

ALLEN CITY COUNCIL

REGULAR MEETING

JUNE 27, 2017

Present:

Stephen Terrell, Mayor

Councilmembers:

Gary L. Caplinger, Mayor Pro Tem

Kurt Kizer

Ross Obermeyer

Carl Clemencich

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 Annual Reception.

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 7:10 p.m. on Tuesday, June 27, 2017, in the Council Chambers of the Allen City Hall, 305 Century Parkway, Allen, Texas.

Pledge of Allegiance

Public Recognition

Mayor Terrell moved to Agenda Item 2.

2. Recognition of Outgoing City Council Member Ross Obermeyer.

Mayor Terrell presented Councilmember Obermeyer with a plaque recognizing him for 15 years of service to the citizens of Allen on the Allen City Council as Councilmember, Place No. 2. Mayor Terrell also presented him with his nameplate as he stepped down from the Council dais.

3. Administration of the Oath-of-Office and Presentation of the Certificate-of-Election.

City Secretary George administered the Oath-of-Office to newly elected Councilmember Carl Clemencich, Place No. 2. Mayor Terrell presented the Certificate-of-Election and offered his congratulations. Councilmember Clemencich took his place at the Council dais.

4. Presentation of the Park and Recreation Board's Annual Report by Chairperson Tricia Losavio.

1. Citizen's Comments.

Consent Agenda

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 adopt all items on the Consent Agenda as follows:

5. Approve Minutes of the June 13, 2017, Regular City Council Meeting.

6. Approve Minutes of the June 20, 2017, Special Meeting for the Canvass of the Runoff Election.

7. Adopt an Ordinance Amending the Allen Land Development Code by Amending in its Entirety Article III, "Building Regulations" by Adopting the 2015 Edition of the International Building Code, International Existing Building Code, International Fire Code, International Residential Code, International Mechanical Code, International Plumbing Code, International Fuel Gas Code; and International Energy Conservation Code, with Local Amendments, and the 2014 Edition of the National Electrical Code with Local Amendments; and Amending Section 2.06 "Chief Building Official's Responsibilities."

ORDINANCE NO. 3482-6-17: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE ALLEN LAND DEVELOPMENT CODE BY AMENDING IN ITS ENTIRETY ARTICLE III, "BUILDING REGULATIONS" BY ADOPTING THE INTERNATIONAL BUILDING CODE, 2015 EDITION, WITH AMENDMENTS; INTERNATIONAL EXISTING BUILDING CODE, 2015 EDITION, WITH AMENDMENTS; INTERNATIONAL FIRE CODE, 2015 EDITION, WITH AMENDMENTS; INTERNATIONAL RESIDENTIAL CODE, 2015 EDITION, WITH AMENDMENTS; INTERNATIONAL MECHANICAL CODE, 2015 EDITION, WITH AMENDMENTS; INTERNATIONAL PLUMBING CODE, 2015 EDITION, WITH AMENDMENTS; INTERNATIONAL FUEL GAS CODE, 2015 EDITION, WITH AMENDMENTS; NATIONAL ELECTRICAL CODE, 2014 EDITION, WITH AMENDMENTS; INTERNATIONAL ENERGY CONSERVATION CODE, 2015 EDITION, WITH AMENDMENTS; AND AMENDING SECTION 2.06 "CHIEF BUILDING OFFICIAL'S RESPONSIBILITIES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000); AND PROVIDING FOR AN EFFECTIVE DATE.

8. Adopt an Ordinance Amending the Code of Ordinances by Amending Chapter 5 "Fire Prevention and Protection" by Adding Article II "Unlawful Burning of Waste."

ORDINANCE NO. 3483-6-17: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 5 "FIRE PREVENTION AND PROTECTION" BY ADDING ARTICLE II

“UNLAWFUL BURNING OF WASTE” REGARDING THE UNLAWFUL BURNING OF SOLID WASTE AND OTHER MATTER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PENALTY OF A FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000); AND PROVIDING FOR AN EFFECTIVE DATE.

