATERWORKS AND SEWER SYSTEM REVENUE BONDS, SERIES 2020"; PLEDGING THE NET REVENUES OF THE CITY'S COMBINED WATERWORKS AND SEWER SYSTEM TO THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, PAYMENT, AND DELIVERY OF SAID BONDS, INCLUDING ESTABLISHING PARAMETERS THEREFOR AND DELEGATING MATTERS RELATING TO THE SALE AND ISSUANCE OF THE BONDS TO AUTHORIZED CITY OFFICIALS.

**MOTION:** Upon a motion by Councilmember Kizer and a second by Councilmember Schulmeister, the Council voted seven (7) for and none (0) opposed to adopt Ordinance No. 3752-6-20, as

previously captioned, authorizing the issuance of "City of Allen, Texas, WW&SS Revenue Bonds, Series 2020"; establishing the parameters for the sale and issuance of such bonds; and delegating certain matters to authorized officials of the City. The motion carried.

7. **Consider all Matters Incident and Related to the Issuance and Sale of "Allen Economic Development Corporation Sales Tax Revenue Bonds, Taxable Series 2020", Including the Adoption of a Resolution Approving the Resolution of the Board of Directors of the Corporation Authorizing the Issuance of Such Bonds.**

**RESOLUTION NO. 3753-6-20(R):** A RESOLUTION RELATING TO THE "ALLEN ECONOMIC DEVELOPMENT CORPORATION SALES TAX REVENUE BONDS, TAXABLE SERIES 2020" APPROVING THE RESOLUTION OF THE ALLEN ECONOMIC DEVELOPMENT CORPORATION AUTHORIZING THE ISSUANCE OF SUCH BONDS; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE OF SUCH BONDS; AND PROVIDING AN EFFECTIVE DATE.

**MOTION:** Upon a motion by Councilmember Schulmeister and a second by Councilmember Clemencich, the Council voted seven (7) for and none (0) opposed to adopt Resolution No. 3753-6-20(R), as previously captioned, approving the resolution of the Allen Economic Development Corporation providing for the issuance of its Sales Tax Revenue Bonds, Taxable Series 2020, and resolving other matters incident and related to the issuance of the bonds. The motion carried.

8. **Conduct a Public Hearing and Adopt an Ordinance Amending the Allen Land Development Code to Add Section 1.11, "Lots Located in More than One Zoning District;" Amending Section 4.06, Regarding the Denial of Zoning Amendments With Prejudice; Amending Section 4.20.2, "Schedule of Principal Uses" by removing Beer & Wine Package Sales Use and Beer & Wine Package Sales With Greater Than 50% Revenue From Beer & Wine Use; Repealing Section 6.03.8, Repealing Section 6.03.9; Amending Section 6.04.1.4. by Amending Regulations Relating to Temporary Use Permits for Temporary Food Vendors and Food Truck Sites; Amending Section 6.05.3, to Correct Formatting Errors and Require Inclusion of a Legend; Amending Section 6.06.11, by Amending Regulations Relating to Location and Color of Solar Panels; Amending Subsection c.i. of Section 6.06.15 Relating to Operation of a Mobile Kitchen at a Food Truck Site; Amending Section 7.03.3.3, Relating to Location and Screening of Refuse and Recycling Collection Areas; Amending Section 7.03.4.3.a, by Amending the Regulations to Permit Light Trespass Between Adjacent Nonresidential Uses; Amending Section 7.04.1, to Add Regulations Relating to Dead-end Parking; Amending Subsection 1.c. of Section 8.02.4 to Correct a Scrivener's Error; Amending Section 8.03.3 and Amending Section 8.03.4, to Require a Plat Note Relating to Perpetual Maintenance of Open Space and Common Areas; Amending and Retitling Section 8.05.7, Relating to Median Cuts and Requirements for Establishment of Cross Access Between Properties; Amending Appendix A, "Definitions" by Deleting "Beer and Wine Package Sales;" and Amending the Definition of "Outdoor Storage."**

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

The following individual spoke in support to the item:  
Randy Boys, 1003 Westwood Court, Allen, Texas.

