

## **ALLEN CITY COUNCIL**

### **REGULAR MEETING**

**AUGUST 28, 2018**

#### **Present:**

Stephen Terrell, Mayor

#### **Councilmembers:**

Gary L. Caplinger, Mayor Pro Tem

Kurt Kizer

Carl Clemencich

Lauren Doherty

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 6:36 p.m. on Tuesday, August 28, 2018, in the City Council Conference Room of the Allen City Hall, 305 Century Parkway, Allen, Texas.

- 1. City Council Photographs.**
- 2. Budget Workshop Follow Up Discussion.**
- 3. Committee Updates from City Council Liaisons.**
- 4. 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, August 28, 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 7:03 p.m. on Tuesday, August 28, 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.**
2. **Recognition of the Purchasing Division for Receipt of the 2018 Achievement of Excellence in Procurement Award.**
3. **Presentation of Proclamations by the Office of the Mayor.**
  - **Present a Proclamation to Jed Tamayo, Municipal Court Administrator, Proclaiming August 28, 2018, as "Teen Court Day."**
4. **Presentation Regarding the Allen Americans Professional Hockey Team.**

Mayor Terrell, joined by the Allen City Council and Mr. Vargas, congratulated the Allen Americans on their 10-year anniversary and announced that Spencer Asuchak will rejoin the team this year as a forward.

5. **Presentation on the Collin County Bond Proposition featuring former McKinney Mayor Brian Loughmiller.**

This item was rescheduled to September 11, 2018, Regular Meeting.

**Consent Agenda**

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Mayor Terrell removed the following agenda item from the Consent Agenda.

8. **Adopt an Ordinance Amending the Code of Ordinances Chapter 6 by Amending Section 6-235 Adopting Local Amendments to the Texas Food Establishment Rules; and Amending Section 6-242 by Adding Subsection (e) Relating to Bringing Non-Compliant Facilities or Equipment into Compliance.**

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

6. **Approve Minutes of the August 14, 2018, Regular City Council Meeting.**
7. **Approve Minutes of the August 17-19, 2018, City Council Budget Workshop.**
9. **Adopt an Ordinance Amending the Code of Ordinances by Amending Section 6- 20 Relating to Assessments for the Abatement of High Weeds and Grass and Other Nuisances; Amending Section 6-85 (k) Relating to Fence Maintenance; Amending Section 9-2 by Amending the Definitions of "Central Business District," "Commercial Motor Vehicle," "Services Vehicle," and "Truck-Tractor" and Adding a Definition For "Recreational Vehicle;" Amending Section 9-227 Restricting the Parking of Trucks and Tractors in Certain Areas; Amending Section 9-229 Relating to the Parking of Certain Commercial Vehicles; Amending Section 9-321 by Amending the Definition of "Junked Vehicle;" Amending Section 13-1 Prohibiting Certain Improvements in Visibility Triangles; and by Amending Section 13-15 Relating to the Condition of Landscaping in and Adjacent to Public Rights of Way.**

**ORDINANCE NO. 3596-8-18:** 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. 164 AUTHORIZING AN APPROXIMATELY 3,987± SQUARE FOOT PORTION OF A BUILDING LOCATED ON LOT 6, GREENWAY-ALLEN RETAIL ADDITION, PRESENTLY ZONED FOR SHOPPING CENTER “SC” TO BE USED FOR A MEDICAL CLINIC 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.

10. **Adopt an Ordinance Amending the Code of Ordinances Chapter 8, Adding Article VII, to Provide Regulations for Special Events.**

**ORDINANCE NO. 3597-8-18:** 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. 164 AUTHORIZING AN APPROXIMATELY 3,987± SQUARE FOOT PORTION OF A BUILDING LOCATED ON LOT 6, GREENWAY-ALLEN RETAIL ADDITION, PRESENTLY ZONED FOR SHOPPING CENTER “SC” TO BE USED FOR A MEDICAL CLINIC 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.

11. **Adopt a Resolution Authorizing the City Manager to Execute an Interlocal Agreement between the City of Allen and the City of Plano for the Household Hazardous Waste Recycling and Reuse Program.**

**RESOLUTION NO. 3598-8-18(R):** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, APPROVING AN AMENDED POLICY FOR THE INVESTMENT OF MUNICIPAL FUNDS; AND PROVIDING AN EFFECTIVE DATE.

