

ALLEN CITY COUNCIL

REGULAR MEETING

JULY 12, 2016

Present:

Stephen Terrell, Mayor

Councilmembers:

Gary L. Caplinger, Mayor Pro Tem

Kurt Kizer

Ross Obermeyer

Joey Herald

Robin L. Sedlacek

Baine Brooks

City Staff:

Peter H. Vargas, City Manager

Shelli Siemer, Assistant City Manager

Eric Ellwanger, Assistant City Manager

Shelley B. George, City Secretary

Teresa Warren, Director, Public and Media Relations Office

Rebecca Vice, Assistant to the City 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 Terrell at 6:25 p.m. on Tuesday, July 12, 2016, in the Council Conference Room of the Allen City Hall, 305 Century Parkway, Allen, Texas.

- Update Regarding the Refunding of General Obligation and Revenue Bonds and the Issuance of Tax Notes for the Purchase of Public Safety Radio Equipment.
- Committee Updates from City Council Liaisons
- Questions on Current Agenda

With no further discussion, the Workshop Session of the Allen City Council was adjourned at 6:55 p.m. on Tuesday, July 12, 2016.

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 Terrell at 7:03 p.m. on Tuesday, July 12, 2016, in the Council Chambers of the Allen City Hall, 305 Century Parkway, Allen, Texas.

In honor of the five police officers slain in Dallas, Mayor Terrell observed a moment of silence before the Pledge of Allegiance.

Pledge of Allegiance

Public Recognition

1. Citizens' Comments.

Consent Agenda

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

- 2. Approve Minutes of the June 28, 2016, Regular Meeting of the Allen City Council.**
- 3. Adopt a Resolution Amending Chapter Four, Section 4.01 E "Promotional Probation" and Chapter Eight, Section 8.01 B "Rating Frequency," of the City's Personnel Policies and Procedures Manual.**

RESOLUTION NO. 3396-7-16(R): A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE CITY OF ALLEN PERSONNEL POLICIES AND PROCEDURES MANUAL BY AMENDING CHAPTER FOUR, SECTION 4.01 E "PROMOTIONAL PROBATION" AND CHAPTER EIGHT, SECTION 8.01 B "RATING FREQUENCY"; PROVIDING FOR A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

- 4. Consider all Matters Incident and Related to Declaring Expectation to Reimburse Expenditures with Proceeds of Future Debt, Including the Adoption of a Resolution Pertaining Thereto.**

RESOLUTION NO. 3397-7-16(R): A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, DECLARING EXPECTATION TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT.

- 5. Authorize the City Manager to Execute a Contract for Thermoplastic and Raised Pavement Markings with Road Master Striping Through an Interlocal Agreement with the City of Midlothian for an Amount Not to Exceed \$125,000.**

The motion carried.

Regular Agenda

Mayor Pro Tem Caplinger filed an Affidavit of Conflict of Interest with the City Secretary for Agenda Item No. 6 and left the Council dais.

- 6. Conduct a Public Hearing and Adopt an Ordinance Amending Portions of Planned Development No. 92 to Add "Office" Use and "Medical and Dental Office" Use for the Property Known as Lots 5-9, Block B, Starcreek Commercial; Generally Located South of Sam Rayburn Tollway and East of Watters Road. [Starcreek]**

Mayor Terrell 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 Terrell closed the public hearing.

ORDINANCE NO. 3398-7-16: 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 ZONING EXHIBIT FOR LOTS 2R, 3 AND 4, RIDGEVIEW MEADOW CONDOS, LOTS 5-9, 11R, 12, AND 13, BLOCK B, STARCREEK COMMERCIAL, AND 10.26± ACRES OF LAND IN THE FRANCIS DASSER SURVEY, ABSTRACT NO. 280, CITY OF ALLEN, COLLIN COUNTY, TEXAS, WHICH PROPERTY IS LOCATED IN AND SUBJECT TO THE REGULATIONS OF TRACT A-1 WITHIN PLANNED DEVELOPMENT NO. 92 TO ALLOW ADDITIONAL PORTIONS OF SAID PROPERTY TO BE USED FOR OFFICE AND MEDICAL OR DENTAL OFFICE 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 Sedlacek and a second by Councilmember Brooks, the Council voted four (4) for and two (2) opposed, with Councilmembers Herald and Kizer casting the negative votes, to adopt Ordinance No. 3398-7-16, as previously captioned, to amend portions of Planned Development No. 92, to add “Office” Use and “Medical and Dental Office” Use, and to provide architectural design similar to the architecture of the existing buildings within Tract A-1, for Starcreek, generally located south of Sam Rayburn Tollway and east of Watters Road. The motion carried.

