

## **ALLEN CITY COUNCIL**

### **REGULAR MEETING**

**JULY 28, 2020**

#### **Present:**

Debbie Stout, Mayor

#### **Councilmembers:**

Gary L. Caplinger, Mayor Pro Tem

Kurt Kizer

Carl Clemencich

Lauren Doherty

Chris Schulmeister

Baine Brooks (absent)

#### **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

Victoria Thomas, 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 6:12 p.m. on Tuesday, July 28, 2020, in the Council Chambers of the Allen City Hall, 305 Century Parkway, Allen, Texas.

- 1. Water Meter and Utility Billing Audit.**
- 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 6:50 p.m. on Tuesday, July 28, 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 7:02 p.m. on Tuesday, July 28, 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.**

**Consent Agenda**

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**MOTION:** Upon a motion made by Councilmember Clemencich and a second by Mayor Pro Tem Caplinger, the Council voted six (6) for and none (0) opposed to adopt all items on the Consent Agenda as follows:

- 2. Approve Minutes of the July 14, 2020, Regular City Council Meeting.**
- 3. Adopt an Ordinance Amending the Code of Ordinances, Chapter 9, 'Motor Vehicles and Traffic', Amending the Maximum Prima Facie Speed Limit on Segments of Bending Branch and Allen Commerce Parkway.**

**ORDINANCE NO. 3762-7-20:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 9, "MOTOR VEHICLES AND TRAFFIC," ARTICLE V, "OPERATION OF VEHICLES," DIVISION 2, "SPEED REGULATIONS," SECTION 9-135(a) TO AMEND THE MAXIMUM PRIMA FACIE SPEED LIMIT ON SEGMENT OF BENDING BRANCH WAY AND ALLEN COMMERCE PARKWAY; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

- 4. Adopt an Ordinance Amending the Code of Ordinances, Chapter 9 – Motor Vehicles and Traffic, Section 9-137(b), to Install the School Zone for Allen ISD STEAM Center and Collin College Technical Center.**

**ORDINANCE NO. 3763-7-20:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 9, SECTION 9-137(b), BY ADDING SUBSECTION (25) FOR ALLEN ISD STEAM CENTER AND COLLIN COLLEGE TECHNOLOGY CENTER; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

- 5. Adopt a Resolution Approving Terms and Conditions of the Agreement with The State of Texas Acting by and Through the Texas Department of Transportation for the Funding of Right-Of-Way Acquisition to Reconstruct the Ridgeview Drive and US75 Interchange.**

**RESOLUTION NO. 3764-7-20(R):** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT TO CONTRIBUTE RIGHT OF WAY FUNDS (FIXED PRICE), BY AND BETWEEN THE CITY OF ALLEN, TEXAS, AND THE STATE OF TEXAS, ACTING BY AND THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION, FOR FUNDING FOR CERTAIN HIGHWAY

IMPROVEMENTS ON HIGHWAY NO. US 75 AT RIDGEVIEW DRIVE; AUTHORIZING ITS EXECUTION BY THE CITY MANAGER, OR DESIGNEE; AND PROVIDING AN EFFECTIVE DATE.

6. **Authorize the City Manager to Execute an Interlocal Agreement with Collin County Regarding the Redistribution of Collin County Bond Funds for the Ridgeview Drive and US75 Interchange Project and the Ridgeview Drive, Chelsea Boulevard to US75, Construction Project.**
7. **Authorize the City Manager to Execute a Professional Services Contract with BW2 Engineers, Inc., for the Design of Ridgeview Drive from Chelsea Boulevard to US75 in the Amount of \$261,500.**
8. **Authorize the City Manager to Execute a Contract with Whirlix Design, Inc., through the BuyBoard Purchasing Cooperative for the Construction of Shade Structures at Bethany Lakes Park and Hillside Park in the Amount of \$121,241.**
9. **Receive the Summary of Property Tax Collections as of June 2020.**
10. **Receive the Financial Report for the Quarter Ended June 30, 2020.**
11. **Receive the Investment Report for the Period Ended June 30, 2020.**
12. **Transmit the Proposed 2020-2021 City Budget and the Proposed 2021-2025 Capital Improvement Program.**

The motion carried.

#### **Regular Agenda**

13. **Set September 8, 2020, as the Public Hearing Date Regarding the Fiscal Year 2020-2021 City Tax Rate.**

**MOTION:** Upon a motion by Councilmember Schulmeister and a second by Mayor Pro Tem Caplinger, the Council voted six (6) for and none (0) opposed to set Tuesday, September 8, 2020, at 7:00 P.M., at Allen City Hall, 305 Century Parkway, Allen, Texas as the date, time and place for the Public Hearing on the proposed City Tax Rate of 48.9 cents per \$100 of appraised value for the Fiscal Year 2020-2021. The motion carried.

14. **Set September 8, 2020, as the Public Hearing Date Regarding the Fiscal Year 2020-2021 City Budget.**

**MOTION:** Upon a motion by Councilmember Kizer and a second by Mayor Pro Tem Caplinger, the Council voted six (6) for and none (0) opposed to set Tuesday, September 8, 2020, at 7:00 P.M. at Allen City Hall, 305 Century Parkway, Allen, Texas as the date, time and place for the Public Hearing on the City's Proposed Fiscal Year 2020-2021 Budget in accordance with Article IV, Section 4.04 of the City Charter. The motion carried.

Mayor Stout filed an Affidavit of Conflict of Interest with the City Secretary for Agenda Item No. 15 and recused herself from the dais.

