

ALLEN CITY COUNCIL

REGULAR MEETING

SEPTEMBER 11, 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

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, September 11, 2018, in the City Council Conference Room of the Allen City Hall, 305 Century Parkway, Allen, Texas.

- 1. Introduction of George Chrisman, President of the Allen Community Development Corporation.**
- 2. Briefing Regarding Proposed Amendments to the Allen Land Development Code.**
- 3. Briefing Regarding Proposed Amendments to the Code of Ordinances Related to Environmental Health.**
- 4. Committee Updates from City Council Liaisons.**
- 5. Questions on Current Agenda.**

With no further discussion, the Workshop Session of the Allen City Council was adjourned at 7:01 p.m. on Tuesday, September 11, 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 7:04 p.m. on Tuesday, September 11, 2018, in the Council Chambers of the Allen City Hall, 305 Century Parkway, Allen, Texas.

Pledge of Allegiance

Honor Guard to Post Colors and Hold a Moment of Silence in Observance of 9/11 Remembrance.

- The Allen Police Department Honor Guard posted the colors. Fire Chief Jon Boyd led the audience in the Ringing of the Bell ceremony held in memory of those who lost their lives in the terrorist attacks on September 11, 2001.

Public Recognition

1. **Citizens' Comments.**
2. **Presentation of the Allen Community Development Corporation (CDC) Annual Report by George Chrisman, President.**
3. **Presentation on the Collin County Bond Proposition by former Mayor Brian Loughmiller.**

Consent Agenda

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 adopt all items on the Consent Agenda as follows:

4. **Approve Minutes of the August 28, 2018, Regular City Council Meeting.**
5. **Adopt an Ordinance Approving a Negotiated Settlement Between the Atmos Cities Steering Committee and Atmos Energy Corporation, Mid-Tex Division Regarding the Company's 2018 Rate Review Mechanism (RRM) Filing.**

ORDINANCE NO. 3600-9-18: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE AND ATMOS ENERGY CORPORATION, MID-TEX DIVISION REGARDING THE COMPANY'S 2018 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; REQUIRING THE COMPANY TO REIMBURSE REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL.

6. **Adopt a Resolution Appointing Members to Fill Expiring and Vacant Terms on the Board of Directors for Tax Increment Financing (TIF) Reinvestment Zone No. 1 (Garden District).**

RESOLUTION NO. 3601-9-18(R): A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, APPOINTING THE BOARD OF DIRECTORS OF THE ALLEN TAX INCREMENT FINANCING REINVESTMENT ZONE NO. 1; AND PROVIDING FOR AN EFFECTIVE DATE.

7. **Adopt a Resolution Reappointing Members to Fill Expiring Terms on the Board of Directors for Tax Increment Financing (TIF) Reinvestment Zone No. 2 (Central Business District).**

RESOLUTION NO. 3602-9-18(R): A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, APPOINTING THE BOARD OF DIRECTORS OF THE ALLEN TAX INCREMENT FINANCING REINVESTMENT ZONE NO. 2; AND PROVIDING FOR AN EFFECTIVE DATE.

8. **Accept Required Certifications from the Tax Assessor/Collector's Office Including the Certifications Rate for the 2018 Tax Year, the Certification of Excess Debt Collections for the 2017 Tax Year and the 2018 Appraisal Roll.**

9. **Adopt a Resolution Authorizing the City Manager to Execute an Interlocal Agreement between the Cities of Allen and Plano to Operate a Joint Radio Communications System.**

RESOLUTION NO. 3603-9-18(R): A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL COOPERATION AGREEMENT BY AND BETWEEN THE CITIES OF ALLEN AND PLANO; AUTHORIZING EXECUTION OF THE INTERLOCAL AGREEMENTS BY THE CITY MANAGER; AND PROVIDING AN EFFECTIVE DATE.

10. **Adopt a Resolution Amending Authorized City Representatives to Conduct Transactions and Inquiries with TexPool.**

RESOLUTION NO. 3604-9-18(R): A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING PRIOR DESIGNATIONS OF INVESTMENT OFFICERS OF THE CITY AND AUTHORIZING INDIVIDUALS TO INVEST, TRANSFER, WITHDRAW, DEPOSIT, GIVE INSTRUCTIONS ON BEHALF OF THE ORGANIZATION, OR MANAGE FUNDS FOR THE CITY OF ALLEN; AND PROVIDING AN EFFECTIVE DATE.