Mayor Pro Tem Caplinger returned to his seat on the Council dais.

7. **Conduct a Public Hearing and Adopt an Ordinance Amending the Development Regulations of Planned Development No. 105 and Adopt a Concept Plan and Building Elevations Relating to the 20.592± Acre Portion of Planned Development No. 105 Located in the D. Nix Survey, Abstract No. 668, the M. See Survey, Abstract No. 543, and the T. Kennedy Survey, Abstract No. 500; Generally Located on the Northeast Corner of Alma Drive and Bethany Drive. [Connemara Crossing]**

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

The following individuals spoke in favor of the item:
Greg Alexander, 1341 Claire Lane, Allen, Texas; and
Lori Springer, 1322 Lincoln Court, Allen, Texas.

The following individuals did not speak, but wished to record their support of the item:
Steve Wilcox, 1320 Lincoln Court, Allen, Texas;
Jeffrey M. Springer, 1322 Lincoln Court, Allen, Texas;
Catie Brooks, 1360 Francie Way, Allen, Texas;
Greg and Carol Alexander, 1341 Claire Lane, Allen, Texas;
Mike Shisko, 108 Ventura Court, Allen, Texas;
Brittany Walterscheid, 1303 Lincoln Court, Allen, Texas;
Pat and Penny Boyle, 1324 Lincoln Court, Allen, Texas;
Celeste Walz, 1351 Claire Lane, Allen, Texas;
Dennis Adelman, Allen, Texas;

Carol Fletcher, Allen, Texas; and
Sarah Shiplett, Allen, Texas.

With no one else speaking. Mayor Terrell closed the public hearing.

ORDINANCE NO. 3399-7-16: 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, ADOPTING A CONCEPT PLAN, AND ADOPTING BUILDING ELEVATIONS FOR 20.592± ACRES OF LAND IN THE D. NIX SURVEY, ABSTRACT NO. 668, THE M. SEE SURVEY, ABSTRACT NO. 543, AND THE T. KENNEDY SURVEY, ABSTRACT NO. 500, CITY OF ALLEN, COLLIN COUNTY, TEXAS, WHICH PROPERTY IS LOCATED IN AND SUBJECT TO THE REGULATIONS OF PLANNED DEVELOPMENT NO. 105; 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 Caplinger and a second by Councilmember Brooks, the Council voted seven (7) for and none (0) opposed to adopt Ordinance No. 3399-7-16, as previously captioned, to amend the development regulations of Planned Development No. 105 and adopt a Concept Plan and Building Elevations for Connemara Crossing, generally located on the northeast corner of Alma Drive and Bethany Drive. The motion carried.

8. **Conduct a Public Hearing and Adopt an Ordinance Amending the Base Zoning of Planned Development No. 104 from Community Facilities to Single Family Residential R-7, and Adopt a Concept Plan, Development Regulations, and Building Elevations for the Property Known as Lot 1, Block 1, Bethany Worship Addition; Generally Located on the Northeast Corner of Rivercrest Boulevard and Greenville Avenue. [Rivercrest Park]**

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

The following individuals spoke in opposition of the item:

Jeff Tate, 609 Lake Ridge Drive, Allen, Texas;
Carroll Jungmann, 605 Lake Ridge Drive, Allen, Texas; and
Bill Nelson, 601 Lake Ridge Drive, Allen, Texas.

The following individuals spoke in support of the item:

Carl Tiner, P.O. Box 1776, Allen, Texas; and
Shane Jordan, 16475 Dallas Parkway, Suite 540, Addison, Texas.

The following individuals did not speak, but wished to record their opposition of the item:

Linda Soos, 603 Lake Ridge Drive, Allen, Texas;
Rak Suetlana, 609 Lake Ridge Drive, Allen, Texas;
Peggy Jungmann, 605 Lake Ridge Drive, Allen, Texas; and
Linda Nelson, 601 Lake Ridge Drive, Allen, Texas.

With no one else speaking, Mayor Terrell closed the public hearing.

The City Secretary noted the city received and verified 14 zoning protest petitions, equating to 22.9% of the area, initiating the requirement of a super majority vote by Council for the item to pass.

