

ALLEN CITY COUNCIL

REGULAR MEETING

AUGUST 24, 2021

Present:

Kenneth M. Fulk, Mayor

Councilmembers:

Baine Brooks, Mayor Pro Tem

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

Rebecca Vice, Assistant City Manager

Shelley B. George, City Secretary

Teresa Warren, Director, Public and Media Relations (absent)

Rocio Gonzalez, Deputy City Secretary

Chelsey Aprill, Marketing Manager

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 24, 2021, in the Basement Meeting Rooms of Allen City Hall, 305 Century Parkway, Allen, Texas.

- 1. Budget Workshop Follow Up Discussion.**
- 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 6:52 p.m. on Tuesday, August 24, 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 24, 2021, in the City Council Chambers of Allen City Hall, 305 Century Parkway, Allen, Texas.

Pledge of Allegiance

Public Recognition

1. Citizen's Comments.

- The following individuals spoke in support of the adoption of the No New Revenue Tax Rate:
 - Kenneth Cook, 1160 Montgomery Blvd., #4114, Allen, Texas;
 - Paula Cheek, 903 Glen Rose Drive, Allen, Texas;
 - Dave Scott, 852 Emporio Drive, Allen, Texas;
 - Jeff Lytle, 107 Windsong Way, Allen, Texas;
 - Michelle Bishop 757 Davids Way, Allen, Texas;
 - Angela Martinez, 1825 Valencia Drive, Allen, Texas;
 - Matt Thorsen, 600 Ridgemont Drive, Allen, Texas;
 - Karla Gant, 1917 Country Brook Lane, Allen, Texas;
 - Elle Holland, 1516 Yorkshire Drive, Allen, Texas;
 - Selina Martin, 601 Meadowgate Drive, Allen, Texas;
 - Michael del Castillo, 1508 Terlingua Court, Allen, Texas;
 - Daniel Rodriguez, 921 Garden Park Drive, Allen, Texas;
 - Lori Sexty, 1302 Clearview Drive, Allen, Texas;
 - Ella Larkin, 818 Rushmore Drive, Allen, Texas;
- The following individuals spoke in support of the City budget as proposed by staff and in opposition of the No New Revenue Tax Rate:
 - Victoria Sublette, 1227 Palo Duro Drive, Allen, Texas;
 - Sue Kacines, 1108 Windsboro Court, Allen, Texas; and,
 - Philip Brewer, 879 Starcreek Parkway, Allen, Texas.
- The following individuals did not speak but wished to record their support of the adoption of the No New Revenue Tax Rate:
 - Heather Hale, 814 Sopberry Drive, Allen, Texas;
 - Rhonda Wyatt, 1419 Sunshine Drive, Allen, Texas;
 - Jayanta Chowdhury, 965 Cougar Drive, Allen, Texas;
 - Kirsten Fair, 1431 Luckenbach Drive, Allen, Texas;
 - Michele Black, 1423 Comanche Drive, Allen, Texas;
 - Walt Hannon, 1447 Lone Star Court, Allen, Texas;
 - Kyle Baker, 1719 Broadmoor Drive, Allen, Texas;
 - Connie Ede, 522 Mefford Lane, Allen, Texas;
 - Mary Tucker, 601 Bellmead Court, Allen, Texas;
 - Laura Heiser, 913 Kilgore Court, Allen, Texas;
 - Sam Abiog, 1905 San Jacinto Drive, Allen, Texas;
 - Donna and Mike Cekinovich, 319 Sun creek Drive, Allen, Texas;
 - Jessica Liscum, 910 Valley View Drive, Allen, Texas;
 - Nancy Popiolek, 712 Wills Point Drive, Allen, Texas;
 - Amy Egan, 518 Saginaw Court, Allen, Texas;
 - Randy Norton, 1410 Placer Drive, Allen, Texas;
- The following individual did not speak but wished to record support of the City budget as proposed by staff and in opposition of the No New Revenue Tax Rate:
 - Marianna Sennour, 880 Clear Water Drive, Allen, Texas.
- Judy Cote, 710 Rockcrossing Lane, Allen, Texas spoke in opposition to the No New Revenue Rate and in support of a mask mandate in schools.
- Jessica Vaughan, 512 Hightrail Drive, Allen, Texas, spoke regarding her disappointment with the current construction in the Windridge neighborhood.
- Ken Byler, 204 Allenwood, Allen, Texas, expressed support of development in the Allen downtown community.
- Mayor Fulk recognized a Boy Scout from Troop 131 in attendance for the Communications Merit Badge.

