

ALLEN CITY COUNCIL

REGULAR MEETING

MAY 22, 2018

Present:

Stephen Terrell, Mayor

Councilmembers:

Gary L. Caplinger, Mayor Pro Tem

Kurt Kizer

Carl Clemencich

Debbie Stout

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 (absent)

Teresa Warren, Director, Public and Media Relations Office

Peter G. Smith, City Attorney

Lauren Field, Records Management Specialist

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 6:35 p.m. on Tuesday, May 22, 2018, in the City Council Conference Room of the Allen City Hall, 305 Century Parkway, Allen, Texas.

- 1. Update Regarding Active Construction Projects.**
- 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 7:04 p.m. on Tuesday, May 22, 2018.

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 7:07 p.m. on Tuesday, May 22, 2018, in the Council Chambers of the Allen City Hall, 305 Century Parkway, Allen, Texas.

Pledge of Allegiance

**Administration of the Oath-of-Office and
Presentation of the Certificate-of-Election**

Records Management Specialist Field administered the Oath-of-Office to reelected Councilmember Kizer and Mayor Pro Tem Caplinger. Mayor Terrell presented Certificates-of-Election to each and offered his congratulations.

Public Recognition

1. **Citizens' Comments.**
2. **Presentation of Proclamations by the Office of the Mayor.**
 - Presentation of a Proclamation to Lewis Boykin and Representatives of the Leathernecks Motorcycle Club Proclaiming May 2018 as, "Motorcycle Safety and Awareness Month."
3. **Public Recognition of the Keep Allen Beautiful Reuse-A-Shoe Contest Winners.**
 - 1st Place: Anderson Elementary, 1,239 pairs of shoes
 - 2nd Place: Evans Elementary, 957 pairs of shoes
 - 3rd Place: Bolin Elementary, 623 pairs of shoes

Consent Agenda

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

4. **Approve Minutes of the May 8, 2018, Regular City Council Meeting.**
5. **Approve Minutes of the May 15, 2018, Special Meeting for the Canvass of the Election.**
6. **Adopt an Ordinance Amending the Code of Ordinances Chapter 6 "Health and Environment," Article VIII "Environmental Health" by Amending Various Provisions of Section 6-235 "Amendments to the Texas Food Establishment Rules" Setting Forth the Regulation of Food Establishments and by Amending Section 6-242 "Permits and Inspections" Relating to the Issuance of Permits and Conduct of Inspections of Food Service Establishments.**

ORDINANCE NO. 3572-5-18: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE CODE OF ORDINANCES, CHAPTER 6 "HEALTH AND ENVIRONMENT," ARTICLE VIII "ENVIRONMENTAL HEALTH" BY AMENDING VARIOUS PROVISIONS OF SECTION 6-235 "AMENDMENTS TO THE TEXAS FOOD ESTABLISHMENT RULES" SETTING FORTH THE REGULATION OF FOOD ESTABLISHMENTS AND BY AMENDING SECTION 6-242 "PERMITS AND INSPECTIONS" RELATING TO THE ISSUANCE OF PERMITS AND CONDUCT OF INSPECTIONS OF FOOD SERVICE ESTABLISHMENTS; 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.

7. **Ratify the Contract Executed by the City Manager with Insituform Technologies, L.L.C., for an Emergency Repair to an 18" Aerial Crossing Sewer Line in the Amount of \$139,928.**
8. **Receive the Summary of Property Tax Collections as of April 2018.**

The motion carried.

Regular Agenda

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

RESOLUTION NO. 3573-5-18(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 Sedlacek and a second by Councilmember Brooks, the Council voted seven (7) for and none (0) opposed to adopt Resolution No. 3573-5-18(R), as previously captioned, establishing new rates and fees for commercial and residential solid waste, recycling, and household hazardous waste services. The motion carried.

10. **Adopt a Resolution Establishing New Rates and Fees for Wrecker and Impound Services for Consent and Non-Consent Tows for the Allen Police Department.**

RESOLUTION NO. 3574-5-18(R): A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ESTABLISHING TOWING AND STORAGE FEES; PROVIDING A REPEALING CLAUSE; 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 Resolution No. 3574-5-18(R), as previously captioned, establishing new rates and fees for wrecker and impound services for consent and non-consent tows for the Allen Police Department. The motion carried.

