

## **ALLEN CITY COUNCIL**

### **REGULAR MEETING**

**JUNE 12, 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

Teresa Warren, Director, Public and Media Relations Office

Peter G. 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 6:32 p.m. on Tuesday, June 12, 2018, in the City Council Conference Room of the Allen City Hall, 305 Century Parkway, Allen, Texas.

- 1. Update Regarding Trail System Master Plan and Trail Signage.**
- 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 6:55 p.m. on Tuesday, June 12, 2018.

#### **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 7:01 p.m. on Tuesday, June 12, 2018, 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. Citizens' Comments.**

- Vivek Agarwal, 2014 Lundenburg Drive, Allen, Texas, spoke regarding water quality in Allen.

**Consent Agenda**

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**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 all items on the Consent Agenda as follows:

**2. Approve Minutes of the May 22, 2018, Regular City Council Meeting.**

**3. Adopt an Ordinance Amending the Code of Ordinances Chapter 9 "Motor Vehicles and Traffic," Setting Forth Truck Routes Located Within the City.**

**ORDINANCE NO. 3578-6-18:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE CODE OF ORDINANCES, CHAPTER 9 "MOTOR VEHICLES AND TRAFFIC," BY AMENDING ARTICLE VIII "TRUCK ROUTES" BY AMENDING SECTION 9-205 "DESIGNATED FOR TRAILERS, SEMITRAILERS AND POLE TRAILERS" SETTING FORTH TRUCK ROUTES LOCATED WITHIN THE CITY; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PENALTY OF A FINE NOT TO EXCEED TWO HUNDRED DOLLARS (\$200); AND PROVIDING FOR AN EFFECTIVE DATE.

**4. Adopt a Resolution Delegating Authority to the City Manager to Negotiate and Execute Facilities and License Agreements for Design, Installation, Repair, Replacement, and Removal of Non-Standard Street Lights and Street Signs.**

**RESOLUTION NO. 3579-6-18(R):** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, DELEGATING TO THE CITY MANAGER THE AUTHORITY TO NEGOTIATE AND EXECUTE FACILITIES AND LICENSE AGREEMENTS FOR DESIGN, INSTALLATION, REPAIR, REPLACEMENT, AND REMOVAL OF NON-STANDARD FACILITIES IN CITY SUBDIVISIONS; AND PROVIDING AN EFFECTIVE DATE.

**5. Adopt a Resolution Authorizing the City Manager to Enter into an Amended and Restated Interlocal Cooperation Agreement Between the City of Allen and Town of Fairview Concerning the Stacy Road and Greenville Avenue Intersection.**

**RESOLUTION NO. 3580-6-18(R):** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A FIRST AMENDMENT TO INTERLOCAL AGREEMENT BY AND BETWEEN THE CITY OF ALLEN, TEXAS, AND THE TOWN OF FAIRVIEW, TEXAS, RELATING TO ENGINEERING AND CONSTRUCTION OF GREENVILLE AVENUE AND STACY ROAD INTERSECTION IMPROVEMENTS; AUTHORIZING ITS EXECUTION BY THE CITY MANAGER OR DESIGNEE; AND PROVIDING AN EFFECTIVE DATE.

6. **Adopt a Resolution Authorizing the City Manager to Execute an Interlocal Agreement Between the Allen Independent School District and The City of Allen for the Maintenance of Bolin Elementary School Sewer Lift Station.**

**RESOLUTION NO. 3581-6-18(R):** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A FIRST AMENDMENT TO INTERLOCAL AGREEMENT BY AND BETWEEN THE CITY OF ALLEN, TEXAS, AND THE TOWN OF FAIRVIEW, TEXAS, RELATING TO ENGINEERING AND CONSTRUCTION OF GREENVILLE AVENUE AND STACY ROAD INTERSECTION IMPROVEMENTS; AUTHORIZING ITS EXECUTION BY THE CITY MANAGER OR DESIGNEE; AND PROVIDING AN EFFECTIVE DATE.

7. **Award Bid and Authorize the City Manager to Execute a One-Year Contract, with Four Automatic One-Year Renewals, with Signature Towing, Inc., as the Primary Vendor and Jordan Towing, Inc., as a Secondary Vendor for Wrecker and Impound Services for Consent and Non-Consent Towing Services for the Allen Police Department.**

The motion carried.

#### **Regular Agenda**

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8. **Award Bid and Authorize the City Manager to Execute a Contract with Quality Excavation, Ltd. In the Amount of \$2,283,451 for the Alma Drive Phase 2 Project.**

Mayor Terrell invited anyone who wished to speak for or against this item to do so at this time.