9. **Adopt an Ordinance Amending the Allen Land Development Code, by Amending Article V "Special Zones" Relating to Floodplain.**

ORDINANCE NO. 3484-6-17: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE ALLEN LAND DEVELOPMENT CODE, BY AMENDING IN ITS ENTIRETY ARTICLE V “SPECIAL ZONES”; PROVIDING A REPEALING 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 FOR AN EFFECTIVE DATE.

10. **Adopt an Ordinance Amending the Code of Ordinances by Amending Chapter 13 "Streets and Sidewalks" by Adding Article IV "Moving Buildings" Regulating the Moving of Buildings and Structures on City Streets and Roadways.**

ORDINANCE NO. 3485-6-17: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 13 “STREETS AND SIDEWALKS” BY ADDING ARTICLE IV “MOVING BUILDINGS” REGULATING THE MOVING OF BUILDINGS AND OTHER STRUCTURES ON CITY STREETS, ALLEYS AND OTHER ROADWAYS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PENALTY OF A FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000); AND PROVIDING FOR AN EFFECTIVE DATE.

11. **Adopt an Ordinance Changing the Name of "Venture Drive" to "Guardian Way."**

ORDINANCE NO. 3486-6-17: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, CHANGING THE NAME OF “VENTURE DRIVE” BETWEEN WATTERS ROAD AND U.S. 75 TO “GUARDIAN WAY” AS SHOWN ON EXHIBIT “A”; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

12. **Adopt a Resolution Authorizing the City Manager to Apply For, Accept, Reject, Alter, or Terminate the Bulletproof Vest Partnership Grant Administered by the United States Department of Justice.**

RESOLUTION NO. 3487-6-17(R): A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AUTHORIZING THE CITY MANAGER TO APPLY FOR, ACCEPT, REJECT, ALTER, OR TERMINATE A GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE FOR BULLETPROOF VESTS, IF AWARDED; AND PROVIDING AN EFFECTIVE DATE.

13. **Authorize the City Manager to Negotiate and Execute Contracts with United Healthcare to Serve as a Third-Party Administrator and Alliance Work Partners to Provide Employee Assistance Program Services.**

14. Award Bid and Authorize the City Manager to Execute a Contract with SAZ Global, Inc., d/b/a SAZ Infrastructure for the 2017 Street and Alley Rehabilitation Project at Various Locations in the Amount of \$1,004,319.
15. Authorize the City Manager to Purchase Replacement Self-Contained Breathing Apparatus (SCBA) and Associated Equipment from Municipal Emergency Services, Inc., Motorola, Fire Innovations, LLC, Honeywell, Gear Cleaning Solutions, LLC, and Resolve Specialty Products, LLC, for a Total Amount of \$675,322.
16. Authorize the City Manager to Execute a Contract with Enforcement Video, LLC, d/b/a WatchGuard Video for the Purchase of Body-Worn Cameras, In-Car Video Camera Systems and the Associated Hardware, Software and Licensing in the Amount of \$362,798.
17. Authorize the City Manager to Purchase Updated Hardware, Software, and System Enhancements for the NICE Digital Voice Recording System from Motorola through the Houston-Galveston Area Cooperative Purchasing Program in the Amount of \$205,813.
18. Authorize the City Manager to Execute a Contract with May and Watkins Design, LLC, for the Fabrication and Installation of Integrated Artwork and Interpretative Signage at Spirit Park in the Amount of \$122,743.
19. Receive the Summary of Property Tax Collections as of May 2017.

The motion carried.

Regular Agenda

20. Conduct a Public Hearing and Approve an Ordinance Regarding Proposed Amendments to the Allen Land Development Code Regarding Public Hearing Notice Signs; Principal Uses for Medical Clinics, Fat Rendering and Animal Reduction, Hatchery, Poultry and Egg Farm, Livestock Auction, and Stockyard or Slaughterhouses, Accessory Uses for Medical Clinic or Medical or Dental Office; Uses for Central Business District; Floodplain Hazard Regulations; Adding Development Regulations for Fueling Stations and Urban Residential Dwelling Developments; Security and Burglar Bars; Outdoor Lighting, Landscaping Regulations, Street Design Standards for Cul-De-Sacs; Adding a Definition for "Urban Residential Dwelling"; Amending Appendix B "Filing Fees & Charges" adding a Median Improvement Fee, and Amending Design Standards Set Forth in Appendix F, G, and H.

