

ALLEN CITY COUNCIL

REGULAR MEETING

FEBRUARY 23, 2021

Present:

Kenneth Fulk, Mayor

Councilmembers:

Baine Brooks, Mayor Pro Tem

Kurt Kizer

Carl Clemencich

Lauren Doherty

Chris Schulmeister

Gary L. Caplinger (absent)

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

Rocio Gonzalez, Deputy City Secretary

Pete Smith, Attorney

Workshop Session

With a quorum of the Councilmembers present, the Workshop Session of the Allen City Council was called to order by Mayor Fulk at 6:02 p.m. on Tuesday, February 23, 2021, in the Multipurpose Room of Allen Senior Recreation Center, 451 St. Mary Drive, Allen, Texas.

- 1. Presentation Regarding Quality of Life Issues Related to Traffic Concerns City-wide.**
- 2. Briefing on City Response to Winter Storm.**
- 3. Committee Updates from City Council Liaisons.**
- 4. Questions on Current Agenda.**

With no further discussion, the Workshop Session of the Allen City Council was adjourned at 6:56 p.m. on Tuesday, February 23, 2021.

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 Fulk at 7:04 p.m. on Tuesday, February 23, 2021, in the Multipurpose Room of Allen Senior Recreation Center, 451 St. Mary Drive, Allen, Texas.

Pledge of Allegiance

1. Accept Resignation from Gary L. Caplinger and Declare a Vacancy in Place No. 5 on the Allen City Council.

MOTION: Upon a motion made by Councilmember Schulmeister and a second by Councilmember Kizer, the Council voted six (6) for and none (0) opposed to accept the resignation from Gary L. Caplinger and declare a vacancy in Place No. 5 on the Allen City Council. The motion carried.

Public Recognition

2. Citizen Comments.

Consent Agenda

MOTION: Upon a motion made by Councilmember Doherty and a second by Councilmember Schulmeister, the Council voted six (6) for and none (0) opposed to adopt all items on the Consent Agenda as follows:

- 3. Approve Minutes of the February 9, 2021, Regular City Council Meeting.**
- 4. Adopt a Resolution Providing for a Representative of the Allen Heritage Guild to Serve as a Non-Voting Member of the Allen Parks and Recreation Board.**

RESOLUTION NO. 3802-2-21(R): A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, PROVIDING FOR A REPRESENTATIVE OF THE ALLEN HERITAGE GUILD TO THE ALLEN PARKS AND RECREATION BOARD; AND PROVIDING FOR AN EFFECTIVE DATE.

- 5. Adopt a Resolution Approving and Authorizing Publication and Posting of Notice of Intention to Issue Certificates of Obligation and Declaring Expectation to Reimburse Expenditures with Proceeds of Future Debt for the Construction of the Stephen G. Terrell Recreation Center and Public Infrastructure Improvements Related to Projects at Alma and State Highway 121.**

RESOLUTION NO. 3803-2-21(R): A RESOLUTION APPROVING AND AUTHORIZING PUBLICATION AND POSTING OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION AND DECLARING EXPECTATION TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT.

- 6. Adopt a Resolution Authorizing the City Manager to Apply For, Accept, Reject, Alter, or Terminate a One-Year Grant from the State of Texas, Office of the Governor, Criminal Justice Division to Fund a Mental Health Coordinator.**

RESOLUTION NO. 3804-2-21(R): A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, TO APPLY FOR, ACCEPT, REJECT, ALTER, OR TERMINATE GRANT # 4280401 A GRANT FROM THE STATE OF TEXAS, OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION PROVIDING FUNDING FOR A MENTAL HEALTH COORDINATOR, IF AWARDED.

7. **Adopt a Resolution Declaring the Expectation to Reimburse Expenditures with Proceeds of Future Debt from Waterworks and Sewer System (WW&SS) Revenue Bonds, Series 2021 for the Sloan Creek Sewer Trunk Project.**

RESOLUTION NO. 3805-2-21(R): A RESOLUTION DECLARING EXPECTATION TO REIMBURSE WITH PROCEEDS OF FUTURE DEBT.

