

ALLEN CITY COUNCIL

REGULAR MEETING

SEPTEMBER 14, 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

Rocio Gonzalez, Deputy City Secretary

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, September 14, 2021, in the Basement Meeting Rooms of Allen City Hall, 305 Century Parkway, Allen, Texas.

- 1. Committee Updates from City Council Liaisons.**
- 2. Questions on Current Agenda.**

Mayor Fulk recessed the Workshop Session at 6:11 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 6:11 p.m. on Tuesday, September 14, 2021, in the Basement Meeting Rooms of the Allen City Hall, 305 Century Parkway, Allen, Texas, in order to discuss matters pertaining to:

- 3. Personnel Pursuant to Section 551.074 of the Texas Government Code —**
Discuss Appointments to the Board of Adjustment, Building and Standards Commission, Community Development Corporation, Economic Development Corporation, and Planning and Zoning Commission.

Legal pursuant to Chapter 551.071 of the Texas Government Code, to receive confidential legal advice from the City Attorney regarding any item on this agenda. The following Regular Meeting agenda items were discussed in Executive Session.

- 12. Conduct a Public Hearing on the Fiscal Year 2021-2022 Budget as Required by Article IV, Section 4.04 of the Allen City Charter and Adopt an Ordinance Approving the Fiscal Year 2021-2022 Budget, Amending the Fiscal Year 2020- 2021 Budget, and Approving the 2022-2026 Capital Improvement Program.**
- 13. Conduct a Public Hearing Regarding the Fiscal Year 2021-2022 City Tax Rate and Adopt an Ordinance Setting the Tax Rate for the Fiscal Year 2021-2022 Budget.**

The Executive Session adjourned at 6:35 p.m. on Tuesday, September 14, 2021.

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

The Allen City Council reconvened into the Workshop Session at 6:35 p.m. on Tuesday, September 14, 2021. No action was taken on items discussed during Executive Session.

With no further discussion, the Workshop Session of the Allen City Council was adjourned at 6:36 p.m. on Tuesday, September 14, 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, September 14, 2021, in the City Council Chambers of Allen City Hall, 305 Century Parkway, Allen, Texas.

Pledge of Allegiance

- 1. Members of VFW Post 2195 will Post the Colors and Lead the Pledge of Allegiance.**

Public Recognition

- 2. Citizen's Comments.**

Carol Hohmann, 902 Ashley Lane, Allen, Texas, spoke regarding leadership on the Council.
Elle Holland, 1516 Yorkshire Drive, Allen, Texas, spoke regarding AISD in person learning.

- 3. Presentation of Proclamations by the Office of the Mayor.**

- Presentation of a Proclamation to the VFW Post 2195 Proclaiming September 17, 2021, as POW/MIA Recognition Day.

Consent Agenda

Councilmember Shafer removed Agenda Item 5 from the Consent Agenda.

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

4. **Approve Minutes of the August 24, 2021, Regular City Council Meeting.**
6. **Adopt a Resolution Authorizing Participation with the State of Texas, Through the Office of the Attorney General, in the Global Opioid Settlement and Approving the Texas Term Sheet; Authorizing the City Manager to Execute All Necessary Documents in Connection with the Above on Behalf of the City of Allen.**

RESOLUTION NO. 3854-9-21(R): A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AUTHORIZING PARTICIPATION WITH THE STATE OF TEXAS, THROUGH THE OFFICE OF THE ATTORNEY GENERAL, IN THE GLOBAL OPIOID SETTLEMENT AND APPROVING THE TERM SHEET; AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY RELATED DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

7. **Accept Required Certification from the Collin Central Appraisal District Office of the 2021 Tax Year Appraisal Roll.**
8. **Award Bid and Authorize the City Manager to Execute Contracts with Amundson Plumbing for Plumbing Services in the Amount of \$100,000 and Dynamic Systems, Inc., for Backflow Testing Services in the Amount of \$25,000, for One Year with Two Optional One-Year Renewal Terms for a Total Annual Amount of \$125,000.**
9. **Accept the Resignation of Jeff Burkhardt and Declare a Vacancy in Place No. 4 on the Planning and Zoning Commission.**

The motion carried.

Mayor Fulk moved to Agenda Item 5.