Verified Zoning Protest Petitions were received from the following individuals:

Sergio & Leticia Mancilla, 606 Thoreau Lane, Allen, Texas;
Robert F. De Vance, 610 Thoreau Lane, Allen, Texas;
Donald Joe Cole, 612 Thoreau Lane, Allen, Texas;
Steven Ashley, 600 Thoreau Lane, Allen, Texas;
Jack L. Pickering, 505 Lake Ridge Drive, Allen, Texas;
Mary K. Manasse, 507 Lake Ridge Drive, Allen, Texas;
Carroll W. Jungmann, 605 Lake Ridge Drive, Allen, Texas;
Linda Elaine Soos, 603 Lake Ridge Drive, Allen, Texas;
Jeffrey A. Tate, 609 Lake Ridge Drive, Allen, Texas;
J. V. Hlavenka, 701 Cypress Drive, Allen, Texas;
Patsey F. Conner, 501 Lake Ridge Drive, Allen, Texas;
Matthew R. & Amanda G. Magruder, 607 Lake Ridge Drive, Allen, Texas;
William H. Nelson, 601 Lake Ridge Drive, Allen, Texas; and
Charles D. & Donna House, 611 Lake Ridge Drive, Allen, Texas.

ORDINANCE NO. 3400-7-16: 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 LOT 1, BLOCK 1, BETHANY WORSHIP ADDITION, CITY OF ALLEN, COLLIN COUNTY, TEXAS, PRESENTLY ZONED AS PLANNED DEVELOPMENT PD NO. 104 FOR COMMUNITY FACILITIES (CF) BY CHANGING THE BASE ZONING ON SAID PROPERTY TO SINGLE-FAMILY RESIDENTIAL (R-7) AND ADOPTING DEVELOPMENT REGULATIONS, A CONCEPT PLAN, LANDSCAPE 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 Sedlacek and a second by Councilmember Herald, the Council voted seven (7) for and none (0) opposed to adopt Ordinance No. 3400-7-16, as previously captioned, to amend the base zoning of Planned Development No. 104 from Community Facilities to Single Family Residential R-7, adopt an amended Concept Plan revised to convert the emergency access point to a 31-foot street connection, Development Regulations, and Building Elevations for Rivercrest Park, generally located on the northeast corner of Rivercrest Boulevard and Greenville Avenue. The motion carried.

9. **Conduct a Public Hearing and Adopt an Ordinance Amending the Base Zoning of Planned Development No. 5 from Shopping Center to Multi-Family Residential MF-18, and Adopt a Concept Plan, Development Regulations, Landscape Plan, and Building Elevations, for 6.557± Acres Located in the Peter Wetsel Survey, Abstract No. 990; Generally Located on the Northwest Corner of Main Street and Fountain Gate Drive. [Fountain Gate Senior Living]**

Mayor Terrell 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 Terrell closed the public hearing.

ORDINANCE NO. 3401-7-16: 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, ADOPTING A CONCEPT PLAN, LANDSCAPE PLAN, AND ADOPTING BUILDING ELEVATIONS FOR 6.557± ACRES OF LAND IN THE PETER WETSEL SURVEY, ABSTRACT NO. 990, CITY OF ALLEN, COLLIN COUNTY, TEXAS, WHICH PROPERTY IS LOCATED IN AND SUBJECT TO THE REGULATIONS OF PLANNED DEVELOPMENT NO. 5; 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 Obermeyer and a second by Mayor Pro Tem Caplinger, the Council voted seven (7) for and none (0) opposed to adopt Ordinance No. 3401-7-16, as previously captioned, to amend the base zoning of Planned Development No. 5 from Shopping Center to Multi-Family Residential MF-18, and adopt a Concept Plan, Development Regulations, Landscape Plan, and Building Elevations, for Fountain Gate Senior Living; generally located on the northwest corner of Main Street and Fountain Gate Drive. The motion carried.