The following individuals spoke in opposition to the item:

Kevin Kerr, 1400 Sun creek Drive, Allen, Texas;  
Kirsten Fair, 1431 Luckenbach Drive, Allen, Texas;  
Gene Potts, 1418 Capstan Drive, Allen, Texas;  
Zane Lewis, 1313 Granger Drive, Allen, Texas;  
Jill Kelley, 1233 Greenway Drive, Allen, Texas;  
Julie Gyger, 1215 Rainforest Lane, Allen, Texas;  
Catie Brooks, 1360 Francie Way, Allen, Texas;  
Tracy Potts, 1418 Capstan Drive, Allen, Texas;  
Holly Vinezeano, 1214 Wills Point Drive, Allen, Texas;  
Rich Penner, 408 Spinnaker Drive, Allen, Texas;  
Lauren Doherty, 713 Longwood Drive, Allen, Texas;  
Shirley Mangrum, 123 Caledonia Court, Allen, Texas;  
Vivek Agarwal, 2014 Lundenburg Drive, Allen, Texas;  
Janice Pascoe, 1335 Comanche Drive, Allen, Texas, and;  
David Ringrose, 910 Cross Plains Drive, Allen, Texas.

The following individual spoke in support of the item:

Pat Boyle, 1324 Lincoln Court, Allen, Texas.

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

Jaxon Mattox, 315 Flagler Court, Allen, Texas;  
Dawn Huntley Mattox, 315 Flagler Court, Allen, Texas;  
Aliceanne B. Ebinger, 1309 Hockley Court, Allen, Texas;

Dana Cobb, 1432 McClure Drive, Allen, Texas;  
Bobby LeCroy, 1132 Belvedere Drive, Allen, Texas;  
Stephanie Cook, 713 Bel Air Drive, Allen, Texas;  
Jason Gillespie, 1226 Comanche Drive, Allen, Texas;  
Marty Wigder, 1415 San Mateo Drive, Allen, Texas;  
Leslie Meil, 1328 Capstan Drive, Allen, Texas;  
Jana Davidson, 504 Spinnaker Drive, Allen, Texas;  
Katie Davidson, 504 Spinnaker Drive, Allen, Texas;  
Shane Stelmach, 1235 Irvine Drive, Allen, Texas;  
Shelley Stelmach, 1235 Irvine Drive, Allen, Texas;  
Robert Stack, 400 Irvine Drive, Allen, Texas;  
Douglas Matheson, 1408 Constellation, Allen, Texas;  
Lisa Sherwinski, 306 Sonoma Drive, Allen, Texas;  
Vicki Grover, 1104 Copperas Cove Court, Allen, Texas;  
Brock Grover, 1104 Copperas Cove Court, Allen, Texas;  
Richard Smith, 912 Kilgore Court, Allen, Texas;  
Harry and Bethany Bennett, 910 Kilgore Court, Allen, Texas;  
Jessica Smith, 912 Kilgore Court, Allen, Texas;  
Ann Norton, 1410 Placer Drive, Allen, Texas;  
Randy Norton, 1410 Placer Drive, Allen, Texas;  
Gregory Johnson, 1306 Lincoln Court, Allen, Texas;  
Mary Kuykendall, 1001 Bel Air Drive, Allen, Texas;  
Kim Devlin-Allen, 1421 Lone Star Court, Allen, Texas;  
Barbara Huber, 1133 Nick Circle, Allen, Texas;  
Sharon Missler, 1421 Rio Grande Drive, Allen, Texas;  
Joel and Carol Gabrelow, 1359 Francie Drive, Allen, Texas;  
LeRoy Huber, 1133 Nick Circle, Allen, Texas;  
Hope and Donnie Mortimer, 1409 Cool Springs Drive;  
Brandon Studdard, 417 Woodbridge Drive, Allen, Texas;  
Barbara Studdard, 417 Woodbridge Drive, Allen, Texas;  
Dennis Adelman, 1413 San Mateo Drive, Allen, Texas;  
Evangelos Ploubis, 1008 Westwood Court, Allen, Texas;  
Rhonda Ploubis, 1008 Westwood Court, Allen, Texas;  
Rhett Staehling, 1231 Covina Court, Allen, Texas;  
LeRoy and Penny Nishek, 401 Mainsail Drive, Allen, Texas;  
Chris Bukaty, 1433 Tascosa Court, Allen, Texas;  
Don Edwards, 913 Rotan Court, Allen, Texas;  
Trent Armstrong, 1233 Covina Court, Allen, Texas;  
David "Neil" Fonville, 411 Woodbridge Drive, Allen, Texas;  
Derek Sedlacek, 640 Autumn Oaks, Allen, Texas;  
Debbie Rhyner, 302 Fairfax Drive, Allen, Texas;  
Ammal Sheikh, 402 Spinnaker Drive, Allen, Texas;  
Zahid Sheikh, 402 Spinnaker Drive, Allen, Texas;  
Kyle Walzel, 1507 Blossom Court, Allen, Texas;  
Kathy Boys, 1003 Westwood Court, Allen, Texas;  
Kim Burns, 1311 Salado Drive, Allen, Texas;  
Susannah Robinson, 401 Woodbridge Drive, Allen, Texas;  
Fred Vinezeano, 1214 Wills Point Drive, Allen, Texas;  
Beverly Vasta, 2040 Fox Glen Drive, Allen, Texas, and;  
Donna Martin-Rammer, 849 Vashon Drive, Allen, Texas.