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. 3488-6-17: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE ALLEN LAND DEVELOPMENT CODE, AS AMENDED, BY AMENDING SECTION 4.06 "CHANGES AND AMENDMENTS" REGARDING THE PLACEMENT OF PUBLIC HEARING NOTICE SIGNS; SECTION 4.20.2 "SCHEDULE OF PRINCIPAL USES" REGARDING USES CONSTITUTING MEDICAL CLINICS, FAT RENDERING AND ANIMAL REDUCTION, HATCHER, POULTRY AND EGG FARM, LIVESTOCK AUCTION, AND STOCKYARD OR SLAUGHTERHOUSE; SECTION 4.20.3

“SCHEDULE OF ACCESSORY USES” REGARDING USES CONSTITUTING MEDICAL CLINIC OR MEDICAL OR DENTAL OFFICE; SECTION 4.20.4 “SCHEDULE OF PRINCIPAL USES CENTRAL BUSINESS DISTRICT” REGARDING USES CONSTITUTING MEDICAL CLINIC, CONDOMINIUM DWELLING, MULTI-FAMILY DWELLING, AND URBAN RESIDENTIAL DWELLING; SECTION 6.06 “SUPPLEMENTAL USE REGULATIONS” BY ADDING ADDITIONAL DEVELOPMENT REGULATIONS TO SECTION 6.06.2 “FUELING STATIONS” AND ADDING A NEW SECTION 6.06.13 REGARDING URBAN RESIDENTIAL DWELLING DEVELOPMENTS; SECTION 7.03.2 “EXTERIOR FAÇADE MATERIALS” RELATING TO SECURITY AND BURGLAR BARS; SECTION 7.03.4 “OUTDOOR LIGHTING” RELATING TO THE REGULATION OF OUTDOOR LIGHTING; SECTION 7.05 LANDSCAPING REQUIREMENTS RELATING TO THE REGULATION OF LANDSCAPING IN ASSOCIATION WITH DEVELOPMENT; SECTION 8.05.1 “STREET DESIGN STANDARDS” RELATING TO DESIGN STANDARDS FOR CUL-DE-SACS; APPENDIX A “DEFINITIONS” ADDING A DEFINITION FOR “URBAN RESIDENTIAL DWELLING”; AMENDING THE MEDIAN IMPROVEMENT FEE SET FORTH IN APPENDIX B “FILING FEES & CHARGES”; AND AMENDING VARIOUS DESIGN STANDARDS SET FORTH IN APPENDIX F “STANDARD CONSTRUCTION STANDARDS: PAVING,” APPENDIX G “STANDARD CONSTRUCTION STANDARDS: STORM DRAINAGE AND TXDOT DETAILS,” AND APPENDIX H “STANDARD CONSTRUCTION STANDARDS: WATER LINES AND SANITARY SEWER”; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000) DOLLARS FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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 adopt Ordinance No. 3488-6-17, as previously captioned, amending the Allen Land Development Code. The motion carried.

21. Adopt a Resolution Establishing Fire Construction Permit Fees.

RESOLUTION NO. 3489-6-17(R): A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ESTABLISHING FIRE CONSTRUCTION PERMIT FEES AS AUTHORIZED BY THE CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Upon a motion made by Councilmember Sedlacek and a second by Councilmember Brooks, the Council voted seven (7) for and none (0) opposed, to approve Resolution No. 3489-6-17(R), as previously captioned, establishing fire construction permit fees. The motion carried.