12. **Award Bid and Authorize the City Manager to Execute a Contract with RBR Infrastructure & Road, LLC, in the Amount of \$1,407,431 for the 2018 Street and Alley Rehabilitation & Angel Parkway Left Turn Lane Projects.**
13. **Motion to Authorize the City Manager to Cast Votes and Sign the Ballot for the Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election.**
14. **Receive the Summary of Property Tax Collections as of July 2018.**

The motion carried.

8. **Adopt an Ordinance Amending the Code of Ordinances Chapter 6 by Amending Section 6-235 Adopting Local Amendments to the Texas Food Establishment Rules; and Amending Section 6-242 by Adding Subsection (e) Relating to Bringing Non-Compliant Facilities or Equipment into Compliance.**

**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 table Agenda Item 8, to the September 25, 2018, Regular Meeting. The motion carried.

**Regular Agenda**

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**15. Conduct a Public Hearing on the Fiscal Year 2018-2019 City Budget as Required by Article IV, Section 4.04 of the Allen City Charter.**

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.

Mayor Terrell announced that the City Council will vote on the FY2018-2019 budget at the September 11, 2018, City Council meeting at 7:00 p.m. at Allen City Hall, 305 Century Parkway, Allen, Texas.

**16. Conduct a Public Hearing Regarding the Fiscal Year 2018-2019 City Tax Rate.**

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.

**MOTION:** Upon a motion made by Councilmember Sedlacek and a second by Councilmember Doherty, the Council voted seven (7) for and none (0) opposed to set the City Council meeting date of Tuesday, September 11, 2018, at 7:00 p.m. at Allen City Hall, 305 Century Parkway, Allen, Texas, to vote on the proposed tax rate of 49.8 cents per \$100 of the certified appraised value for the Fiscal Year 2018-2019 budget. The motion carried.

**17. Conduct a Public Hearing and Adopt an Ordinance Amending the Allen Land Development Code by (1) Amending Section 4.20.2 "Schedule of Principal Uses" by adding "Massage Establishment"; (2) Amending Section 4.20.4 "Schedule of Principal Uses Central Business District" by adding "Massage Establishment"; (3) Amending Section 6.03.2 Relating to the Regulation of Private Clubs Regarding Outdoor Service of Alcoholic Beverages; (4) Amending Section 6.06 by Adding Section 6.06.16 Providing Supplemental Regulations for Massage Establishments; (5) Amending Sec. 7.03.2 Correcting the Reference to Exterior Insulation and Finish System (EIFS); (6) Adding Sec. 7.05.6 Relating to Plan Requirements for the Installation of Irrigation Systems; (7) Amending Sec. 7.09.5 Relating to Signs in the Central Business District; (8) Amending the Caption of Sec. 7.03.3 and Adding Regulations for Refuse and Recycling Collection Enclosures; (9) Amending Sec. 8.11 Relating to Street Light Fees; and (10) Amending Appendix A by Amending the Definition of "Personal Service Business" and Adding a Definition for "Massage Establishment".**

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.

**MOTION:** Upon a motion made by Councilmember Kizer and a second by Mayor Pro Tem Caplinger, the Council voted seven (7) for and none (0) opposed to reopen and continue the public hearing to the September 25, 2018, Regular Meeting. The motion carried.

**18. Adopt a Resolution Establishing a Special Event Permit Fee.**

**RESOLUTION NO. 3599-8-18(R):** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, APPROVING AN AMENDED POLICY FOR THE INVESTMENT OF MUNICIPAL FUNDS; 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) to adopt Resolution No. 3599-8-18(R), as previously captioned, establishing a special event permit fee. The motion carried.

**Other Business**

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**19. Calendar.**

**20. Items of Interest.**

- Council wished everyone a happy and safe Labor Day.
- The Parks Foundation fundraiser, "Party on the Path," is Saturday, September 22, 2018.
- The Allen Eagles first home game against the Mesquite Horn Jaguars this Friday, August 31, 2018.
- A classic car show on October 20 in the parking lot behind Two Rows and Sauced benefitting the Allen Community Outreach.
- Council wished happy birthday to City Attorney Pete Smith.

**Executive Session**

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The Executive Session was not held.

**21. Reconvene and Consider Action on Items Resulting from Executive Session.**

**Adjournment**

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**MOTION:** Upon a motion made by Councilmember Doherty 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 7:39 p.m. on Tuesday, August 28, 2018. The motion carried.

These minutes approved on the 11<sup>th</sup> day of September 2018.

**APPROVED:**

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**Stephen Terrell, MAYOR**

**ATTEST:**

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