The following individuals did not wish to speak but wished to record their support of the item:  
Delores Russell, 1310 Capstan Drive, Allen, Texas, and;  
Roger Russell, 1310 Capstan Drive, Allen, Texas.

**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 award bid and authorize the City Manager to execute a contract with Quality Excavation, Ltd., in the amount of \$2,283,450.53 for the Alma Drive Phase 2 Project. The motion carried.

**9. Conduct a Public Hearing and Adopt an Ordinance for a Specific Use Permit for a Restaurant/Private Club Use for an Approximately 6,493± Square Foot Portion of the Building Located on Lot 7A-1, Block A, The Village at Allen; Generally Located South of Stacy Road and East of U.S. Highway 75. [Bar Louie - Restaurant/Private Club]**

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. 3582-6-18:** 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. 163 AUTHORIZING AN APPROXIMATELY 6,493± SQUARE FOOT PORTION OF A BUILDING LOCATED ON LOT 7A-1, BLOCK A, THE VILLAGE AT ALLEN, PRESENTLY ZONED FOR PLANNED DEVELOPMENT "PD" NO. 73 SHOPPING CENTER "SC" TO BE USED FOR A RESTAURANT/PRIVATE CLUB 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 Sedlacek and a second by Councilmember Stout, the Council voted seven (7) for and none (0) opposed to adopt Ordinance No. 3582-6-18, as previously captioned, granting Specific Use Permit No. 163 for a Restaurant/Private Club use for Bar Louie. The motion carried.

**10. Conduct a Public Hearing and Adopt an Ordinance to Amend the Development Regulations Relating to the Use and Development of Tract 7 of Planned Development No. 55, Generally Located South of Motorsport Court and West of U.S. Highway 75, to Add "Medical Clinic" as a Permitted 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. 3583-6-18:** 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 2, BLOCK A, HONDA OF ALLEN ADDITION, PRESENTLY ZONED

AS TRACT 7 OF PLANNED DEVELOPMENT “PD” NO. 55 COMMERCIAL/OFFICE “C/O” BY AMENDING THE DEVELOPMENT REGULATIONS TO AUTHORIZE MEDICAL CLINIC AS A PERMITTED USE ON THE PROPERTY; 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 Stout and a second by Councilmember Sedlacek, the Council voted seven (7) for and none (0) opposed to adopt Ordinance No. 3583-6-18, as previously captioned, amending the Allen Land Development Code relating to regulations for mobile food vendors. The motion carried.

**11. 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. 3583-6-18:** 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 Mayor Pro Tem Caplinger and a second by Councilmember Brooks, the Council voted seven (7) for and none (0) opposed to adopt Ordinance No. 3583-6-18, as previously captioned, to amend the Development Regulations relating to the use and development of Tract 7 of Planned Development PD No. 55 to add a “Medical Clinic” use as a permitted use on Lot 2, Block A, Honda of Allen Addition; generally located south of Motorsport Court and west of U.S. Highway 75 (and commonly known as 410 S. Central Expressway). The motion carried.

**Other Business**

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**12. Calendar.**

- June 16 - Runoff Election Day, 7 a.m. - 7 p.m.
- June 18 and 25 - Summer Sounds Concert Series, Bethany Lakes Park, 7 p.m.
- June 30 - Market Street Allen USA Celebration, Celebration Park, 4 p.m.

**13. Items of Interest.**

- Councilmember Brooks encouraged citizens to attend the upcoming Market Street Allen USA Celebration on June 30 at Celebration Park.
- Mayor Pro Tem Caplinger encouraged attendees at Allen USA to participate in this year's "Ninja Warrior Competition."
- Council wished happy birthday to Councilmember Sedlacek.

**Executive Session**

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The Executive Session was not held.

**Adjournment**

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**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 adjourn the Regular Meeting of the Allen City Council at 9:17 p.m. on Tuesday, June 12, 2018. The motion carried.

These minutes approved on the 26<sup>th</sup> day of June 2018.

**APPROVED:**

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**Stephen Terrell, MAYOR**

**ATTEST:**

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