

ALLEN CITY COUNCIL

REGULAR MEETING

MAY 25, 2021

Present:

Kenneth Fulk, Mayor

Councilmembers:

Baine Brooks, Mayor Pro Tem (absent)

Kurt Kizer

Daren Meis

Carl Clemencich

Lauren Doherty

Chris Schulmeister

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 6:00 p.m. on Tuesday, May 25, 2021, in the Basement Meeting Rooms of Allen City Hall, 305 Century Parkway, Allen, Texas.

- 1. Update on Allen USA Celebration.**
- 2. Update on Hotel and Convention Center.**
- 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 6:49 p.m. on Tuesday, May 25, 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 7:00 p.m. on Tuesday, May 25, 2021, in the City Council Chambers of Allen City Hall, 305 Century Parkway, Allen, Texas.

Pledge of Allegiance

1. Posting of the Colors by Boy Scouts from Troop #1914.

Members of Boy Scout Troop #1914 Posted the Colors and Lead the Pledge of Allegiance.

Public Recognition

2. Citizen Comments.

- Ken Byler, 204 Allenwood Drive, Allen, Texas, spoke regarding term limits for Allen City Council.
- Council recognized scouts from Troop #1914 attending the council meeting as a requirement for the Citizenship in the Community merit badge.

Consent Agenda

MOTION: Upon a motion made by Councilmember Clemencich and a second by Councilmember Doherty, the Council voted five (5) for and none (0) opposed to adopt all items on the Consent Agenda as follows:

3. Approve Minutes of the May 11, 2021, Regular City Council Meeting.

4. Adopt an Ordinance Amending the Code of Ordinances, Chapter 6 – Health and Environment, Article VIII, Division 4 Related to Swimming Pools, Spas, Lagoons and Public Interactive Water Features.

ORDINANCE NO. 3824-5-21: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 6, "HEALTH AND ENVIRONMENT," ARTICLE VIII, "ENVIRONMENTAL HEALTH," BY AMENDING DIVISION 1, IN ITS ENTIRETY; AND BY AMENDING DIVISION 4, IN ITS ENTIRETY; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

5. Adopt an Ordinance Approving the Settlement Agreement between CoServ Gas, Ltd., And the CoServe Gas Cities.

ORDINANCE NO. 3825-5-21: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, FINDING THAT THE SETTLEMENT AGREEMENT BETWEEN THE CITY AND COSERV GAS, LTD., IS REASONABLE; ORDERING COSERV GAS, LTD., TO IMPLEMENT THE RATES AGREED TO IN THE SETTLEMENT AGREEMENT; REQUIRING REIMBURSEMENT OF CITIES' RATE CASE EXPENSES; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS

REQUIRED BY LAW; REQUIRING NOTICE OF THIS ORDINANCE TO THE COMPANY AND LEGAL COUNSEL; AND PROVIDING FOR AN EFFECTIVE DATE.

6. **Adopt a Resolution Denying Oncor Electric Delivery Company's Application for Approval of a Distribution Cost Recovery Factor.**

RESOLUTION NO. 3826-5-21(R): A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY, LLC'S, APPLICATION FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; AUTHORIZING PARTICIPATION WITH ONCOR CITIES STEERING COMMITTEE; AUTHORIZING THE HIRING OF LEGAL COUNSEL AND CONSULTING SERVICES; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL; AND PROVIDING FOR AN EFFECTIVE DATE.

7. **Adopt a Resolution Appointing Pete Phillis to Fill a Vacant Term in Place No. 4 on the Board of Directors for Tax Increment Financing (TIF) Reinvestment Zone No. 1 (Garden District).**

RESOLUTION NO. 3827-5-21(R): A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, APPOINTING THE BOARD OF DIRECTORS OF THE ALLEN TAX INCREMENT FINANCING REINVESTMENT ZONE NO. 1; AND PROVIDING FOR AN EFFECTIVE DATE.

8. **Adopt a Resolution Approving the Terms and Conditions of an Advance Funding Agreement (AFA) with The State of Texas Acting by and through The Texas Department of Transportation for the Allen Gateway Project.**

RESOLUTION NO. 3828-5-21(R): A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, APPROVING THE TERMS AND CONDITIONS OF THE ADVANCE FUNDING AGREEMENT (HEREINAFTER "AGREEMENT") FOR THE ALLEN GATEWAY PROJECT BY AND BETWEEN THE CITY OF ALLEN, TEXAS, AND THE STATE OF TEXAS, ACTING BY AND THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION; AUTHORIZING ITS EXECUTION BY THE CITY MANAGER; AND PROVIDING AN EFFECTIVE DATE.

9. **Award Bid and Authorize the City Manager to Execute a Contract with Advance Contracting Group for the 2021 Streets and Alley Rehabilitation Project in the Amount of \$967,050.**

10. **Authorize the City Manager to Execute a Sales Tax Revenue Reimbursement Agreement By and Between the City of Allen and Allen Economic Development Corporation for The Farm and The Avenue Projects.**

11. **Approve the Recommendation from the Tax Increment Financing (TIF) Reinvestment Zone Number One (Garden District) Board of Directors Relating to Payment to Watters Creek Owner, LLC, from the TIF Fund in the Amount of \$662,819.33 from the City Tax Increment, \$147,947.72 from the County Tax Increment, and a payment to the City from the TIF Fund in the Amount of \$15,000 for Administrative Support.**

12. **Authorize the City Manager to Execute a Contract with Erik Carlson, dba Area C Projects for the Design, Fabrication, and Installation of Artwork at the Don Rodenbaugh Natatorium in the Amount of \$200,000.**

The motion carried.