10. **Consider all Matters Incident and Related to the Issuance and Sale of “City of Allen, Texas, General Obligation Refunding Bonds, Series 2016,” Including the Adoption of an Ordinance Authorizing the Issuance of Such Bonds, Establishing Parameters for the Sale and Issuance of Such Bonds and Delegating Certain Matters to Authorized Officials of the City.**

ORDINANCE NO. 3402-7-16: AN ORDINANCE AUTHORIZING THE ISSUANCE OF “CITY OF ALLEN, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016”; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF SAID BONDS; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, PAYMENT AND DELIVERY OF SAID BONDS; ESTABLISHING PROCEDUES FOR THE SALE AND DELIVERY OF THE BONDS; DELEGATING MATTERS RELATING TO THE SALE AND ISSUANCE OF THE BONDS TO AUTHORIZED CITY OFFICIALS; AND PROVIDING AN EFFECT DATE.

MOTION: Upon a motion made by Councilmember Herald and a second by Councilmember Obermeyer, the Council voted seven (7) for and none (0) opposed to adopt Ordinance No. 3402-7-16, as previously captioned, authorizing the issuance of the General Obligation Refunding Bonds, Series 2016 and the Paying Agent Registrar agreement with Bank of New York Mellon. The motion carried.

11. **Consider all Matters Incident and Related to the Issuance and Sale of “City of Allen, Texas, Tax Notes, Series 2016,” Including the Adoption of an Ordinance Authorizing the Issuance of Such Tax Notes, Establishing Parameters for the Sale and Issuance of Such Tax Notes and Delegating Certain Matters to Authorized Officials of the City.**

ORDINANCE NO. 3403-7-16: AN ORDINANCE AUTHORIZING THE ISSUANCE OF “CITY OF ALLEN, TEXAS, TAX NOTES, SERIES 2016”; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF SAID NOTES; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, PAYMENT AND DELIVERY OF SAID NOTES; ESTABLISHING PARAMETERS THEREFOR AND

DELEGATING MATTERS RELATING TO THE SALE AND ISSUANCE OF THE NOTES TO
AUTHORIZED CITY OFFICIALS.

MOTION: Upon a motion made by Councilmember Kizer and a second by Councilmember Herald, the Council voted seven (7) for and none (0) opposed to adopt Ordinance No. 3403-7-16, as previously captioned, authorizing the issuance of Tax Notes, Series 2016 and the Paying Agent Registrar agreement with Bank of New York Mellon. The motion carried.

- 12. Consider all Matters Incident and Related to the Issuance and Sale of “Allen Community Development Corporation Sales Tax Revenue Refunding Bonds, Taxable Series 2016,” Including the Adoption of a Resolution Approving the Resolution of the Board of Directors of the Corporation Authorizing the Issuance of Such Bonds.**

RESOLUTION NO. 3404-7-16(R): A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ALLEN, TEXAS RELATING TO THE “ALLEN COMMUNITY DEVELOPMENT CORPORATION SALES TAX REVENUE REFUNDING BONDS, TAXABLE SERIES 2016”; INCLUDING THE APPROVAL OF THE RESOLUTION OF THE BOARD OF DIRECTORS OF THE CORPORATION AUTHORIZING THE ISSUANCE OF SUCH BONDS; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE OF SUCH BONDS AND PROVIDING AN EFFECTIVE DATE.

MOTION: Upon a motion made by Councilmember Obermeyer and a second by Councilmember Brooks, the Council voted seven (7) for and none (0) opposed to adopt Resolution No. 3404-7-16(R), as previously captioned, approving the Resolution of the Board of Directors of the Corporation Authorizing the Issuance of Sales Tax Revenue Refunding Bonds, Taxable Series 2016. The motion carried.

Other Business

13. Calendar.

- Council recognized Boy Scouts from Troop 1914 in attendance as a requirement for the Citizenship in the Community and Communication merit badges.

14. Items of Interest.

- Council invited the public to watch the Cricket Tournament at Celebration Park on July 16 starting at 9:00 a.m.
- The Allen Community Outreach is looking for volunteers to help with events such as the Fill the Bus School Supply campaign which is having a Back to School Bash on August 13 at First United Methodist Church.
- Various local restaurants are supporting the Allen Community Outreach through the Christmas in July Restaurant Promotion by donation of a portion of proceeds.

Executive Session

The Executive Session was not held.

Adjournment

MOTION: Upon a motion made by Councilmember Herald and a second by Councilmember Brooks, the Council voted seven (7) for and none (0) opposed to adjourn the Regular Meeting of the Allen City Council at 9:40 p.m. on Tuesday, July 12, 2016. The motion carried.

These minutes approved on the 26th day of July 2016.

APPROVED:

Stephen Terrell, MAYOR

ATTEST:

Shelley B. George, TRMC, CITY SECRETARY