8. **Award Bid and Authorize the City Manager to Execute a Contract with Western Municipal Construction of Texas, LLC, for the Sloan Creek Trunk Sewer Project in the Amount of \$1,579,372.**
9. **Authorize the City Manager to Execute the Purchase of Emergency Medical Service Supplies from Bound Tree Medical, LLC, through an Interlocal Cooperative Agreement with the City of Richardson for an Annual Amount of \$165,000.**
10. **Authorize the City Manager to Continue the Use of the T-Mobile Texas Department of Information Resources (TXDIR) Contract for Cellular Equipment and Service for an Average Annual Amount of \$190,000.**
11. **Authorize the City Manager to Execute a Purchase with the Texas Department of Transportation for the Old Custer Road Right-of-Way for the Expansion of the Six Cities Trail Plan Connecting Area Neighborhoods in the Amount of \$202,260.**
12. **Award Bid and Authorize the City Manager to Execute a Contract with Knight Erosion Control, Inc., for the Construction of Watters Creek Golf Course Infrastructure Improvements Project Phase I in the Amount of \$304,894.**
13. **Authorize the City Manager to Execute a Contract with Musco Sports Lighting, LLC, through BuyBoard Cooperative Purchasing for a Full Replacement of the Sports Lighting System at the Allen Event Center in the Amount of \$275,500.**
14. **Authorize the City Manager to Execute a Contract with Daktronics, Inc., through BuyBoard Cooperative Purchasing for a Full Replacement of the Audio/Visual Systems at the Allen Event Center in the Amount of \$2,713,931.**
15. **Receive the Quarterly Investment Report for Period Ending December 31, 2020.**
16. **Receive the Financial Report for Period Ending December 31, 2020.**

The motion carried.

Regular Agenda

17. **Adopt a Resolution Approving an Interlocal Agreement with Collin County Regarding Funding and Implementation of the Emergency Rental Assistance Program funded by Collin County and the U.S. Treasury.**

RESOLUTION NO. 3806-2-21(R): A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN INTER- LOCAL COOPERATION AGREEMENT BY AND BETWEEN THE CITY OF ALLEN AND COLLIN COUNTY, TEXAS, FOR THE FUNDING AND IMPLEMENTATION OF AN COVID-19 EMERGENCY RENTAL ASSISTANCE PROGRAM; AUTHORIZING ITS EXECUTION BY THE CITY MANAGER OR DESIGNEE; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Upon a motion made by Councilmember Brooks and a second by Councilmember Doherty, the Council voted six (6) for and none (0) opposed to adopt Resolution No. 3806-2-21(R), as previously captioned, to approve the funding and implementation of a COVID-19 Emergency Rental Assistance Program. The motion carried.

18. **Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Contract with Community Development Properties North Texas, Inc., a Delaware non-profit Corporation, to Administer the Following Programs on behalf of the City of Allen: The Texas Emergency Rental Assistance Program and Texas Eviction Diversion Program funded with CDBG-CV Funds from the Texas Department of Housing and Community Affairs, the Emergency Rental Assistance Program funded by Collin County and the U.S. Treasury, and the Small Business Grant Program funded by CDBG-CV through the Department of Housing and Urban Development in the Amount of \$3,305,341.**

RESOLUTION NO. 3807-2-21(R): A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT IN THE AMOUNT OF \$3,305,340.65 WITH COMMUNITY DEVELOPMENT PROPERTIES NORTH TEXAS, INC., A DELAWARE NON-PROFIT CORPORATION, TO ADMINISTER THE FOLLOWING PROGRAMS ON BEHALF OF THE CITY OF ALLEN: THE TEXAS EMERGENCY RENTAL ASSISTANCE PROGRAM AND TEXAS EVICTION DIVERSION PROGRAM FUNDED WITH CDBG-CV FUNDS FROM THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS, THE EMERGENCY RENTAL ASSISTANCE PROGRAM FUNDED BY COLLIN COUNTY AND THE U.S. TREASURY, AND THE SMALL BUSINESS GRANT PROGRAM FUNDED BY CDBG-CV THROUGH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; REPEALING ALL RESOLUTIONS IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Upon a motion made by Councilmember Doherty and a second by Councilmember Clemencich, the Council voted six (6) for and none (0) opposed to adopt Resolution No. 3807-2-21(R), as previously captioned, approving a contract with Community Development Properties of North Texas, Inc., to administer the various programs on behalf of the City of Allen. The motion carried.

19. **Conduct a Public Hearing and Adopt an Ordinance to Approve a Site Plan for Allen Veterinary Hospital and Ace Pet Resort Being AVH Kennels Addition, Block A, Lots 1 and 2 and Generally Located at the Northwestern Corner of the Intersection of Roaring Springs Drive and Main Street. [Allen Veterinary Hospital]**

Mayor Fulk 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 Fulk closed the public hearing.

ORDINANCE NO. 3808-2-21: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE SITE PLAN FOR THE USE AND DEVELOPMENT OF LOT 1, BLOCK A, AVH KENNELS ADDITION, AND ADOPTING A SITE PLAN FOR THE USE AND DEVELOPMENT OF LOT 2, BLOCK A, AVH KENNELS ADDITION, CITY OF ALLEN, COLLIN COUNTY, TEXAS, LOCATED IN PLANNED DEVELOPMENT NO. 5 ("PD NO. 5") FOR SHOPPING CENTER "SC" USES; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Upon a motion made by Councilmember Kizer and a second by Councilmember Schulmeister, the Council voted six (6) for and none (0) opposed to adopt Ordinance No. 3808-2-21, as previously captioned, amending the Site Plan for Allen Veterinary Hospital and Ace Pet Resort Being AVH Kennels Addition. The motion carried.