2. Recognition of the Allen Police Department - Public Safety Communications Unit for Obtaining the Association of Public-Safety Communications Officials Project 33 Agency Training Program Certification.

Consent Agenda

MOTION: Upon a motion made by Councilmember Clemencich and a second by Councilmember Cornette, the Council voted seven (7) for and none (0) opposed to adopt the Consent Agenda as follows:

3. **Approve Minutes of the August 10, 2021, Regular City Council Meeting.**
4. **Approve Minutes of the August 13-15, 2021, City Council Budget Workshop.**
5. **Adopt an Ordinance Approving a Negotiated Settlement Between the Atmos Cities Steering Committee and Atmos Energy Corporation, Mid-Tex Division Regarding the Company's 2021 Rate Review Mechanism (RRM) Filing.**

ORDINANCE NO. 3847-8-21: 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 2019 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.

6. **Adopt an Ordinance Abandoning Certain Public Right-of-Way for The Farm Development Project.**

ORDINANCE NO. 3848-8-21: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ABANDONING PORTIONS OF HAY BALE DRIVE OUT OF THE FARM, AN ADDITION TO THE CITY OF ALLEN, TEXAS, AS DESCRIBED IN EXHIBIT "A" HERETO; RESERVING ALL EXISTING EASEMENT RIGHTS OF OTHERS, IF ANY, WHETHER APPARENT OR NON-APPARENT, AERIAL, SURFACE, UNDERGROUND OR OTHERWISE; PROVIDING FOR THE FURNISHING OF A CERTIFIED COPY OF THIS ORDINANCE FOR RECORDING IN THE OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS, AS A QUITCLAIM DEED; AND PROVIDING AN EFFECTIVE DATE.

7. **Authorize the City Manager to Execute a Contract with Birkhoff, Hendricks & Carter, LLP, for Professional Engineering Services Related to the Rowlett Elevated Storage Tank, Custer Elevated Storage Tank, and Custer Ground Storage Reservoirs #1 and #2 in the Amount of \$146,500.**
8. **Authorize the City Manager to Execute a Contract with CLASP Companies, LLC, (dba) Valley Quest Design for Design of the Trailhead at the Rowlett Creek Trail along the Eugene McDermott Property in the Amount of \$102,060.**
9. **Authorize the City Manager to Execute a Contract with Parkhill, Smith & Cooper, Inc., (dba) Parkhill / Schrickel Rollins for the Development of the Molsen Farm Master Plan and Design of the Trailhead and Trail Connection in the Amount of \$222,190.**

The motion carried.

Regular Agenda

10. **Conduct a Public Hearing and Adopt an Ordinance Granting a Specific Use Permit for a Fitness and Health Center use for 2,353± Square Foot Portion of a Building Located on Lot 1A, Eagle Plaza Shopping Center; Generally Located Directly South of Main Street and East of Jupiter Road (and commonly known as 602 E. Main Street). [Vibe Yoga]**

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. 3849-8-21: 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 GRANTING SPECIFIC USE PERMIT NO. 181 AUTHORIZING AN APPROXIMATELY 2,353± SQUARE FOOT PORTION OF A BUILDING LOCATED ON LOT 1A, BLOCK A, EAGLE PLAZA SHOPPING CENTER, PRESENTLY ZONED FOR SHOPPING CENTER (SC) TO BE USED FOR A FITNESS AND HEALTH CENTER 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 made by Councilmember Shafer and a second by Councilmember Schulmeister, the Council voted seven (7) for and none (0) opposed to approve Ordinance No. 3849-8-21, as previously captioned, granting Specific Use Permit No. 181 for a Fitness and Health Center and to approve staff's recommendation to remove Section 2B from the ordinance. The motion carried.

11. **Conduct a Public Hearing and Adopt an Ordinance to Amend the Development Regulations of Planned Development No. 58 with a Base Zoning of Shopping Center and to Adopt a Zoning Exhibit, Concept Plan, and Elevations for Lots 6A and 6B, Block A, CLA Allen Addition; Generally Located at the Northeastern Corner of the Intersection of Exchange Parkway and U.S. Highway 75. [Exchange Business Center - Office-Showroom/Warehouse]**

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. 3850-8-21: 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 TRACT 1 OF PLANNED DEVELOPMENT PD NO. 58 WITH A BASE ZONING OF SHOPPING CENTER "SC" RELATING TO THE DEVELOPMENT OF LOTS 6A AND 6B, BLOCK A, CLA ALLEN ADDITION, BY ADOPTING A ZONING EXHIBIT, CONCEPT PLAN, AND BUILDING 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 seven (7) for and none (0) opposed, to approve Ordinance No. 3850-8-21, as previously captioned, to amend the Development Regulations of Planned Development No. 58 with a base zoning of Shopping Center for Lots 6A and 6B, Block A, CLA Allen Addition. The motion carried.

