

## **ALLEN CITY COUNCIL**

### **REGULAR MEETING**

**SEPTEMBER 8, 2020**

#### **Present:**

Debbie Stout, Mayor

#### **Councilmembers:**

Gary L. Caplinger, Mayor Pro Tem

Kurt Kizer

Carl Clemencich (arrived at 7:00 p.m.)

Lauren Doherty

Chris Schulmeister

Baine Brooks

#### **City Staff:**

Eric Ellwanger, City Manager

Eric Strong, Deputy City Manager

Tim Dentler, Assistant City Manager

Rebecca Vice, Assistant City Manager

Shelley B. George, City Secretary

Teresa Warren, Director, Public and Media Relations

Lauren Field, Deputy City Secretary

Pete Smith, 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, September 8, 2020, in the Council Chambers of the Allen City Hall, 305 Century Parkway, Allen, Texas.

- 1. Update from the Allen Community Development Corporation.**
- 2. Committee Updates from City Council Liaisons.**

Updates were given on the following Boards:  
Council Nominating Committee

- 3. Questions on Current Agenda.**

With no further discussion, the Workshop Session of the Allen City Council was adjourned at 6:47 p.m. on Tuesday, September 8, 2020.

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

With a quorum of the Councilmembers present, the Regular Meeting of the Allen City Council was called to order by Mayor Stout at 7:00 p.m. on Tuesday, September 8, 2020, in the Council Chambers of the Allen City Hall, 305 Century Parkway, Allen, Texas.

**Pledge of Allegiance**

**Public Recognition**

**1. Citizen Comments.**

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

- Presentation of a Proclamation to Jeff Timbs, Library Director, Proclaiming September 2020 as "Library Card Sign-up Month."

**Consent Agenda**

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

**3. Approve Minutes of the August 28, 2020, Regular City Council Meeting.**

**4. Adopt an Ordinance Approving a Negotiated Settlement Between the Atmos Cities Steering Committee and Atmos Energy Corporation, Mid-Tex Division Regarding the Company's 2020 Rate Review Mechanism (RRM) Filing.**

**ORDINANCE NO. 3770-9-20:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2020 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHED EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN ATTACHED EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL.

**5. Adopt a Resolution Authorizing the City Manager to Execute an Interlocal Agreement Between the Cities of Allen, Plano, and The Colony to Allow the City of The Colony to Use the Radio System Jointly Owned by the City of Allen and the City of Plano.**

**RESOLUTION NO. 3771-9-20(R)**: A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL COOPERATION AGREEMENT BY AND BETWEEN THE CITIES OF ALLEN AND PLANO AND THE COLONY FOR THE USE OF THE RADIO SYSTEM THAT IS JOINTLY OWNED BY THE CITY OF ALLEN AND THE CITY OF PLANO; AUTHORIZING EXECUTION OF THE INTERLOCAL AGREEMENTS BY THE CITY MANAGER; AND PROVIDING AN EFFECTIVE DATE.

6. **Adopt a Resolution Designating The Allen American and The Dallas Morning News as Official Newspapers of the City of Allen for Fiscal Year 2020-2021.**

**RESOLUTION NO. 3772-9-20(R)**: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, DESIGNATING THE ALLEN AMERICAN AND THE DALLAS MORNING NEWS AS THE OFFICIAL NEWSPAPERS OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, FOR FISCAL YEAR 2020-2021; AND PROVIDING AN EFFECTIVE DATE.

7. **Award Bid and Authorize the City Manager to Execute a Contract with Criterion Contractors, Inc., for the City Hall Rotunda Reception Station Construction Project in the amount of \$119,055.**
8. **Award Bid and Authorize the City Manager to Purchase Fitness Equipment from Team Marathon Fitness, Inc., for Don Rodenbaugh Natatorium and Joe Farmer Recreation Center in the Amount of \$182,609.**
9. **Accept Required Certifications from the Tax Assessor/Collector's Office Including the Certifications Rate for the 2020 Tax Year, the Certification of Excess Debt Collections for the 2019 Tax Year, and the 2020 Appraisal Roll.**

The motion carried.

#### **Regular Agenda**

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10. **Conduct a Public Hearing on the Fiscal Year 2020-2021 Budget as Required by Article IV, Section 4.04 of the Allen City Charter and Adopt an Ordinance Approving the Fiscal Year 2020-2021 Budget, Amending the Fiscal Year 2019-2020 Budget, and Approving the 2021-2025 Capital Improvement Program.**

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

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

**ORDINANCE NO. 3773-9-20**: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, APPROVING AND ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020, AND ENDING SEPTEMBER 30, 2021; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET; APPROPRIATING AND SETTING ASIDE THE NECESSARY FUNDS OUT OF THE GENERAL AND OTHER REVENUES FOR SAID FISCAL YEAR FOR THE MAINTENANCE AND OPERATION OF THE VARIOUS DEPARTMENTS AND FOR VARIOUS ACTIVITIES AND IMPROVEMENTS OF THE CITY; APPROPRIATING THE

VARIOUS AMOUNTS REQUIRED FOR SUCH BUDGET; PROVIDING FOR RECORDING OF THE ORDINANCE; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION:** Upon a motion by Councilmember Doherty and a second by Councilmember Brooks, the Council voted seven (7) for and none (0) opposed to adopt Ordinance No. 3773-9-20, as previously captioned, approving the Fiscal Year 2020-2021 budget, amending the Fiscal Year 2019-2020 budget, and approving the 2021-2025 Capital Improvement Program. The motion carried.

