

ALLEN CITY COUNCIL

REGULAR MEETING

JULY 26, 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

The Workshop Session was not held in lieu of the City Council and Keep Allen Beautiful Reception held in honor of the City of Allen winning the Governor's Community Achievement Award.

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 7:00 p.m. on Tuesday, July 26, 2016, in the Council Chambers of the Allen City Hall, 305 Century Parkway, Allen, Texas.

Pledge of Allegiance

Public Recognition

1. Citizens' Comments.

2. Recognition of Keep Texas Beautiful Award Winners.

- First Place, Ebby Halliday and Maurice Acers Business/Industry Award - Finisar
- Second Place, Ruthe Jackson Youth Leadership Award - Mason Moon
- Gold Star Affiliate – Keep Allen Beautiful

- Sustained Excellence – Keep Allen Beautiful
- Governor's Community Achievement Award - City of Allen

3. Presentation of Proclamations by the Office of the Mayor:

- Presentation of a Proclamation to the Allen Americans Professional Hockey Team Proclaiming 2016 as "Allen Americans Year."

4. Presentation of the Library Board's Annual Report by Chairperson Devita Widmer.

Consent Agenda

Mayor Terrell removed the following items from the Consent Agenda:

- 7. Adopt an Ordinance Amending the Code of Ordinances, Chapter 3, "Animals and Fowl," Relating to the Keeping of Backyard Chickens.**
- 11. Transmit the Proposed 2016-2017 City Budget and the Proposed 2017-2021 Capital Improvement Program.**

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 remaining items on the Consent Agenda as follows:

- 5. Approve Minutes of the July 12, 2016, Regular City Council Meeting.**
- 6. Adopt an Ordinance Approving and Enacting Supplement No. 13 to the Allen Land Development Code.**

ORDINANCE NO. 3405-7-16: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ADOPTING SUPPLEMENT NO. 13 TO THE ALLEN LAND DEVELOPMENT CODE; PROVIDING FOR THE PRINTING THEREOF, AUTHENTICATION BY THE MAYOR AND ATTESTATION BY THE CITY SECRETARY; PROVIDING A REPEAL OF CERTAIN ORDINANCES; PROVIDING EXCEPTIONS TO REPEAL; PROVIDING A PENALTY FOR SUCH VIOLATION THEREOF; AND PROVIDING AN EFFECTIVE DATE.

- 8. Adopt a Resolution Opposing the Proposed Kittyhawk Transmission Line and Substation Project by Brazos Electric Power Cooperative, Inc. Regarding its Proposed Routes in Allen.**

RESOLUTION NO. 3406-7-16(R): A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, OPPOSING THE PROPOSED KITTYHAWK TRANSMISSION LINE AND SUBSTATION PROJECT BY BRAZOS ELECTRIC POWER COOPERATIVE, INC., REGARDING ITS PROPOSED ROUTES IN ALLEN; AND PROVIDING AN EFFECTIVE DATE.

- 9. Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Lease Purchase Agreement to Facilitate the Purchase of the Service Center Property from the Allen Independent School District for a Total Purchase Price of \$1,700,000.**

RESOLUTION NO. 3407-7-16(R): A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AUTHORIZING A LEASE PURCHASE AGREEMENT TO

WITH THE ALLEN INDEPENDENT SCHOOL DISTRICT TO PROVIDE FOR THE LEASE WITH THE OPTION TO PURCHASE THE PROPERTY AT 2 BUTLER CIRCLE, ALLEN, TEXAS; AND PROVIDING AN EFFECTIVE DATE.

10. **Adopt a Resolution Authorizing the City Manager to Execute a Commercial Contract of Sale with Molsen Farms Real Estate, Ltd., In the Amount of \$2,333,333.33 Plus Closing Costs for the Purchase of 14 Acres of the 30 Acre Tract of Land Located at Greenville Avenue and Ridgemoor Drive, Including Any Associated Incidental Expenses. [Molsen Farms]**

RESOLUTION NO. 3408-7-16(R): A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AUTHORIZING A COMMERCIAL CONTRACT OF SALE FOR THE PURCHASE OF 14.0± ACRES OF LAND LOCATED IN THE JAMISON MCBAIN SURVEY, ABSTRACT NO. 491, CITY OF ALLEN, TEXAS; AUTHORIZING PAYMENT OF FUNDS, NEGOTIATION AND EXECUTION OF OTHER DOCUMENTS, AND OTHER ACTIONS NECESSARY TO CLOSE ON SAID PURCHASE; AND PROVIDING AN EFFECTIVE DATE.