Regular Agenda

13. **Conduct a Public Hearing and Adopt an Ordinance for a Specific Use Permit for a Restaurant/Private Club Use for a 6,493± Square Foot Portion of a Building Located on Lot 7A-1, Block A, The Village at Allen; Generally Located South of Stacy Road and East of U.S. Highway 75 (and Commonly Known as 190 E. Stacy Road, B1000, Suite 1000). [Bar Louie (change ownership)]**

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

Diana Mather, 119 Cimarron Trail, Irving, Texas, did not speak, but wished her support be recorded.

With no one speaking, Mayor Fulk closed the Public Hearing.

ORDINANCE NO. 3829-5-21: 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. 180 AUTHORIZING AN APPROXIMATELY 6,493± SQUARE FOOT PORTION OF A BUILDING LOCATED ON LOT 7A-1, BLOCK A, THE VILLAGE AT ALLEN, PRESENTLY ZONED FOR PLANNED DEVELOPMENT “PD” NO. 73 SHOPPING CENTER “SC” TO BE USED FOR A RESTAURANT/PRIVATE CLUB USE; PROVIDING A CONFLICTS RESOLUTION CLAUSE; REPEALING ORDINANCE NO. 3582-6-18; 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 Schulmeister and a second by Councilmember Meis, the Council voted five (5) for and none (0) opposed to adopt Ordinance No. 3829-5-21, as previously captioned, to granting Specific Use Permit No. 180 for a Restaurant/Private Club use. The motion carried.

14. **Conduct a Public Hearing and Adopt an Ordinance to Amend the Development Regulations of a Portion of Tract 6 of Planned Development No. 55 Commercial/Office to Allow Medical Clinic as a Permitted Use on Lot 4, Block B, Allen Central Retail Addition No. 3, Generally Located Directly South of McDermott Drive and West of U.S. Highway 75. (805 W. McDermott Drive [Texas Health Urgent Care])**

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

Robert Reeves, 3807 Vinecrest Drive, Dallas, Texas, spoke in support of this item.

Diana Mather, 119 Cimarron Trail, Irving, Texas, did not speak, but wished her support be recorded.

With no one else speaking, Mayor Fulk closed the Public Hearing.

ORDINANCE NO. 3830-5-21: 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 AMENDING THE USE AND DEVELOPMENT REGULATIONS OF LOT 4, BLOCK B, ALLEN CENTRAL RETAIL ADDITION, LOCATED IN AND SUBJECT TO THE REGULATIONS OF TRACT 6 OF PLANNED DEVELOPMENT "PD" NO. 55 TO ALLOW SAID PROPERTY TO BE USED FOR MEDICAL CLINIC USE; 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 Schulmeister and a second by Councilmember Doherty, the Council voted five (5) for and none (0) opposed to adopt Ordinance No. 3830-5-21, as previously captioned, to amend Planned Development No. 55 with the base zoning of Commercial/Office for a property generally located south of McDermott Drive and west of U.S. Highway 75. The motion carried.

Mayor Fulk recessed for a brief break at 7:35 p.m.

Mayor Fulk reconvened the meeting at 7:44 p.m.

15. Adopt a Resolution Establishing Rates and Fees for Commercial and Residential Solid Waste, Recycling, and Household Hazardous Waste Services.

RESOLUTION NO. 3831-5-21(R): A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ESTABLISHING FEES AND RATES FOR RESIDENTIAL AND COMMERCIAL SOLID WASTE COLLECTION SERVICES; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Upon a motion made by Councilmember Clemencich and a second by Councilmember Schulmeister, the Council voted five (5) for and none (0) opposed to adopt Resolution No. 3831-5-21(R), as previously captioned, establishing rates and fees for commercial and residential solid waste, recycling, and household hazardous waste services. The motion carried.

Other Business

16. Calendar.

- May 24 - June 1 – Early Voting Period for Runoff Election
- May 31 – City Facilities Closed in Observance of Memorial Day
- June 5 – Election Day, 7 a.m. – p.m.

17. Items of Interest.

- Councilmember Doherty congratulated area 2021 High School graduates.
- Mayor Fulk announced All Community Outreach Food Pantry as his charity of the month.

- Councilmember Schulmeister congratulated Officer Justin De La Cruz for his being recognized by Representative Leach for his community work as Officer Maxwell in education children through Patrol Stories.

Mayor Fulk recessed the Regular Agenda at 7:55 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 8:03 p.m. on Tuesday, May 25, 2021, in the Council Conference Room, 305 Century Parkway, Allen, Texas, in order to discuss matters pertaining to:

18. Economic Development Deliberations As Authorized by Section 551.087 of the Texas Government Code —

- Discussion of Potential Economic Incentives with Thakkar Development Group, LLC, for The Avenue Project Along SH 121 Corridor.

The Executive Session adjourned at 8:57 p.m. on Tuesday, May 25, 2021.

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

The Allen City Council reconvened into the Regular Meeting at 8:59 p.m. on Tuesday, May 25, 2021. No action was taken on items discussed in Executive Session.

Adjournment

MOTION: Upon a motion made by Councilmember Doherty and a second by Councilmember Meis, the Council voted five (5) for and none (0) opposed to adjourn the Regular Meeting of the Allen City Council at 9:00 p.m. on Tuesday, May 25, 2021. The motion carried.

These minutes approved on the 8th day of June 2021.

APPROVED:

Kenneth M. Fulk, MAYOR

ATTEST:

Shelley B. George, TRMC, CITY SECRETARY