

ALLEN CITY COUNCIL

REGULAR MEETING

SEPTEMBER 28, 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 5:56 p.m. on Tuesday, September 28, 2021, in the Basement Meeting Rooms of Allen City Hall, 305 Century Parkway, Allen, Texas.

- 1. Update on Bulk Waste Service Improvements.**
- 2. Update from the Downtown Steering Committee.**
- 3. Committee Updates from City Council Liaisons.**
- 4. Questions on Current Agenda.**

With no further discussion, Mayor Fulk adjourned the Workshop Session of the Allen City Council at 6:50 p.m. on Tuesday, September 28, 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 28, 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 requesting the City address short term rentals in Allen:
Tammie Jost, 1102 Bay Shore Street, Allen, Texas; and,
Doug Jost, 1102 Bay Shore Street, Allen, Texas.

The following individuals spoke in support of a Dog Park being built by the City of Allen:
Nancy Fountain, 1219 Brenham Court, Allen, Texas;
Bob Cubbage, 804 Fawn Valley Drive, Allen, Texas;
Marlene Seward, 1725 Broadmoor Drive, Allen, Texas;
Patricia Ruffin, 1185 Sophia Street, Allen, Texas;
Shannon Mobley, 525 Cameron Lane, Allen, Texas;
Barack Harrizi, 1318 Sunny Creek, Allen, Texas; and,
Wesley Smith, 502 Oakwood Drive, Allen, Texas

Victoria Sublette, 1227 Palo Duro, Allen, Texas, spoke regarding the recent relocation announcement of MD7 and asked Council to look at the total tax burden on taxpayers and the Return on Investment.

2. Presentation of Proclamations by the Office of the Mayor.

- Presentation of a Proclamation to the City of Allen Forester Proclaiming October 30, 2021, as Arbor Day.

3. Presentation of a Blue Star Flag to Family Members of Allen Service Personnel Currently Serving in the U.S. Armed Forces.

- The Kizer Family in honor of their son, Ryan.
- The Powers Family in honor of their son, Benjamin.

Consent Agenda

Mayor Fulk removed Agenda Item 7 from the Consent Agenda.

Councilmember Shafer removed Agenda Item 9 from the 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 remaining items on the Consent Agenda as follows:

4. **Approve Minutes of the September 14, 2021, Regular City Council Meeting.**
5. **Approve Minutes of the September 16, 2021, Special Called City Council Workshop.**
6. **Adopt an Ordinance Amending Chapter 2 - Administration, Article VII, of the Code of Ordinances Regarding the Administrative Departments of the City.**

ORDINANCE NO. 3859-9-21: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 2, "ADMINISTRATION," ARTICLE VII, "ADMINISTRATIVE DEPARTMENTS", BY AMENDING SECTION 2-102 "ESTABLISHING AND CHANGING DIVISIONS WITHIN DEPARTMENTS; ASSIGNMENT OF WORK" BY AMENDING SUBSECTIONS (a); REPEALING SECTIONS 2-151 "COMMUNITY SERVICES DEPARTMENT CREATED," 2-181 "ENGINEERING DEPARTMENT CREATED," 2-191 "PLANNING AND DEVELOPMENT DEPARTMENT CREATED," 2-201 "MANAGEMENT INFORMATION SYSTEMS DEPARTMENT CREATED," AND 2-211 "BUILDING AND CODE COMPLIANCE DEPARTMENT CREATED"; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

8. **Adopt a Resolution Nominating Mr. Gary Rodenbaugh for Election to the Board of Directors for the Collin Central Appraisal District.**

RESOLUTION NO. 3860-9-21(R): A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, PLACING IN NOMINATION THE NAME OF GARY RODENBAUGH FOR MEMBERSHIP ON THE BOARD OF DIRECTORS OF THE COLLIN CENTRAL APPRAISAL DISTRICT IN ACCORDANCE WITH SECTION 6.03(g) OF THE TEXAS PROPERTY TAX CODE; DIRECTING THE CITY SECRETARY TO NOTIFY INTERESTED PARTIES OF SAID ACTION; AND PROVIDING AN EFFECTIVE DATE.

10. **Authorize the City Manager to Execute a One-Year Contract, with the Option for Four (4) One-Year Renewals, with Lawn Star Landscape for Litter Collection Services at Various City Properties and Detailed Overpass/Underpass Maintenance in the Amount of \$209,908.**
11. **Accept the Resignation of LaReeda Rentie and Declare a Vacancy in Place No. 4 on the Parks and Recreation Board.**

The motion carried.

Mayor Fulk moved to Agenda Item 7.

7. **Adopt a Resolution Amending the City Council's Rules of Order and Procedure.**

No action was taken on this item.

Mayor Fulk moved to Agenda Item 9.

9. **Authorize the City Manager to Execute a First Amendment to the Project Development Agreement between the City of Allen, the Allen Economic Development Corporation, and The Farm Development Co.**

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 authorize the City Manager to execute a First Amendment to the Project Development Agreement between the City of Allen, the Allen Economic Development Corporation, and The Farm Development Co. The motion carried.