**MOTION:** Upon a motion by Mayor Pro Tem Caplinger and a second by Councilmember Brooks, the Council voted seven (7) for and none (0) opposed to ratify the increase in property tax revenues reflected in the Fiscal Year 2020-2021 budget. The motion carried.

**11. Conduct a Public Hearing Regarding the Fiscal Year 2020-2021 City Tax Rate and Adopt an Ordinance Setting the Tax Rate for the Fiscal Year 2020-2021 Budget.**

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

The following individual spoke in opposition to the item:  
Dave Cornette, 310 Willow Brook Drive, Allen, Texas 75002.

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

**ORDINANCE NO. 3774-9-20:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, LEVYING THE AD VALOREM TAXES FOR THE TAX YEAR 2020 (FISCAL YEAR 2020-2021) AT A RATE OF \$0.485000 PER ONE HUNDRED DOLLARS (\$100) ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF ALLEN AS OF JANUARY 1, 2020, TO PROVIDE REVENUE FOR THE PAYMENT OF CURRENT EXPENSES; PROVIDING FOR AN INTEREST AND SINKING FUND FOR ALL OUTSTANDING DEBT OF THE CITY OF ALLEN; PROVIDING FOR DUE AND DELINQUENT DATES TOGETHER WITH PENALTIES AND INTEREST; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**MOTION:** Upon a motion by Councilmember Kizer and a second by Councilmember Schulmeister, the Council voted seven (7) for and none (0) opposed to that the property tax rate be increased by the adoption of a tax rate of \$0.485000, which is effectively a 0.20 percent increase in the tax rate, adopt Ordinance No. 3774-9-20, as previously captioned, setting the that tax rate for the Fiscal Year 2020-2021. The motion carried.

**12. Adopt a Resolution Implementing the Water and Sewer Rates Recommended for Fiscal Year 2020-2021.**

**RESOLUTION NO. 3775-9-20(R):** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ESTABLISHING SANITARY SEWER CHARGES AND WATER SERVICE CHARGES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**MOTION:** Upon a motion by Councilmember Clemencich and a second by Councilmember Brooks, the Council voted seven for (7) and none (0) opposed to adopt Resolution No. 3775-9-20(R), as previously captioned, setting new rates for residential and commercial water and sewer services. The motion carried.

**13. Adopt an Ordinance Amending the Code of Ordinances by Amending, in Its Entirety, Chapter 10, Offenses - Miscellaneous, Article V, Electioneering at Polling Locations Conducted on City-Owned Properties.**

**ORDINANCE NO. 3776-9-20:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF ALLEN, TEXAS, BY AMENDING IN ITS ENTIRETY CHAPTER 10 "OFFENSES-MISCELLANEOUS," ARTICLE V, "ELECTIONEERING AT POLLING LOCATIONS" PROVIDING FOR REGULATIONS OF ELECTIONEERING CONDUCTED ON CITY PROPERTY USED AS ELECTION POLLING PLACES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION:** Upon a motion by Councilmember Kizer and a second by Councilmember Brooks, the Council voted seven (7) for and none (0) opposed to adopt Ordinance No. 3776-9-20, as previously captioned, amending the Code of Ordinances by amending in its entirety Chapter 10, Offenses – Miscellaneous, Article V, Electioneering at Polling Locations Conducted on City-Owned Property. With an amendment to limit each sign to a maximum of 16 square feet in size. The motion carried.

**Other Business**

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**14. Calendar.**

**15. Item of Interest.**

- Council wished happy birthday to Councilmember Kizer.
- Councilmember Brooks commended the staff at the Courses at Watters Creek for their operation of the golf course.
- Councilmember Brooks thanked Chief Boyd and staff for their work during COVID-19.

Mayor Stout announced the Executive Session then recessed the Regular Agenda at 8:04 p.m.

**Executive Session**

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In accordance with the Texas Government Code, the Allen City Council convened into Executive Session at 8:20 p.m. on Tuesday, September 8, 2020, in the Basement Meeting Room, 305 Century Parkway, Allen, Texas, in order to discuss matters pertaining to:

**16. Personnel Pursuant to Section 551.074 of the Texas Government Code – Discussion of the duties and the responsibilities of the City Manager.**

The Executive Session adjourned at 9:04 p.m. on Tuesday, September 8, 2020.

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

The Allen City Council reconvened into the Regular Meeting at 9:06 p.m. on Tuesday, September 8, 2020. No action was taken on items discussed during the Executive Session.

**Adjournment**

**MOTION:** Upon a motion made by Councilmember Brooks and a second by Councilmember Doherty, the Council voted seven (7) for and none (0) opposed to adjourn the Regular Meeting of the Allen City Council at 9:07 p.m. on Tuesday, September 8, 2020. The motion carried.

These minutes approved on the 22<sup>nd</sup> day of September 2020.

**APPROVED:**

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**Debbie Stout, MAYOR**

**ATTEST:**

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