5. **Approve an Ordinance Amending Section 4 of Ordinance No. 3816-4-21 Ordering a Special Election on Proposed Amendments to the Home Rule Charter of the City of Allen to be Held on November 2, 2021, to Correct a Scrivener Error.**

ORDINANCE NO. 3853-9-21: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING SECTION 4 OF ORDINANCE NO. 3816-4-21 ORDERING A SPECIAL ELECTION ON A PROPOSED AMENDMENT TO THE HOME RULE CITY CHARTER OF THE CITY OF ALLEN TO BE HELD ON NOVEMBER 2, 2021, TO CORRECT A SCRIVENER ERROR; PROVIDING A SEVERANCE CLAUSE; 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. 3853-9-21, as previously captioned, amending Ordinance No. 3816-4-21 to correct a scrivener error. The motion carried.

10. **Conduct a Public Hearing and Adopt an Ordinance to Amend Section 2 of the Development Regulations of Planned Development No. 54 with a Base Zoning of Corridor Commercial and to Amend Exhibit Q "Building Elevations" for Lot 1, Block A, Wal-Mart Super Center Addition, Generally Located at the Northwestern Corner of Exchange Parkway and U.S. Highway 75. (Walmart - Building Elevations)**

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. 3855-9-21: 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 ORDINANCE NO. 1747-7-99 ADOPTING DEVELOPMENT REGULATIONS FOR A PORTION OF TRACT 1 OF PLANNED DEVELOPMENT PD NO. 54 WITH A BASE ZONING OF CORRIDOR COMMERCIAL "CC," RELATING TO THE DEVELOPMENT AND USE OF LOT 1, BLOCK, WAL-MART SUPERCENTER ADDITION; 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. 3855-9-21, as previously captioned, to amend the development regulations of Planned Development No. 54 with a base zoning of Corridor Commercial and to adopt Building Elevations for Lot 1, Block A, Wal-Mart Supercenter Addition, as presented. The motion carried.

11. **Conduct a Public Hearing and Adopt an Ordinance to Change the Zoning of Lot 1C, Block 1, Enterprises Addition No. 2 from Light Industrial "LI" to Heavy Industrial "HI", Generally Located East of Enterprise Boulevard and South of Bethany Drive, and Commonly Known as 915 Enterprise Boulevard. [Link Logistics]**

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. 3856-9-21: 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 OF LOT 1C, BLOCK 1, ENTERPRISES ADDITION NO. 2 FROM LIGHT INDUSTRIAL "LI" TO HEAVY INDUSTRIAL "HI"; 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 a second by Councilmember Meis, the Council voted seven (7) for and none (0) opposed to approve Ordinance No. 3856-9-21, as

previously captioned, to rezone Lot 1C, Block 1, Enterprises Addition No. 2 from Light Industrial to Heavy Industrial, as presented. The motion carried.

Mayor Fulk announced Agenda Items 12 and 13.

- 12. Conduct a Public Hearing on the Fiscal Year 2021-2022 Budget as Required by Article IV, Section 4.04 of the Allen City Charter and Adopt an Ordinance Approving the Fiscal Year 2021-2022 Budget, Amending the Fiscal Year 2020- 2021 Budget, and Approving the 2022-2026 Capital Improvement Program.**
- 13. Conduct a Public Hearing Regarding the Fiscal Year 2021-2022 City Tax Rate and Adopt an Ordinance Setting the Tax Rate for the Fiscal Year 2021-2022 Budget.**

Mayor Fulk opened the public hearings for Agenda Item 12 and 13 and asked anyone wishing to speak for or against these items to do so at this time.

The following individuals spoke against these Agenda Items:

David Hicks, 401 Woodlake Drive, Allen, Texas;
Kurt Kizer, 925 Southfork Drive, Allen, Texas;
Victoria Sublette, 1227 Palo Duro, Allen, Texas;
Carol Hohmann, 902 Ashley Lane, Allen, Texas;
Jim Kerr, 406 Watson Drive, Allen, Texas.