11. **Conduct a Public Hearing and Adopt an Ordinance Amending the Allen Land Development Code for the Following: (1) Amending Section 4.20.2 "Schedule of Principal Uses" by adding "Food Truck Park" and removing "Carnival or Circus" and "Fairgrounds"; (2) Amending Section 4.20.4 "Schedule of Principal Uses Central Business District" by adding "Food Truck Park"; (3) amending Section 6.04.1 "Temporary Use Permit Applications"; and (4) Amending Section 6.06 "Supplemental Use Regulations" by Adding Section 6.06.15 "Mobile Food Vendors" Relating to Supplemental Development and Use Regulations for Mobile Food Vendors.**

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. 3575-5-18: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE ALLEN LAND DEVELOPMENT CODE, AS PREVIOUSLY AMENDED, BY AMENDING SECTION 4.20.2 "SCHEDULE OF PRINCIPAL

USES” BY ADDING “FOOD TRUCK PARK” AND DELETING “CARNIVAL OR CIRCUS” AND “FAIRGROUNDS OR RODEO” AS A USE; AMENDING SECTION 4.20.4 “SCHEDULE OF PRINCIPAL USES – CENTRAL BUSINESS DISTRICT” BY ADDING “FOOD TRUCK PARK” AS A USE; AMENDING SECTION 6.04.1 “TEMPORARY USE APPLICATIONS” RELATING TO THE APPLICATION FOR AND ISSUANCE OF PERMITS FOR CERTAIN TEMPORARY USES; AMENDING SECTION 6.06 “SUPPLEMENTAL REGULATIONS” BY ADDING SECTION 6.06.15 “MOBILE FOOD ESTABLISHMENTS” RELATING TO THE DEVELOPMENT STANDARDS FOR MOBILE FOOD ESTABLISHMENTS; 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 Stout and a second by Councilmember Sedlacek, the Council voted seven (7) for and none (0) opposed to adopt Ordinance No. 3575-5-18, as previously captioned, amending the Allen Land Development Code relating to regulations for mobile food vendors. The motion carried.

12. Conduct a Public Hearing and Adopt an Ordinance to Establish Planned Development No. 136 with a Base Zoning of Shopping Center and Authorizing a Daycare Use Following Approval of a Specific Use Permit on Lot 1, Pete Ford Medical Addition, Generally Located South of Main Street and east of U.S. Highway 75. [Planned Development, Shopping Center - Daycare Use]

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. 3576-5-18: 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, PETE FORD MEDICAL ADDITION, PRESENTLY ZONED AS SHOPPING CENTER “SC” BY CHANGING THE ZONING TO CREATE PLANNED DEVELOPMENT “PD” NO. 136 WITH A BASE ZONING OF SHOPPING CENTER “SC” TO INCLUDE DAYCARE AS A PERMITTED USE FOLLOWING APPROVAL OF A SPECIFIC USE PERMIT; 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 Clemencich, the Council voted seven (7) for and none (0) opposed to adopt Ordinance No. 3576-5-18, as previously captioned, to establish Planned Development No. 136 with a base zoning of Shopping Center authorizing a Daycare use following approval of a Specific Use Permit. The motion carried.

13. Conduct a Public Hearing and Adopt an Ordinance Authorizing Specific Use Permit No. 162 for a Daycare Use for an Approximately 1,786± Square Foot Portion of a Building Generally Located South of Main Street and East of U.S. Highway 75. [Daycare Use]

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. 3577-5-18: 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 GRANTING SPECIFIC USE PERMIT NO. 162 AUTHORIZING AN APPROXIMATELY 1,786± SQUARE FOOT PORTION OF A BUILDING LOCATED ON LOT 1, PETE FORD MEDICAL ADDITION, PRESENTLY ZONED FOR PLANNED DEVELOPMENT “PD” NO. 136 SHOPPING CENTER “SC” TO BE USED FOR A DAYCARE USE; PROVIDING 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 Stout and a second by Councilmember Brooks, the Council voted seven (7) for and none (0) opposed to adopt Ordinance No. 3577-5-18, as previously captioned, authorizing Specific Use Permit No. 162 for Daycare use. The motion carried.

Other Business

14. Calendar.

- May 28 - Memorial Day Holiday
- June 4 - 12 - City of Allen Runoff Election - Early Voting Period
- June 16- Runoff Election Day, 7 a.m. - 7 p.m.

15. Items of Interest.

- Council wished happy birthday to Mayor Pro Tem Caplinger and Public Media Relations Director Warren.

Executive Session

The Executive Session was not held.

Adjournment

MOTION: Upon a motion made by Councilmember Stout 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 7:58 p.m. on Tuesday, May 22, 2018. The motion carried.

These minutes approved on the 12th day of June 2018.

APPROVED:

Stephen Terrell, MAYOR

ATTEST:

Shelley B. George, TRMC, CITY SECRETARY