22. Conduct a Public Hearing and Adopt an Ordinance to Establish Planned Development No. 130 for Single-Family Residential "R-5" and "R-6" and Adopt a Concept Plan, Building Elevations, Screening Plan, and Development Regulations Relating to Approximately 79.095± Acres Generally Located West of Chelsea Boulevard and South of the Ridgeview Drive Right-of-Way. [Ridgeview Crossing - Single Family Residential]

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. 3490-6-17: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE ALLEN LAND DEVELOPMENT CODE ZONING REGULATIONS AND ZONING MAP, AS PREVIOUSLY AMENDED, BY GRANTING A CHANGE IN ZONING FROM AGRICULTURE OPEN SPACE “AO” TO PLANNED DEVELOPMENT “PD” NO. 130 FOR SINGLE FAMILY RESIDENTIAL “R-5” AND “R-6” ON 79.095± ACRES OUT OF THE FRANCIS DOSSER SURVEY, ABSTRACT NO. 280 AND THE G. PHILLIPS SURVEY, ABSTRACT NO. 701, BEING FURTHER DESCRIBED IN EXHIBIT “A,” ATTACHED HERETO; ADOPTING DEVELOPMENT REGULATIONS, A CONCEPT PLAN, BUILDING ELEVATIONS, AND A SCREENING PLAN; PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS 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 Mayor Pro Tem Caplinger and a second by Councilmember Herald, the Council voted seven (7) for and none (0) opposed, to adopt Ordinance No. 3490-6-17, as previously captioned, to establish Planned Development No. 130 for Single-Family Residential “R-5” and “R-6” and adopt a concept plan, building elevations, screening plan, and development regulations to approximately 79.095± acres generally located west of Chelsea Boulevard and south of the Ridgeview Drive right-of-way, for Ridgeview Crossing. The motion carried.

23. Conduct a Public Hearing and Adopt an Ordinance Amending the Development Regulations for Planned Development No. 54 and Adopt a Concept Plan and Building Elevations Relating to the Use and Development of Lot 8R, Block D, Bray Central One Addition; Generally Located at the Northwest Corner of US Highway 75 and McDermott Drive. [RaceTrac - Fueling Station]

On June 6, 2017, the Planning and Zoning Commission recommended denial of the request. On Wednesday, June 7, 2017, the applicant timely filed an appeal of the Commission's recommendation of denial and requested the case be forwarded to the City Council for consideration. In accordance with Allen Land Development Code, Section 4.06.10.b., a favorable vote of three-fourths of the entire membership of the City Council is required to approve any zoning change request which is recommended for denial by the Planning and Zoning Commission.

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 else speaking, Mayor Terrell closed the public hearing.

ORDINANCE NO. 3491-6-17: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE ALLEN LAND DEVELOPMENT CODE ZONING REGULATIONS AND ZONING MAP, AS PREVIOUSLY AMENDED, BY AMENDING THE DEVELOPMENT REGULATIONS, ADOPTING A CONCEPT PLAN, AND BUILDING ELEVATIONS RELATING TO THE USE AND DEVELOPMENT OF LOT 8R, BLOCK D, BRAY CENTRAL ONE ADDITION, WHICH PROPERTY IS LOCATED IN AND SUBJECT TO THE REGULATIONS OF PLANNED DEVELOPMENT “PD” NO. 54 FOR CORRIDOR COMMERCIAL “CC”; 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 six (6) for and one (1) opposed with Councilmember Brooks casting the opposing vote, to adopt Ordinance No. 3491-6-17, as previously captioned, amending the development regulations for Planned Development No. 54 and adopting a concept plan and building elevations for RaceTrac McDermott. The motion carried.

Other Business

24. Calendar.

- July 4 – City facilities closed for the Independence Day Holiday.

25. Items of Interest.

- Council congratulated city staff on a great Allen USA Celebration.
- Council wished happy birthday to Councilmember Herald's daughter, Emma, and to Assistant City Manager Ellwanger.
- Council recognized Boy Scouts in attendance from Troop 25 as requirement for the Communications Merit Badge.

Executive Session

26. Reconvene and Consider Action on Items Discussed During 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 9:26 p.m. on Tuesday, June 27, 2017. The motion carried.

These minutes approved on the 11th day of July 2017.

APPROVED:

Stephen Terrell, MAYOR

ATTEST:

Shelley B. George, TRMC, CITY SECRETARY