The following individuals spoke in support of these Agenda Items:

Nathan Polsky, 1108 Timberline Ln, Allen, Texas;
Paula Cheek, 903 Glen Rose Drive, Allen Texas;
Rolly Abiog, 1905 San Jacinto Drive, Allen, Texas;
Chrissy Vorderbruggen, 813 Fairlawn St, Allen, Texas;
Srini Raghavan, 1041 Hot Springs Drive, Allen, Texas;
Tim Voss, 964 Beverly Lane, Allen, Texas;
Ann Mellon Campbell, 205 Whisenant, Allen, Texas;
Jason Vorderbruggen, 813 Fairlawn St, Allen, Texas;
Mary L. Martin, 906 Clear Water Drive, Allen, Texas.

The following individuals did not speak but wished to record their support for these Agenda Items:

Michelle Bishop, 757 Davids Way, Allen, Texas;
Melissa Spence, 2030 Londonderry Drive, Allen, Texas;
Elle Latkin, 818 Rushmore Drive, Allen, Texas;
Michelle Andelman, 322 Canyon Springs Drive, Allen, Texas;
Jeff Lytle, 107 Windsong Way, Allen, Texas;
Jan Baldwin, 2344 Wingsong Lane, Allen, Texas;
Connie Hardy, 1626, Gladewater Drive, Allen, Texas;
Kyle, Baker, No address provided;
Connie Ede, 522 Mefford Lane, Allen, Texas;
Angie Scott, 852 Emporio Drive, Allen, Texas;
Dave Scott, 852 Emporio Drive, Allen, Texas;
Robert Cabbage, 804 Fawn Valley Dr, Allen, Texas;
Joyce Voss, 964 Beverly Lane, Allen, Texas;
Heather Hale, 814 Soapberry Dr, Allen, Texas;
Heather Garrett, 1103 Lamplight Way, Allen, Texas;

Erin Hufstetler, 909 Pelican Dr., Allen, Texas;
Tyler Hufstetler, 909 Pelican Dr. Allen, Texas;
Stephanie Griffith, 2354 Wingsong Lane, Allen, Texas;
Brian Martin, 2363 Palazzo Lane, Allen, Texas;
Jerrel Martin, 906 Clear Water Drive, Allen, Texas;
Jayanta Chowdhury, 965 Conga Drive, Allen, Texas;
Michele Black, 1423 Comanche Drive, Allen, Texas;
Sam Abiog, 1905 San Jacinto Drive, Allen, Texas;
Elle Holland, 1516 Yorkshire Drive, Allen, Texas.

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

ORDINANCE NO. 3857-9-21: 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, 2021, AND ENDING SEPTEMBER 30, 2022; 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 made by Councilmember Shafer and a second by Councilmember Cornette, the Council voted seven (7) for with Mayor Fulk, Mayor Pro Tem Brooks, and Councilmembers Meis, Clemencich, Cornette, Schulmeister and Shafer voting in favor and none (0) opposed to approve Ordinance No. 3857-9-21, as previously captioned, approving the Fiscal Year 2021-2022 budget, amending the Fiscal Year 2020-2021 budget, and approving the 2022-2026 Capital Improvement Program. The motion carried.

MOTION: Upon a motion made by Councilmember Meis and a second by Councilmember Cornette, the Council voted seven (7) for with Mayor Fulk, Mayor Pro Tem Brooks, and Councilmembers Meis, Clemencich, Cornette, Schulmeister and Shafer voting in favor and none (0) opposed to ratify the increase in property tax revenues reflected in the Fiscal Year 2021-2022 budget. The motion carried.

ORDINANCE NO. 3858-9-21: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, LEVYING THE AD VALOREM TAXES FOR THE TAX YEAR 2021 (FISCAL YEAR 2021-2022) AT A RATE OF \$0.470000 PER ONE HUNDRED DOLLARS (\$100) ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF ALLEN AS OF JANUARY 1, 2021, 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 made by Councilmember Meis and a second by Councilmember Shafer, the Council voted seven (7) for with Mayor Fulk, Mayor Pro Tem Brooks, and Councilmembers

Meis, Clemencich, Cornette, Schulmeister and Shafer voting in favor and none (0) opposed to adopt a tax rate of \$0.470000, and adopt Ordinance No. 3858-9-21, as previously captioned, setting that tax rate for the Fiscal Year 2021-2022. The motion carried.