12. **Authorize the City Manager to Execute the Purchase of Devices, Holsters, and Cartridges for the Allen Police Department from Taser International, Inc., for a Total Amount of \$51,135.35.**
13. **Award Bid and Authorize the City Manager to Execute a Contract with Vulcan Signs to Provide Street Sign Blades, Sign Blanks, Stop Signs, and Sign Posts with Four Optional One-Year Renewals for an Annual Amount of \$70,000.**
14. **Receive the Capital Improvement Program (CIP) Status Reports.**
15. **Receive the Summary of Property Tax Collections as of June 2016.**

The motion carried.

Mayor Terrell moved to Agenda Item 7.

7. **Adopt an Ordinance Amending the Code of Ordinances, Chapter 3, "Animals and Fowl," Relating to the Keeping of Backyard Chickens.**

ORDINANCE NO. 3409-7-16: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING CHAPTER 3, "ANIMALS AND FOWL" OF THE CODE OF ORDINANCES OF THE CITY OF ALLEN, TEXAS, BY AMENDING SECTION 3-1 TO ADD A DEFINITION FOR BACKYARD CHICKENS; BY AMENDING SECTION 3-18 CHANGING THE TITLE OF THE SECTION TO "LIVESTOCK AND FOWL"; BY AMENDING SECTION 3-18(E) AND ADDING SUBSECTION 3-18(H) TO PROVIDE REGULATIONS FOR THE KEEPING OF BACKYARD CHICKENS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY 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.

MOTION: Upon a motion made by Councilmember Obermeyer and a second by Councilmember Herald, the Council voted six (6) for and one (1) opposed, with Councilmember Sedlacek casting the negative vote, to adopt Ordinance No. 3409-7-16, as previously captioned, amending the Code of Ordinances, Chapter 3, "Animals and Fowl," relating to the keeping of backyard chickens by establishing a setback of 20 feet from adjacent property lines, allowing up to four (4) hens

kept in a coop, and that no permit shall be issued if there are deed restrictions or Home Owners Association (HOA) covenants prohibiting fowl. The motion carried.

Mayor Terrell continued to Agenda Item 16.

Regular Agenda

16. Conduct a Public Hearing and Adopt a Resolution Approving the 2016-2017 Annual Action Plan for the Community Development Block Grant (CDBG) Program.

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.

RESOLUTION NO. 3410-7-16(R): A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, APPROVING THE 2016-2017 ANNUAL ACTION PLAN; AUTHORIZING ITS SUBMISSION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD); REPEALING ALL RESOLUTIONS IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; 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. 3410-7-16(R), as previously captioned, to approve the 2016-2017 Community Development Block Grant Annual Action Plan. The motion carried.

17. Conduct a Public Hearing and Adopt an Ordinance Establishing Reinvestment Zone #32 and Approve a Tax Abatement Agreement with One Bethany Development Partners LP Supporting Construction of an Approximately 125,000 Square Foot Class A Office Building Located North of Watters Creek at Montgomery Farm on Bethany Drive. [Kaizen]

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. 3411-7-16: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, DESIGNATING REINVESTMENT ZONE NO. 32 (ALLEN DEVELOPMENT PARTNERS); PROVIDING ELIGIBILITY OF THE ZONE FOR COMMERCIAL-INDUSTRIAL TAX ABATEMENT; CONTAINING FINDINGS THAT THE AREA QUALIFIES TO BE DESIGNATED AS A REINVESTMENT ZONE AND THE IMPROVEMENTS SOUGHT ARE FEASIBLE AND PRACTICABLE AND OF BENEFIT TO THE LAND AND THE CITY; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALING CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF SAID ORDINANCE.

MOTION: Upon a motion made by Councilmember Herald and a second by Mayor Pro Tem Caplinger, the Council voted seven (7) for and none (0) opposed to adopt Ordinance No. 3411-7-16, as previously captioned, establishing Reinvestment Zone #32 and approve a Tax Abatement Agreement with One Bethany Development Partners LP supporting construction of an

approximately 125,000 square foot Class A Office Building located north of Watters Creek at Montgomery Farm on Bethany Drive. The motion carried.

Other Business

17. Calendar.

19. Items of Interest.

- Council recognized a Boy Scout from Troop 594 in attendance as a requirement for the communications merit badge.

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 8:16 p.m. on Tuesday, July 26, 2016. The motion carried.

These minutes approved on the 9th day of August 2016.

APPROVED:

Stephen Terrell, MAYOR

ATTEST:

Shelley B. George, TRMC, CITY SECRETARY