20. Conduct a Public Hearing and Adopt an Ordinance to Amend the Development Regulations for a Portion of District H of Planned Development No. 108 Mixed Use and Adopt a Concept Plan, Building Elevations, and Access Exhibit for the Property Generally Located North of Stockton Drive and East of Bossy Boots Drive. [Senior Co-operative Living - Senior Independent Living]

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

David Hicks, 401 Woodlake Drive, Allen, Texas, spoke in support of the item.

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

ORDINANCE NO. 3809-2-21: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE ALLEN LAND DEVELOPMENT CODE ZONING REGULATIONS AND ZONING MAP, AS PREVIOUSLY AMENDED, BY AMENDING THE DEVELOPMENT REGULATIONS OF PLANNED DEVELOPMENT "PD" NO. 108 MIXED USE "MIX" AND ADOPTING A CONCEPT PLAN, BUILDING ELEVATIONS, AND ACCESS EXHIBIT ON 11.000± ACRES LOCATED IN THE JOHN FYKE SURVEY, ABSTRACT NO. 325 DESCRIBED IN EXHIBIT "A" HERETO; PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR 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 made by Councilmember Schulmeister and a second by Councilmember Doherty, the Council voted four (4) for and two (2) opposed, with Mayor Fulk and Councilmember Brooks casting the opposing votes, to adopt Ordinance No. 3809-2-21, as previously captioned, to amend development regulations for a portion of District H of PD 108 and adopt a concept plan, building elevations, and access with the following conditions as

recommended by staff: 1) the requirement for a restrictive covenant for age 62 restrictions in the Development Regulations; and, 2) the planting of canopy trees a minimum of 35 feet on center and four caliber inches in the northern landscape buffer to match the phasing of the masonry screen wall. The motion carried.

21. **Conduct a Public Hearing and Adopt an Ordinance for a Specific Use Permit SUP for a Fitness and Health Center use on Lot 1R1, Block D, Bray Central One Addition; Generally Located South of Junction Drive and East of Watters Road (and Commonly Known as 510 N. Watters Road). [UFC Fit Club Allen]**

Mayor Fulk 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 Fulk closed the public hearing.

ORDINANCE NO. 3810-2-21: 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. 179 AUTHORIZING LOT 1R1, BLOCK D, BRAY CENTRAL ONCE ADDITION, PRESENTLY ZONED AS PLANNED DEVELOPMENT PD NO. 54 CORRIDOR COMMERCIAL “CC” ZONING DISTRICT, TO BE USED FOR A FITNESS AND HEALTH CENTER; 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 made by Councilmember Kizer and a second by Councilmember Brooks, the Council voted six (6) for and none (0) opposed to adopt Ordinance No. 3810-2-21, as previously captioned, for a Specific Use Permit SUP for a Fitness and Health Center. The motion carried.

Other Business

23. **Calendar.**

24. **Items of Interest.**

- Mayor Fulk announced his charity of the month was Kids Against Hunger.

Mayor Fulk recessed the Regular Agenda at 8:33 p.m. and announced the Executive Session.

Executive Session

In accordance with the Texas Government Code, the Allen City Council convened into Executive Session at 8:46 p.m. on Tuesday, February 23, 2021, in the Training Room of Allen Senior Recreation Center, 451 St. Mary Drive, Allen, Texas, in order to discuss matters pertaining to:

25. **Pursuant to Section 551.074 of the Texas Government Code, for Personnel Matters:**

- Discussion Regarding Election of Mayor Pro Tem.

The Executive Session adjourned at 8:52 p.m. on Tuesday, February 23, 2021.

26. Reconvene and Consider Action on Items Resulting from Executive Session.

The Allen City Council reconvened into the Regular Meeting at 8:55 p.m. on Tuesday, February 23, 2021. The following action was taken on items discussed during Executive Session.

22. Conduct the Election of Mayor Pro Tem.

Mayor Fulk called for nominations from the Council on the position of Mayor Pro Tem.

Councilmember Clemencich nominated Councilmember Brooks.

With no other nominations offered, Mayor Fulk closed the call for nominations.

MOTION: Upon a motion made by Councilmember Clemencich and a second by Councilmember Schulmeister, the Council voted six (6) for and none (0) opposed to elect Councilmember Brooks as Mayor Pro Tem. The motion carried.

Adjournment

MOTION: Upon a motion made by Councilmember Doherty and a second by Councilmember Clemencich, the Council voted six (6) for and none (0) opposed to adjourn the Regular Meeting of the Allen City Council at 8:57 p.m. on Tuesday, February 23, 2021. The motion carried.

These minutes approved on the 9th day of March 2021.

APPROVED:

Kenneth M. Fulk, MAYOR

ATTEST:

Shelley B. George, TRMC, CITY SECRETARY