**15. Conduct a Public Hearing and Adopt a Resolution Approving the 2020-2024 Consolidated Plan and 2020-2021 Annual Action Plan for the Community Development Block Grant (CDBG) Program.**

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

The following individual did not speak, but wished to record their support of the item:  
Zain Vadsariya, 1012 Gardenia Street, Carrollton, Texas.

With no one else speaking, Mayor Pro Tem Caplinger closed the public hearing.

**RESOLUTION NO. 3765-7-20(R)**: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, APPROVING THE 2020-2024 CONSOLIDATED PLAN AND THE 2020-2021 ANNUAL ACTION PLAN; AUTHORIZING ITS SUBMISSION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD); REPEALING ALL RESOLUTIONS IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**MOTION:** Upon a motion by Councilmember Doherty and a second by Councilmember Clemencich, the Council voted five (5) for and none (0) opposed to adopt Resolution No. 3765-7-20(R), as previously captioned, approving the 2020-2024 Consolidated Plan and 2020-2021 Annual Action Plan for the Community Development Block Grant (CDBG) Program. The motion carried.

Mayor Stout returned to her place on the dais.

**16. Conduct a Public Hearing and Adopt an Ordinance to Amend the Development Regulations of Planned Development "PD" No. 78 Corridor Commercial CC for Allen Premium Outlets, Lot 1, Block 2 and to Amend the Kiosk Site Plan; Generally Located North of Stacy Road and West of U.S. Highway 75. [Allen Premium Outlets - Kiosks]**

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 did not speak, but wished to record their support of the item:  
Zain Vadsariya, 1012 Gardenia Street, Carrollton, Texas.

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

**ORDINANCE NO. 3766-7-20**: 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 1, BLOCK 2, ALLEN PREMIUM OUTLETS, PRESENTLY ZONED AS PLANNED DEVELOPMENT "PD" NO. 78 CORRIDOR COMMERCIAL "CC" BY AMENDING THE DEVELOPMENT REGULATIONS RELATING TO CARTS AND KIOSKS AND ADOPTING AN AMENDED KIOSK SITE PLAN; 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 by Mayor Pro Tem Caplinger and a second by Councilmember Kizer, the Council voted six (6) for and none (0) opposed to adopt Ordinance No. 3766-7-20, as previously captioned, to amend the Development Regulations of Planned Development No. 78 for a property generally located north of Stacy Road and west of U.S. Highway 75. The motion carried.

**17. Conduct a Public Hearing and Adopt an Ordinance to Amend the Development Regulations of Planned Development PD No. 131 Shopping Center "SC" and to Adopt a Sign Location Map, Sign Elevations and Sign Schedule for Lyrick Addition, Block A, Lot 4; Generally Located at the Southwestern Corner of the Intersection of Bethany Drive and Greenville Avenue. [QuikTrip]**

The Planning Commission recommended denial of this request. In accordance with the Allen Land Development Code, a favorable vote of three-fourths (¾) of all the members of the entire Council is required in order to approve a request denied by the Commission.

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 did not speak, but wished to record their support of the item:  
Zain Vadsariya, 1012 Gardenia Street, Carrollton, Texas.

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

**MOTION:** Upon a motion by Councilmember Kizer and a second by Councilmember Schulmeister, the Council voted four (4) for and two (2) opposed, with Mayor Stout and Councilmember Doherty casting the negative votes, to approve the request and to amend the Development Regulations of Planned Development PD No. 131 for a property generally located at the southwestern corner of the intersection of Bethany Drive and Greenville Avenue. The motion failed.

**18. Conduct a Public Hearing and Adopt an Ordinance for a Specific Use Permit SUP for a Convenience Store Use for a 1,200± Square Foot Portion of a Building Located on Lot 1, Block 2, Allen Premium Outlets; Generally Located North of Stacy Road and West of U.S. Highway 75 (commonly known as 820 W Stacy Road, Suite 254) [Zee's Stop (APO)]**

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 did not speak, but wished to record their support of the item:  
Zain Vadsariya, 1012 Gardenia Street, Carrollton, Texas.

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

**ORDINANCE NO. 3767-7-20:** 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 GRANTING SPECIFIC USE PERMIT NO. 175 AUTHORIZING A 1,200± SQUARE FOOT PORTION OF A BUILDING LOCATED ON LOT 1, BLOCK 2, ALLEN PREMIUM OUTLETS; PRESENTLY ZONED AS AND LOCATED IN PLANNED DEVELOPMENT "PD" NO. 78 COMMERCIAL CORRIDOR "CC" ZONING DISTRICT TO BE USED FOR A CONVENIENCE STORE USE; PROVIDING 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 by Councilmember Kizer and a second by Mayor Pro Tem Caplinger, the Council voted six (6) for and none (0) opposed to adopt Ordinance No. 3767-7-20, as previously captioned, for Specific Use Permit No. 175 for a Convenience Store use. The motion carried.

**Other Business**

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19. **Calendar.**

20. **Item of Interest.**

Mayor Stout announced that plexiglass panels were recently installed to provide a barrier between the Council so those sitting at the dais could participate in the meeting without masks to allow those in the audience to hear and better understand the Council's discussion.

**Executive Session**

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The Executive Session was not held.

**Adjournment**

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**MOTION:** Upon a motion made by Councilmember Clemencich and a second by Councilmember Doherty, the Council voted six (6) for and none (0) opposed to adjourn the Regular Meeting of the Allen City Council at 8:08 p.m. on Tuesday, July 28, 2020. The motion carried.

These minutes approved on the 11<sup>th</sup> day of August 2020.

**APPROVED:**

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**Debbie Stout, MAYOR**

**ATTEST:**

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