

## **ALLEN CITY COUNCIL**

### **REGULAR MEETING**

**SEPTEMBER 26, 2017**

#### **Present:**

Stephen Terrell, Mayor

#### **Councilmembers:**

Gary L. Caplinger, Mayor Pro Tem

Kurt Kizer

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 (absent)

Pete Smith, City Attorney

#### **Workshop Session**

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With a quorum of the Councilmembers present, the Workshop Session of the Allen City Council was called to order by Mayor Terrell at 6:36 p.m. on Tuesday, September 26, 2017, in the City Council Conference Room of the Allen City Hall, 305 Century Parkway, Allen, Texas.

- 1. Update on Implementation of Body Worn Cameras.**
- 2. Committee Updates from City Council Liaisons.**
- 3. Questions on Current Agenda.**

With no further discussion, the Workshop Session of the Allen City Council was adjourned at 6:59 p.m. on Tuesday, September 26, 2017.

#### **Call to Order and Announce a Quorum is Present**

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With a quorum of the Councilmembers present, the Regular Meeting of the Allen City Council was called to order by Mayor Terrell at 7:05 p.m. on Tuesday, September 26, 2017, in the Council Chambers of the Allen City Hall, 305 Century Parkway, Allen, Texas.

#### **Pledge of Allegiance**

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**Public Recognition**

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1. **Citizen's Comments.**
2. **Recognition of the Allen Convention & Visitors Bureau for Winning the 2017 National Tourism Week Idea Fair People's Choice Award from the Texas Association of Convention and Visitor Bureaus (TACVB).**

**Consent Agenda**

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**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:

3. **Approve Minutes of the September 12, 2017, Regular City Council Meeting.**
4. **Adopt a Resolution Nominating Mr. Gary Rodenbaugh for Election to the Board of Directors for the Collin Central Appraisal District and Casting 110 Votes for Said Candidate.**

**RESOLUTION NO. 3516-9-17(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; CASTING BALLOTS FOR THE BOARD OF DIRECTORS FOR THE COLLIN CENTRAL APPRAISAL DISTRICT IN ACCORDANCE WITH SECTION 6.03(g) OF THE STATE PROPERTY TAX CODE; DIRECTING THE CITY SECRETARY TO NOTIFY INTERESTED PARTIES OF SAID ACTION; AND PROVIDING AN EFFECTIVE DATE.

5. **Adopt a Resolution Authorizing the City Manager to Enter into an Amended and Restated Inter-Local Cooperation Agreement Between the City of Allen and Town of Fairview Concerning US 75 and Stacy Road Landscape and Irrigation Maintenance.**

**RESOLUTION NO. 3517-9-17(R):** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN AMENDED AND RESTATED INTERLOCAL COOPERATION AGREEMENT BY AND BETWEEN THE CITY OF ALLEN, TEXAS, AND THE TOWN OF FAIRVIEW, TEXAS, RELATING TO MAINTENANCE OF US 75 LANDSCAPING AND IRRIGATION IMPROVEMENTS; AUTHORIZING ITS EXECUTION BY THE CITY MANAGER OR DESIGNEE; AND PROVIDING AN EFFECTIVE DATE.

6. **Adopt a Resolution Authorizing the City Manager to Enter into an Interlocal Agreement with North Texas Municipal Water District (NTMWD) Regarding the Regional Capacity, Management, Operations and Maintenance (RCMOM) Program.**

**RESOLUTION NO. 3518-9-17(R):** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL AGREEMENT WITH THE NORTH TEXAS MUNICIPAL WATER DISTRICT (NTMWD), CITY OF ANNA, TEXAS, TOWN OF FAIRVIEW, TEXAS, CITY OF FORNEY, TEXAS, CITY OF FRISCO, TEXAS, CITY OF HEATH, TEXAS, CITY OF LUCAS, TEXAS, CITY OF MCKINNEY, TEXAS, CITY OF MELISSA, TEXAS, CITY OF MESQUITE, TEXAS, CITY OF PARKER, TEXAS, CITY OF PLANO, TEXAS, CITY OF PRINCETON, TEXAS, TOWN OF

PROSPER, TEXAS, CITY OF RICHARDSON, TEXAS, CITY OF ROCKWALL, TEXAS, CITY OF SEAGOVILLE, TEXAS, REGARDING REGIONAL CAPACITY, MANAGEMENT, OPERATIONS AND MAINTENANCE (RCMOM) PROGRAM; AUTHORIZING ITS EXECUTION BY THE CITY MANAGER OR DESIGNEE; AND PROVIDING AN EFFECTIVE DATE.