14. Appoint to Fill Expiring Terms and Vacancies on the Following Boards, Commissions, Committees and Corporations: Animal Shelter Advisory Committee, Board of Adjustment/Building and Standards Commission/Sign Control Board, Central Business District Design Review Committee, Community Development Corporation Board, Convention and Visitors Bureau Advisory Board, Economic Development Corporation Board, Keep Allen Beautiful Board, Library Board, Parks and Recreation Board, Planning and Zoning Commission, and Public Art Committee.

MOTION: Upon a motion by Mayor Pro Tem Brooks and a second by Councilmember Clemencich, the Council voted seven (7) for and none (0) opposed to nominate the following individuals as recommended by the Council Nominating Committee to the designated places on the respective Boards, Commissions, and Corporations:

<u>Animal Shelter Advisory Committee</u>		<u>Expiration Date</u>
Place No. 1	Dr. Alan Coffman	September 30, 2023
Place No. 3 (Staff Seat)	Deborah Michnick	September 30, 2023
Place No. 5	Jessica Lockhart	September 30, 2023

<u>Board of Adjustment/Building & Standards Commission/ Sign Board</u>		<u>Expiration Date</u>
Place No. 1	Isaac Williams	September 30, 2023
Place No. 3	Srini Raghaven	September 30, 2023
Place No. 5	Sandeep Kathuria	September 30, 2023
Alt. Place No. 1	Joe Moon	September 30, 2023

<u>Central Business District Design Review Committee</u>		<u>Expiration Date</u>
Place No. 1	Jill Kelley	September 30, 2023

<u>Community Development Corporation</u>		<u>Expiration Date</u>
Place No. 1	Shahmeen Khan	September 30, 2023
Place No. 3	Antoinette Vincent	September 30, 2023
Place No. 5	Stacy Gonzales	September 30, 2023

<u>Convention and Visitors Bureau Advisory Board</u>		<u>Expiration Date</u>
Place No. 1	Kirk Arnold	September 30, 2023
Place No. 5	Kira Boone	September 30, 2023
Place No. 1	Karen Musa	September 30, 2023

<u>Economic Development Corporation</u>		<u>Expiration Date</u>
Place No. 2	Michael Schaeffer	September 30, 2024

<u>Keep Allen Beautiful</u>		<u>Expiration Date</u>
Place No. 1	Susan Ponder	September 30, 2023
Place No. 3	Nasima Chowdhury	September 30, 2023
Place No. 5	Debbie Walters	September 30, 2023
Place No. 7	Eusty Hermida	September 30, 2023

<u>Library Board</u>		<u>Expiration Date</u>
Place No. 1	Bryce Farlow	September 30, 2023
Place No. 3	Laura Wooten	September 30, 2023
Place No. 5	Kimberly Hinton	September 30, 2023
Place No. 7	Rekha Mathai	September 30, 2023

<u>Parks and Recreation Board</u>		<u>Expiration Date</u>
Place No. 1	Karen Simpson	September 30, 2023
Place No. 3	Terrance Thomas	September 30, 2023
Place No. 5	Philip Brewer	September 30, 2023
Place No. 7	Luke Hollingsworth	September 30, 2023

<u>Planning and Zoning Commission</u>		<u>Expiration Date</u>
Place No. 1	Ben Trahan	September 30, 2023
Place No. 3	Kenneth Cook	September 30, 2023
Place No. 4	Brent Berg	September 30, 2022
Place No. 5	Dan Metevier	September 30, 2023
Place No. 7	Jason Wright	September 30, 2023

<u>Public Art Committee</u>		<u>Expiration Date</u>
Place No. 3	Doug Galletti	September 30, 2023
Place No. 5	Saundra Midkiff	September 30, 2023
Place No. 7	Stephanie Ward	September 30, 2023

The motion carried.

Other Business

10. Calendar.

11. Items of Interest.

- Mayor Pro Tem Brooks welcomed the new sports card shop, We Buy Cards, to Allen.
- Councilmember Cornette invited the public to attend the VFW Post 2195 Missing Man Table Ceremony at the Allen Public Library at 10 a.m. on September 17.

Executive Session

The Executive Session was not held.

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

Adjournment

MOTION: Upon a motion made by Mayor Pro Tem Brooks 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 9:34 p.m. on Tuesday, September 14, 2021. The motion carried.

These minutes approved on the 28th day of September 2021.

APPROVED:

Kenneth M. Fulk, MAYOR

ATTEST:

Shelley B. George, TRMC, CITY SECRETARY