

ALLEN CITY COUNCIL

REGULAR MEETING

AUGUST 10, 2021

Present:

Kenneth M. Fulk, Mayor

Councilmembers:

Baine Brooks, Mayor Pro Tem (absent)

Daren Meis

Carl Clemencich

Dave Cornette

Chris Schulmeister

Dave Shafer

City Staff:

Eric Ellwanger, City Manager

Eric Strong, Deputy City Manager

Tim Dentler, Assistant City Manager (absent)

Rebecca Vice, Assistant City Manager

Shelley B. George, City Secretary

Teresa Warren, Director, Public and Media Relations

Rocio Gonzalez, Deputy City Secretary (absent)

Pete Smith, City 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, August 10, 2021, in the Basement Meeting Rooms of Allen City Hall, 305 Century Parkway, Allen, Texas.

- 1. Introduction of Kirk Arnold, Boardmember of the Allen Convention and Visitors Bureau.**
- 2. Introduction to the FY2021-22 Proposed Budget.**
- 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 6:51 p.m. on Tuesday, August 10, 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, August 10, 2021, in the City Council Chambers of Allen City Hall, 305 Century Parkway, Allen, Texas.

Pledge of Allegiance

Public Recognition

1. Citizen's Comments.

Ken Byler, 204 Allenwood, Allen, Texas, expressed his support for naming the courtyard at the Allen Public Library after Ruth Pringle.

The following individuals expressed support for holding the Council Budget Workshop in Allen:

- Paula Cheek, 903 Glen Rose Drive, Allen, Texas;
- Jeff Lytle, 107 Windsong Way, Allen, Texas;
- Matt Thorsen, 600 Ridgemont Drive, Allen, Texas; and
- Elle Larkin, 818 Rushmore Drive, Allen, Texas.

2. Recognition of the Budget Division for Receipt of the GFOA Distinguished Budget Presentation Award for the Fiscal Year beginning October 1, 2020.

3. Presentation of the Allen Convention and Visitors Bureau Annual Report by Boardmember Kirk Arnold.

Consent Agenda

Councilmember Meis requested item 7 be removed from the Consent Agenda.

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

4. Approve Minutes of the July 27, 2021, Regular City Council Meeting.

5. Adopt an Ordinance Amending the Code of Ordinances, Chapter 8, "Licenses and Business Regulations," Article II, "Alcoholic Beverages," Section 8-16, "Sale of Alcoholic Beverages from a Package Liquor Store Prohibited Near Churches, Schools and Hospitals," by Amending Section 8-16 Regulating the "Sale of Alcoholic Beverages from a Package Liquor Store Prohibited Near Churches, Schools and Hospitals."

ORDINANCE NO. 3843-8-21: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE CODE OF ORDINANCES BY RETITLING AND AMENDING SECTION 8-16 "SALE OF ALCOHOLIC BEVERAGES FROM A PACKAGE LIQUOR STORE PROHIBITED NEAR CHURCHES, SCHOOLS, AND HOSPITALS"; PROVIDING FOR A REPEALING CLAUSE; PROVIDING 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.

6. Award Bid and Authorize the City Manager to Execute a Contract with North Rock Construction, LLC, for Parking Lot Improvements at Spirit Park in the Amount of \$266,010.

The motion carried.

7. **Authorize the City Manager to Execute a Professional Services Agreement with Alliance Geotechnical Group, Inc., for Professional Testing and Special Inspection Services for the Stephen G. Terrell Recreation Center in the Amount of \$355,760.**

MOTION: Upon a motion made by Councilmember Meis and a second by Councilmember Schulmeister, the Council voted six (6) for and none (0) opposed to execute a Professional Services Agreement with Alliance Geotechnical Group, Inc., for Professional Testing and Special Inspection Services for the Stephen G. Terrell Recreation Center in the Amount of \$355,760. The motion carried.