Regular Agenda

12. Conduct a Public Hearing and Adopt an Ordinance to Amend the Development Regulations of Planned Development No. 134A with a Base Zoning of Mixed Use for Blocks A through N and Block X, The Farm is Generally Located at the Southeast Corner of the Intersection of State Highway 121 and Alma Drive. (The Farm)

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. 3861-9-21: 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 THE DEVELOPMENT REGULATIONS OF PLANNED DEVELOPMENT "PD" NO. 134A MIXED USE MIX ADOPTED BY ORDINANCE NO. 3761-7-20; 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 Clemencich, the Council voted seven (7) for and none (0) opposed to approve Ordinance No. 3861-9-21, as previously captioned, to amend the Development Regulations of Planned Development PD No. 134A with a Base Zoning District of Mixed Use for Blocks A through N, and Block X, located at the southeast corner of the intersection of State Highway 121 and Alma Drive. The motion carried.

13. Conduct a Public Hearing and Adopt an Ordinance to Establish a Planned Development Zoning District with a Base Zoning of Single-Family Residential (R-5) and to Adopt Development Regulations, Zoning Exhibit, Concept Plan, Open Space Plan and Screening Plan for 34.2± Acres; Generally Located at the Northwest Corner of the Intersection of Watters Road and Stacy Road. (The Reserve at Watters)

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

Marlene Seward, 1725 Broadmoor Drive, Allen, Texas, spoke in opposition of the item.

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

ORDINANCE NO. 3862-9-21: 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, RELATING TO THE USE AND DEVELOPMENT OF 34.2± ACRES OUT OF THE FRANCIS DOSSER SURVEY, ABSTRACT NO.

280, PRESENTLY ZONED AS PLANNED DEVELOPMENT NO. 43 WITH A BASE ZONING OF GARDEN OFFICE (GO) AND PLANNED DEVELOPMENT NO. 43 WITH A BASE ZONING OF MULTIFAMILY RESIDENTIAL (MF-18) BY CHANGING THE ZONING TO CREATE PLANNED DEVELOPMENT NO. 146 WITH A BASE ZONING OF SINGLE-FAMILY RESIDENTIAL (R-5) AND ADOPTING DEVELOPMENT REGULATIONS, A ZONING EXHIBIT, A CONCEPT PLAN, AN OPEN SPACE PLAN, AND A SCREENING PLAN; 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 Meis and a second by Councilmember Shafer, the Council voted seven (7) for and none (0) opposed to approve Ordinance No. 3862-9-21, as previously captioned, to establish Planned Development No. 146 with a base zoning of Single-Family Residential (R-5) and to adopt Development Regulations, Zoning Exhibit, Concept Plan, Open Space Plan and Screening Plan, for a property generally located at the northwest corner of the intersection of Watters Road and Stacy Road. The motion carried.

14. Authorize the City Manager to Execute a Fourth Amendment to the Contract for Solid Waste Collection, Disposal, and Recycling Services with Community Waste Disposal (CWD).

MOTION: Upon a motion made by Councilmember Cornette and a second by Councilmember Shafer, the Council voted seven (7) for and none (0) opposed to Authorize the City Manager to execute a fourth amendment to the contract for Solid Waste Collection, Disposal, and Recycling Services with Community Waste Disposal (CWD). The motion carried.

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

RESOLUTION NO. 3863-9-21(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 Shafer and a second by Councilmember Cornette, the Council voted seven (7) for and none (0) opposed to approve Resolution No. 3863-9-21(R), as previously captioned, to establish rates and fees for commercial and residential solid waste, recycling, and household hazardous waste services. The motion carried.

16. Adopt a Resolution Establishing the Water and Sewer Rates Recommended for Fiscal Year 2021-2022.

RESOLUTION NO. 3864-9-21(R): A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ESTABLISHING SANITARY SEWER CHARGES AND WATER SERVICE CHARGES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; 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 Resolution No. 3864-9-21(R), as previously captioned, to establish the Water and Sewer Rates Recommended for Fiscal Year 2021-2022. The motion carried.

17. Appoint to Fill a Vacancy in Place No. 4 on the Parks and Recreation Board.

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 nominate Nat Dryer as recommended by the Council Nominating Committee to fill the unexpired term in Place No. 4 on the Parks and Recreation Board and set an expiration of September 30, 2022. The motion carried.

Other Business

18. Calendar.

19. Items of Interest.

- Mayor Fulk announced Rotary Internationals as his Charity of the Month.
- Mayor Pro Tem Brooks asked the community to remember all involved in the recent shooting.
- Mayor Pro Tem Brooks announced the Collin County Historical Commission had awarded Brian Bristow, Parks and Recreation Assistant Director, the Advocate of the Year Award.
- Mayor Pro Tem Brooks commended the Public and Media Relations Program on the success of the “#NoPlaceLikeAllen” campaign and encouraged citizens to visit the City’s website to learn more.
- Councilmember Cornette invited the public to participate in the Allen Heritage Guild’s “Whispers of the Past” featuring Mayor Pro Tem Brooks on October 17 at the Heritage Village.

Executive Session

The Executive Session was not held.

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

Adjournment

MOTION: Upon a motion made by Councilmember Cornette 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 9:16 p.m. on Tuesday, September 28, 2021. The motion carried.

These minutes approved on the 12th day of October 2021.

APPROVED:

Kenneth M. Fulk, MAYOR

ATTEST:

Shelley B. George, TRMC, CITY SECRETARY