The following individuals spoke in opposition to the item:

Ken Fulk, 1229 Marble Falls Drive, Allen, Texas;  
Dave Cornette, 310 Willow Brook Drive, Allen, Texas;  
Doug Gallagher, 204 Glenwick Place, Allen, Texas; and,  
Adelia Scaife, 403 W. Coats Drive, Allen, Texas.

The following individual did not speak but wished to record their support of the item:  
Brian Armstrong, 741 Fawn Valley Drive, Allen, Texas.

The following individuals did not speak but wished to record their opposition of the item:  
Jim Longley, 209 Exchange Place, Allen, Texas;  
Carmen Roy, 400 W. Coats Drive, Allen, Texas;  
Deidra Dennis, 206 Willow Creek Circle, Allen, Texas; and,  
Judy Adams, 409 W. Coats Drive, Allen, Texas.

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

**ORDINANCE NO. 3754-6-20:** AN ORDINANCE OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE ALLEN LAND DEVELOPMENT CODE, AS AMENDED, BY AMENDING ARTICLE I, "GENERAL PROVISIONS" TO ADD SECTION 1.11, "LOTS LOCATED IN MORE THAN ONE ZONING DISTRICT;" AMENDING SECTION 4.06, "CHANGES AND AMENDMENTS" REGARDING THE DENIAL OF APPLICATIONS FOR ZONING AMENDMENTS WITH AND WITHOUT PREJUDICE; AMENDING SECTION 6.04.1.4. "TYPES OF TEMPORARY USE PERMITS" BY AMENDING REGULATIONS RELATING TO TEMPORARY USE PERMITS FOR TEMPORARY FOOD VENDORS AND FOOD TRUCK SITES; AMENDING SECTION 6.05.3, "SITE PLAN DETAILS" TO CORRECT FORMATTING ERRORS IN SUBSECTION 2 "SITE PLAN" AND REQUIRE INCLUSION OF A LEGEND; AMENDING SECTION 6.06.11, "SOLAR PANELS" BY AMENDING REGULATIONS RELATING TO LOCATION AND COLOR OF SOLAR PANELS; AMENDING SUBSECTION C.i. OF SECTION 6.06.15 "MOBILE FOOD ESTABLISHMENTS" RELATING TO OPERATION OF A MOBILE KITCHEN AT A FOOD TRUCK SITE; AMENDING SECTION 7.03.3.3, "REFUSE AND RECYCLING COLLECTION ENCLOSURES" RELATING TO LOCATION AND SCREENING OF REFUSE AND RECYCLING COLLECTION AREAS; AMENDING SECTION 7.03.4.3.A, "LIGHT TRESPASS" BY AMENDING THE REGULATIONS TO PERMIT LIGHT TRESPASS BETWEEN ADJACENT NONRESIDENTIAL USES; AMENDING SECTION 7.04.1, "VEHICLE PARKING" TO ADD REGULATIONS RELATING TO DEAD-END PARKING; AMENDING SUBSECTION 1.C. OF SECTION 8.02.4 "ADMINISTRATIVE APPROVAL OF CERTAIN AMENDING PLATS, MINOR PLATS AND REPLATS" TO CORRECT A SCRIVENER'S ERROR; AMENDING SECTION 8.03.3, "PRELIMINARY PLAT" TO REQUIRE A PLAT NOTE RELATING TO PERPETUAL MAINTENANCE OF OPEN SPACE AND COMMON AREAS; AMENDING SECTION 8.03.4, "FINAL PLAT" TO REQUIRE A PLAT NOTE RELATING TO PERPETUAL MAINTENANCE OF OPEN SPACE AND COMMON AREAS; AMENDING IN ITS ENTIRETY AND RETITLING SECTION 8.05.7, "MEDIAN CUTS" RELATING TO MEDIAN CUTS AND REQUIREMENTS FOR ESTABLISHMENT OF CROSS ACCESS BETWEEN PROPERTIES; AMENDING APPENDIX A, "DEFINITIONS" BY AMENDING THE DEFINITION OF "OUTDOOR STORAGE"; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION:** Upon a motion by Councilmember Doherty and a second by Mayor Pro Tem Caplinger, the Council voted seven (7) for and none (0) opposed to adopt Ordinance No. 3754-6-20, as previously captioned, amending the Allen Land Development Code with the modifications that follow Sections remain: a) The two uses in Sec. 4.20.2 remain: 1) Beer & Wine Package Sales; and 2) Beer & Wine Package Sales With Greater than 50% Revenue from Beer & Wine; b) Sections 6.03.8 and 6.03.9 remain in their entirety; c) Beer and Wine Package Sales definition remains [Appendix A]. The motion carried.