Regular Agenda

8. **Conduct a Public Hearing and Adopt an Ordinance to Establish a Planned Development Zoning District with a Base Zoning of Community Facilities and to Adopt Development Regulations, Concept Plan and Sign Elevations on Lot 1R, Block A, Ridgeview Memorial Park; Generally Located at the Southwestern Corner of the Intersection of Ridgeview Drive and U.S. Highway 75. [Turrentine Jackson Morrow]**

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. 3844-8-21: 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 CHANGING THE ZONING REGULATIONS RELATING TO THE USE AND DEVELOPMENT OF LOT 1R, BLOCK A, RIDGEVIEW MEMORIAL PARK, FROM COMMUNITY FACILITIES (CF) TO PLANNED DEVELOPMENT NO. 144 (PD-144) FOR COMMUNITY FACILITIES USES; ADOPTING DEVELOPMENT REGULATIONS, A CONCEPT PLAN, AND SIGN ELEVATIONS; 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 Shafer and a second by Councilmember Cornette, the Council voted six (6) for and none (0) opposed to approve Ordinance No. 3844-8-21, as previously captioned, to establish Planned Development No. 144 with a base zoning of Community Facilities and to adopt a Concept Plan and Sign Elevations for Lot 1R, Block A, Ridgeview Memorial Park. The motion carried.

9. **Conduct a Public Hearing and Adopt an Ordinance to Amend the Development Regulations of Planned Development No. 55 with a Base Zoning of Commercial/Office for Lot 3R-2, Block A, Millennium Office Park By Amending the Regulations Pertaining to Temporary Events; Generally Located at the Northeastern Corner of the Intersection of Watters Creek Boulevard and Bethany Drive. [Marriott - Temporary Events]**

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. 3845-8-21: 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 3R-2, BLOCK A, MILLENNIUM OFFICE PARK, LOCATED IN AND SUBJECT TO THE REGULATIONS OF TRACT 10A-1 OF PLANNED DEVELOPMENT "PD" NO. 55 TO ALLOW SAID PROPERTY TO CHANGE REGULATIONS PERTAINING TO TEMPORARY USES; 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 Clemencich and a second by Councilmember Schulmeister, the Council voted four (4) for and two (2) opposed with Councilmember Shafer and Councilmember Cornette casting the negative votes, to approve Ordinance No. 3845-8-21, as previously captioned, to amend the Development Regulations of Planned Development No. 55 with a base zoning of Commercial/Office for Lot 3R-2, Block A, Millennium Office Park. The motion carried.

10. Conduct a Public Hearing and Adopt an Ordinance to Amend the Allen Land Development Code, Amending: Section 4.06 The Application Process For Zoning Amendments; Sections 4.08.19, 4.15.1.1, 6.04.1.4, 6.06.9, 6.06.10, And 7.04.1.2 Changing The Word "Church" To "Religious Facility"; Section 4.10 Regarding Building Permit Requirements For Accessory Structures; Article IV Adding Section 4.11 "Commercial Accessory Use Regulations; Section 4.15.1 To Clarify Certain Setback Regulation; Section 4.20.2 By Removing The Uses "Beer & Wine Package Sales," "Beer & Wine Package Sales With Greater Than 50% Revenue From Beer & Wine" And "Dance/Martial Arts Studios" And Changing "Church, Temple Or Rectory" To Read "Religious Facility"; Section 4.20.3 By Removing The Use "Gymnastics/Dance Studio" And Adding The Use "Personal Service Business"; Section 4.20.4 By Changing The Word "Church" To "Religious Facility," Adding The Uses "Fitness And Health Center" And "Personal Service Business" And Changing The Phrase "Restaurant/Private Club" To "Private Club"; Section 4.20.5 "Schedule Of Accessory Uses - Central Business District" By Amending The Uses "Fitness And Health Center" And "Personal Service Business"; Section 6.01.1 "Purpose Of Specific Use Permits"; Section 6.03.6 "Restaurants With Food And Beverage Certificates—Permit Process," By Changing "Planning And Development Department" To Read "Community Development Department"; Repealing Section 6.03.8. "Beer And Wine Package Sales—Regulations" And Section 6.03.9 "Beer And Wine Package Sales Permit Process"; Section 6.04.1.4 By Amending Certain Regulations Regarding Seasonal Sales And Temporary Sales; Section 6.06.8 By Amending Regulations Pertaining To Donation Boxes; Section 7.03.4 "Outdoor Lighting" To Prohibit High Pressure Sodium Lamp Types And Permit Additional Types Of Parking Lot Lighting Elements; Table 7.04.1 By Changing "Church, Temple Or Rectory" To Read "Religious Facility"; Section 7.04.2 "Off-Street Loading" By Changing "SH 5" To Read "Greenville Avenue"; Section 7.07 "Fences And Walls" By Deleting The Reference To "Appendix F" In Subsection 2.a, And Changing "Wrought Iron" To "Metal" In Subsection 4.f.; Section 7.08.4.a "Performance Standards" To Exclude Certain Residential Devices.; Section 8.03.3 "Preliminary Plat" And Section 8.03.4 "Final Plat" By Amending Certain Required Plat Notes Relating To