12. **Conduct a Public Hearing and Adopt an Ordinance to Establish a Planned Development Zoning District with a Base Zoning of Light Industrial and to Adopt a Zoning Exhibit, Concept Plan, Landscape Plan, and Elevations for Lot 1, Block 3, Millennium Business Park (and commonly known as 415 Century Parkway). [Credit Union of Texas]**

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. 3851-8-21: 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 REGULATIONS RELATING TO THE DEVELOPMENT AND USE OF LOT 1, BLOCK 3, MILLENNIUM BUSINESS PARK ADDITION, BY CHANGING THE ZONING FROM LIGHT INDUSTRIAL “LI” TO PLANNED DEVELOPMENT “PD” NO. 145 FOR LIGHT INDUSTRIAL “LI”; ADOPTING DEVELOPMENT REGULATIONS, A CONCEPT PLAN, A ZONING EXHIBIT, A CONCEPTUAL LANDSCAPE PLAN, AND CONCEPTUAL BUILDING 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 Mayor Pro Tem Brooks and a second by Councilmember Clemencich, the Council voted seven (7) for and none (0) opposed to approve Ordinance No. 3851-8-21, as previously captioned, to establish Planned Development No. 145 with a base zoning of Light Industrial and to adopt a Zoning Exhibit, Concept Plan, Landscape Plan, and Elevations for Lot 1, Block 3, Millennium Business Park. The motion carried.

13. **Conduct a Public Hearing and Adopt an Ordinance to Amend the Allen Land Development Code to Amend Section 6.03.2, "Private Clubs," and Section 6.03.5, "Restaurants with food and beverage certificates - Geographic Locations," by Allowing Drive-Through Service for Off-Premise Consumption of Alcoholic Beverages, and to Amend Section 6.06.11, "Solar Panels," to Amend Provisions Relating to Installation of Solar Panel Systems to Conform to State Law.**

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. 3852-8-21: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE ALLEN LAND DEVELOPMENT CODE, AS AMENDED, BY AMENDING A SECTION 6.03.2 “PRIVATE CLUBS – OPERATIONAL REGULATIONS” SECTION 6.03.5 “RESTAURANTS WITH FOOD AND BEVERAGE CERTIFICATES—GEOGRAPHIC LOCATIONS” TO CONFORM SAID SECTIONS TO AMENDMENTS IN STATE LAW RELATING TO THE SERVICE OF ALCHOLIC BEVERAGES “TO-GO” BY HOLDERS OF A FOOD AND BEVERAGE CERTIFICATE; AMENDING SECTION 6.06.11 “SOLAR PANELS” TO ELIMINATE REGULATIONS PRE-EMPTED BY STATE LAW; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Upon a motion made by Councilmember Meis and a second by Councilmember Schulmeister, the Council voted seven (7) for and none (0) opposed to approve Ordinance No. 3852-8-21, as previously captioned, to amend the Allen Land Development Code. The motion carried.

Other Business

14. **Calendar.**
15. **Items of Interest.**

- Council wished happy birthday to City Attorney Smith.
- Mayor Pro Tem Brooks invited everyone to attend the Dallas Card Show being held at the Marriott Dallas | Allen Hotel and Convention Center on August 26-29.
- Mayor Fulk announced his charity of the month as North Texas Food Bank and encouraged the public to donate to the “Peanut Butter Drive” in September.
- Councilmember Cornette wished happy birthday to his granddaughter, Maddie, and wife, Laurie.

Executive Session

The Executive Session was not held.

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

Adjournment

MOTION: Upon a motion made by Councilmember Meis and a second by Councilmember Shafer, the Council voted seven (7) for and none (0) opposed to adjourn the Regular Meeting of the Allen City Council at 8:45 p.m. on Tuesday, August 24, 2021. The motion carried.

These minutes approved on the 14th day of September 2021.

APPROVED:

Kenneth M. Fulk, MAYOR

ATTEST:

Shelley B. George, TRMC, CITY SECRETARY