Mayor Stout filed an Affidavit of Conflict of Interest with the City Secretary for Agenda Item No. 9 and recused herself from the Council dais.

**9. Ratify Contracts with All Community Outreach, Assistance Center of Collin County, Islamic Association of Allen, and Jewish Family Services for Implementation of a Housing Assistance Program in the Total Amount of \$4,468,747.**

**MOTION:** Upon a motion by Councilmember Brooks and a second by Councilmember Doherty, the Council voted six (6) for and none (0) opposed to ratify contracts with All Community Outreach, Assistance Center of Collin County, Islamic Association of Allen and Jewish Family Services for implementation of a housing assistance program in the total amount of \$4,468,747. The motion carried.

Mayor Stout returned to her place on the dais.

**10. Authorize the City Manager to Execute a Contract Amendment to Increase the Professional Services Agreement with Destination Innovate, LLC, for Marketing Agency Services for the Allen Convention and Visitors Bureau from \$180,000, for One Year, to \$270,000 for the Shop Local Allen Marketing Campaign.**

**MOTION:** Upon a motion by Councilmember Clemencich and a second by Councilmember Brooks, the Council voted seven (7) for and none (0) opposed to authorize the City Manager to Execute a Contract Amendment to increase the Professional Services Agreement with Destination Innovate, LLC, for Marketing Agency Services for the Allen Convention and Visitors Bureau from an Annual Amount of \$180,000, for one year, to \$270,000 to execute the Shop Local Allen Marketing Campaign. The motion carried.

**Other Business**

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**11. Calendar.**

- June 14 – Flag Day

**12. Item of Interest.**

- Council congratulated Mr. Ellwanger on his one-year anniversary as City Manager.
- Councilmember Brooks thanked his daughters for their support.

Mayor Stout announced the Executive Session then recessed the Regular Agenda at 10:05 p.m.

**Executive Session**

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In accordance with the Texas Government Code, the Allen City Council convened into Executive Session at 10:15 p.m. on Tuesday, June 9, 2020, in the Council Conference Room, 305 Century Parkway, Allen, Texas, in order to discuss matters pertaining to:

- 13. Economic Development Deliberation Pursuant to Section 551.087 of the Texas Government Code –  
Discussion of Small Business Recovery Grant Program Utilizing CARES Act Funds.**
- 14. Pursuant to Section 551.071 of the Texas Government Code –  
Discuss North Texas Municipal Water District Contract and Settlement of Related Public Utility Commission Rate Case with Retained Outside Legal Counsel.**

The Executive Session adjourned at 11:36 p.m. on Tuesday, June 9, 2020.

**15. Reconvene and Consider Action on Items Resulting from Executive Session.**

The Allen City Council reconvened into the Regular Meeting at 11:39 p.m. on Tuesday, June 9, 2020. The following action was taken on items discussed during the Executive Session.

**MOTION:** Upon a motion made by Councilmember Kizer and a second by Mayor Pro Tem Caplinger, the Council voted seven (7) for and none (0) opposed to authorize and direct the City Manager and our counsel to negotiate definitive agreements, including a settlement agreement and an amendment to our current Amendatory Contract with the North Texas Municipal Water District, to be presented to this Council at a later date for the final approval, as discussed in Closed Session. The motion carried.

**Adjournment**

**MOTION:** Upon a motion made by Councilmember Doherty and a second by Councilmember Schulmeister, the Council voted seven (7) for and none (0) opposed to adjourn the Regular Meeting of the Allen City Council at 11:40 p.m. on Tuesday, June 9, 2020. The motion carried.

These minutes approved on the 23<sup>rd</sup> day of June 2020.

**APPROVED:**

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**Debbie Stout, MAYOR**

**ATTEST:**

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