Open Space; Section 8.11 By Amending Regulations Relating To The Types Of Permitted And Prohibited Streetlight Fixtures And Related Design And Installation Regulations; And Appendix A "Definitions," By Deleting Definitions For "Beer And Wine Package Sales," "Church, Temple Or Rectory," "Dance/Martial Arts Studio," "Gymnastics Training Center," And "Personal Service," Amending The Definition Of "Personal Service Business," Adding Definition For "Religious Facility;" Renumbering and/or Reformatting Sections 6.06.2, 6.06.3, 6.06.8, 6.06.10, 6.06.11, 6.06.13, 6.06.14, 6.06.15 Without Changing Any Text Except Otherwise Set Forth In This Ordinance.

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. 3846-8-21: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE ALLEN LAND DEVELOPMENT CODE, AS AMENDED, BY AMENDING: SECTION 4.06 "CHANGES AND AMENDMENTS" REGARDING THE APPLICATION PROCESS FOR ZONING AMENDMENTS; SECTIONS 4.08.19, 4.15.1.1, 6.04.1.4, 6.06.9, 6.06.10, AND 7.04.1.2 BY CHANGING THE WORD "CHURCH" TO "CHURCH OR OTHER RELIGIOUS FACILITY"; SECTION 4.10 "RESIDENTIAL ACCESSORY USE REGULATIONS" REGARDING BUILDING PERMIT REQUIREMENTS FOR ACCESSORY STRUCTURES; ARTICLE IV "ZONING REGULATIONS" BY ADDING SECTION 4.11 "COMMERCIAL ACCESSORY USE REGULATIONS; SECTION 4.15.1 "GENERAL HEIGHT AND AREA PROVISION" TO CLARIFY CERTAIN SETBACK REGULATION; SECTION 4.20.2 "SCHEDULE OF PRINCIPAL USES" BY REMOVING THE USES "BEER & WINE PACKAGE SALES," "BEER & WINE PACKAGE SALES WITH GREATER THAN 50% REVENUE FROM BEER & WINE" AND "DANCE/MARTIAL ARTS STUDIOS" AND CHANGING "CHURCH, TEMPLE OR RECTORY" TO READ "CHURCH, TEMPLE, RECTORY, OR OTHER RELIGIOUS FACILITY" WHERE IT APPEARS; SECTION 4.20.3 "SCHEDULE OF ACCESSORY USES" BY REMOVING THE USE "GYMNASTICS/DANCE STUDIO" AND ADDING THE USE "PERSONAL SERVICE BUSINESS"; SECTION 4.20.4 "SCHEDULE OF PRINCIPAL USES—CENTRAL BUSINESS DISTRICT" BY CHANGING THE WORD "CHURCH" TO READ "CHURCH OR OTHER RELIGIOUS FACILITY," ADDING THE USES "FITNESS AND HEALTH CENTER" AND "PERSONAL SERVICE BUSINESS" AND CHANGING THE PHRASE "RESTAURANT/PRIVATE CLUB" TO READ "PRIVATE CLUB"; SECTION 4.20.5 "SCHEDULE OF ACCESSORY USES - CENTRAL BUSINESS DISTRICT" BY AMENDING THE USES "FITNESS AND HEALTH CENTER" AND "PERSONAL SERVICE BUSINESS"; SECTION 6.01.1 "PURPOSE OF SPECIFIC USE PERMITS"; SECTION 6.03.6 "RESTAURANTS WITH FOOD AND BEVERAGE CERTIFICATES—PERMIT PROCESS," BY CHANGING "PLANNING AND DEVELOPMENT DEPARTMENT" TO READ "COMMUNITY DEVELOPMENT DEPARTMENT"; REPEALING SECTION 6.03.8. "BEER AND WINE PACKAGE SALES—REGULATIONS" AND SECTION 6.03.9 "BEER AND WINE PACKAGE SALES PERMIT PROCESS"; SECTION 6.04.1.4 "TYPES OF TEMPORARY USE PERMITS" BY AMENDING CERTAIN REGULATIONS REGARDING SEASONAL SALES AND TEMPORARY SALES; SECTION 6.06.8 "OUTDOOR STORAGE AND DISPLAY" BY AMENDING REGULATIONS PERTAINING TO DONATION BOXES; SECTION 7.03.4 "OUTDOOR LIGHTING" TO PROHIBIT HIGH PRESSURE SODIUM LAMP TYPES AND PERMIT ADDITIONAL TYPES OF PARKING LOT LIGHTING ELEMENTS; TABLE 7.04.1 IN SECTION 7.04.1. "VEHICLE PARKING" BY CHANGING "CHURCH, TEMPLE OR RECTORY" TO READ "CHURCH, TEMPLE, RECTORY, OR OTHER RELIGIOUS FACILITY"; SECTION 7.04.2 "OFF-