7. **Authorize the City Manager to Execute Contracts for \$50,000 and Greater for Professional Services and Delegate Signatory Authority to a Parks and Recreation Designee to Execute Contracts for an Amount less than \$50,000, as Provided in the Approved 2018 Budget for Various Parks and Recreation Centers and Programs for a Total Annual Amount of \$643,251.**
8. **Authorize the City Manager to Execute Contracts for \$50,000 and Greater for Professional Services and Delegate Signatory Authority to a Parks and Recreation Designee to Execute Contracts for an Amount Less than \$50,000, as Provided in the Approved 2018 Budget for The Courses at Watters Creek for an Annual Amount of \$307,500.**
9. **Authorize the City Manager to Approve Annual Food & Beverage Purchases from Ben E. Keith for Items Used for Retail Sale at Allen Event Center and The Courses at Watters Creek in an Estimated Annual Amount of \$230,510.**
10. **Authorize the City Manager to Approve Annual Beverage Purchases through FinTech.net for Items Used for Retail Sale at Allen Event Center and The Courses at Watters Creek in an Estimated Annual Amount of \$212,021.**
11. **Authorize the City Manager to Approve Purchases from Acushnet Golf for Retail Sales at The Courses at Watters Creek in an Estimated Annual Amount of \$60,000.**
12. **Authorize the City Manager to Purchase Traffic Signal Controllers from Consolidated Traffic Controls, Inc. Through the Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Agreement in the Amount of \$252,450.**
13. **Authorize the City Manager to Execute a License and Facilities Agreement with Rivercrest Park, LLC. and Rivercrest Park Homeowners Association, Inc. Related to the Maintenance of Non-Standard Street Lights.**
14. **Receive the Summary of Property Tax Collections as of August 2017.**

The motion carried.

#### **Regular Agenda**

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15. **Conduct a Public Hearing and Adopt an Ordinance to Amend Planned Development No. 45 to a Base Zoning of Shopping Center and Adopt Development Regulations, a Concept Plan, Open Space Plan, Sub-Area Plan, Phasing Plan, Sign Plan, Fire Lane Plan, and Building Elevations for a 79± Acre Tract of Land Generally Located at the Southwest Corner of Stacy Road and US Highway 75. [Stacy Green - Mixed Use Development]**

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 to the item:

Mike Briggs, 1507 Country Bend, Allen, Texas;  
Pepi Wucher, 1200 Amy Drive, Allen, Texas;  
Kurt Wilkinson, 1418 Constellation Drive, Allen, Texas; and,  
Angela Martinez, 1825 Valencia Drive, Allen, Texas.

The following individuals did not speak but wished to record their support of the item:  
Adam Cook, 973 Pelican Drive, Allen, Texas;  
Jim Brown, 1812 Villa Drive, Allen, Texas; and,  
Mark McCormack, 853 Llano Drive, Allen, Texas.

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

**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 reopen and continue the public hearing to the October 10, 2017, Regular Meeting. The motion carried.

**16. Conduct a Public Hearing and Adopt an Ordinance to Establish a Planned Development with a Base Zoning of Shopping Center and to Adopt Development Regulations, a Concept Plan, and Building Elevations for an 8.472± Acre Tract of Land Generally Located at the Southwest Corner of Bethany Drive and Greenville Avenue. [Bethany Greenville Retail Center - Fueling Station, Mini-Warehouse, and Retail/Restaurant]**

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:  
Bill Dahlstrom, 2523 Ross Avenue, Suite 600, Dallas, Texas; and,  
Jake Petras, 1120 North Industrial Blvd., Euless, Texas.

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

**ORDINANCE NO. 3519-9-17:** 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, RELATING TO THE USE AND DEVELOPMENT OF AN 8.472± ACRE TRACT OF LAND IN THE WILLIAM PERRIN SURVEY, ABSTRACT NO. 708 AND THE RUFUS SEWELL SURVEY, ABSTRACT NO. 875, PRESENTLY ZONED AS LIGHT INDUSTRIAL "LI" BY CHANGING THE ZONING TO CREATE PLANNED DEVELOPMENT "PD" NO. 131 WITH A BASE ZONING OF SHOPPING CENTER "SC" AND ADOPTING DEVELOPMENT REGULATIONS, A CONCEPT 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 Herald and a second by Councilmember Clemencich, the Council voted seven (7) for and none (0) opposed to adopt Ordinance 3519-9-17, as previously captioned, amending the Planned Development with a base zoning of Shopping Center and to adopt Development Regulations, a Concept Plan, and Building Elevations and to further amend the retail building height not to exceed twenty-five (25) feet in height and the storage units shall not exceed four stories, and in no case greater than forty-four (44) feet in

height, for an 8.472± acre tract of land generally located at the southwest corner of Bethany Drive and Greenville Avenue, for the Bethany Greenville Retail Center. The motion carried.

**Other Business**

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**17. Calendar.**

**18. Items of Interest.**

- Council wished happy birthday to Assistant City Manager Siemer, Councilmember Brooks' mother, and Councilmember Herald's daughter Katie.
- Council encouraged the public to attend the Gutenberg Press Exhibit at Christ the Servant Lutheran Church on October 13-16.

The Regular Meeting recessed at 9:20 p.m.

**Executive Session**

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In accordance with the Texas Government Code, the Allen City Council convened into Executive Session at 9:26 p.m. on Tuesday, September 26, 2017, in the Council Conference Room, 305 Century Parkway, Allen, Texas, in order to discuss matters pertaining to:

**19. Personnel Pursuant to Section 551.074 of the Texas Government Code —**

**Discuss Appointments to the Planning and Zoning Commission.**

The Executive Session adjourned at 9:50 p.m. on Tuesday, September 26, 2017.

**20. Reconvene and Consider Action on Items Discussed During Executive Session.**

The Allen City Council reconvened into the Regular Meeting at 9:52 p.m. on Tuesday, September 26, 2017. There was no action taken on items discussed during Executive Session.

**Adjournment**

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**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 9:53 p.m. on Tuesday, September 26, 2017. The motion carried.

These minutes approved on the 10<sup>th</sup> day of October 2017.

**APPROVED:**

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**Stephen Terrell, MAYOR**

**ATTEST:**

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**Shelley B. George, TRMC, CITY SECRETARY**