STREET LOADING” BY CHANGING “SH 5” TO READ “GREENVILLE AVENUE”; SECTION 7.07 “FENCES AND WALLS” BY DELETING THE REFERENCE TO “APPENDIX F” IN SUBSECTION 2.a, AND CHANGING “WROUGHT IRON” TO READ “METAL” IN SUBSECTION 4.f.; SECTION 7.08 “PERFORMANCE STANDARDS” TO EXCLUDE CERTAIN RESIDENTIAL DEVICES FROM THE REQUIREMENTS OF SECTION 7.08.4.a.; SECTION 8.03.3 “PRELIMINARY PLAT” AND SECTION 8.03.4 “FINAL PLAT” BY AMENDING THE TEXT OF CERTAIN REQUIRED PLAT NOTES RELATING TO OPEN SPACE; SECTION 8.11 “STREET LIGHTS” BY AMENDING REGULATIONS RELATING TO THE TYPES OF PERMITTED AND PROHIBITED STREETLIGHT FIXTURES AND RELATED DESIGN AND INSTALLATION REGULATIONS; AND APPENDIX A “DEFINITIONS,” BY DELETING THE DEFINITIONS FOR “BEER AND WINE PACKAGE SALES,” “CHURCH, TEMPLE OR RECTORY,” “DANCE/MARTIAL ARTS STUDIO,” “GYMNASTICS TRAINING CENTER,” AND “PERSONAL SERVICE,” AMENDING THE DEFINITION OF “PERSONAL SERVICE BUSINESS,” AND ADDING A DEFINITION FOR “CHURCH OR OTHER RELIGIOUS FACILITY;” RENUMBERING AND/OR REFORMATTING SECTIONS 6.06.2., 6.06.3, 6.06.8, 6.06.10, 6.06.11, 6.06.13, 6.06.14, 6.06.15 WITHOUT CHANGING ANY TEXT EXCEPT OTHERWISE SET FORTH IN THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000) DOLLARS FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Upon a motion made by Councilmember Schulmeister and a second by Councilmember Cornette, the Council voted six (6) for and none (0) opposed to approve Ordinance No. 3846-8-21, as previously captioned, to amend the Allen Land Development Code with an amendment changing “Religious Facility” to “Church or Religious Facility.” The motion carried.

Other Business

11. Calendar.

- August 13-15 – City Council Budget Workshop, Tanglewood Resort and Conference Center

12. Items of Interest.

- Council wished happy birthday to Councilmember Clemencich.
- Councilmember Schulmeister announced the relocation of the World Headquarters of MD7 to Allen.

Executive Session

The Executive Session was not held.

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

Adjournment

MOTION: Upon a motion made by Councilmember Shafer and a second by Councilmember Cornette, the Council voted six (6) for and none (0) opposed to adjourn the Regular Meeting of the Allen City Council at 8:40 p.m. on Tuesday, August 10, 2021. The motion carried.

**ALLEN CITY COUNCIL
REGULAR MEETING
AUGUST 10, 2021**

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These minutes approved on the 10th day of August 2021.

APPROVED:

Kenneth M. Fulk, MAYOR

ATTEST:

Shelley B. George, TRMC, CITY SECRETARY