11. **Adopt a Resolution Amending Authorized City Representatives to Conduct Transactions and Inquiries with TexSTAR.**

RESOLUTION NO. 3605-9-18(R): A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING PRIOR DESIGNATIONS OF INVESTMENT OFFICERS OF THE CITY AND AUTHORIZING INDIVIDUALS TO INVEST FUNDS JOINTLY WITH OTHER TEXAS LOCAL GOVERNMENTS IN TEXSTAR; AND PROVIDING AN EFFECTIVE DATE.

12. **Authorize the City Manager to Execute a Bank Depository Agreement with JPMorgan Chase Bank, N.A., as the City's Depository Institution and Adopt a Resolution Authorizing City Representatives to Execute Related Bank Depository Documents.**

RESOLUTION NO. 3606-9-18(R): A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, DESIGNATING CITY REPRESENTATIVES FOR THE DEPOSITORY BANK; AND PROVIDING AN EFFECTIVE DATE.

The motion carried.

Regular Agenda

13. **Conduct a Public Hearing and Adopt an Ordinance to Amend the Development Regulations of a Portion of District H of Planned Development No. 108 Mixed Use and Adopt a Concept Plan and Building Elevations for a 2.393± Acre Tract of Land Generally Located at the Northeast Corner of Exchange Parkway and Bossy Boots Drive. [Bossy Boots Retail]**

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. 3607-9-18: 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 OF PLANNED DEVELOPMENT “PD” NO. 108 MIXED USE “MIX” AND ADOPTING A CONCEPT PLAN AND BUILDING ELEVATIONS ON 2.393± ACRES LOCATED IN THE JOHN FYKE SURVEY, ABSTRACT NO. 325; 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 Councilmember Sedlacek and a second by Mayor Pro Tem Caplinger, the Council voted seven (7) for and none (0) to adopt Ordinance No. 3607-9-18, as previously captioned, amending the Development Regulations of a portion of District H of Planned Development No. 108 Mixed Use and adopting a Concept Plan and Building Elevations. The motion carried.

14. **Adopt an Ordinance Approving the Fiscal Year 2018-2019 Budget, Amending the Fiscal Year 2017-2018 Budget, and Approving the 2019-2023 Capital Improvement Program.**

ORDINANCE NO. 3608-9-18: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, APPROVING AND ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018, AND ENDING SEPTEMBER 30, 2019; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET; APPROPRIATING AND SETTING ASIDE THE NECESSARY FUNDS OUT OF THE GENERAL AND OTHER REVENUES FOR SAID FISCAL YEAR FOR THE MAINTENANCE AND OPERATION OF THE VARIOUS DEPARTMENTS AND FOR VARIOUS ACTIVITIES AND IMPROVEMENTS OF THE CITY; APPROPRIATING THE VARIOUS AMOUNTS REQUIRED FOR SUCH BUDGET; PROVIDING FOR RECORDING OF THE ORDINANCE; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; 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) to adopt Ordinance No. 3608-9-18, as previously captioned, approving the Fiscal Year 2018-2019 budget, amending the Fiscal Year 2017-2018 budget, and approving the 2019-2023 Capital Improvement Program. The motion carried.

MOTION: Upon a motion made by Councilmember Sedlacek and a second by Councilmember Brooks, the Council voted seven (7) for and none (0) to ratify the increase in property tax revenues reflected in the Fiscal Year 2018-2019 budget. The motion carried.

15. Adopt an Ordinance Setting the Tax Rate for the Fiscal Year 2018-2019 Budget.

ORDINANCE NO. 3609-9-18: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, LEVYING THE AD VALOREM TAXES FOR THE TAX YEAR 2018 (FISCAL YEAR 2018-2019) AT A RATE OF \$0.498000 PER ONE HUNDRED DOLLARS (\$100) ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF ALLEN AS OF JANUARY 1, 2018, TO PROVIDE REVENUE FOR THE PAYMENT OF CURRENT EXPENSES; PROVIDING FOR AN INTEREST AND SINKING FUND FOR ALL OUTSTANDING DEBT OF THE CITY OF ALLEN; PROVIDING FOR DUE AND DELINQUENT DATES TOGETHER WITH PENALTIES AND INTEREST; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Upon a motion made by Councilmember Clemencich and a second by Mayor Pro Tem Caplinger, the Council voted seven (7) for and none (0) that the property tax rate be increased by the adoption of a tax rate of 0.498000, which is effectively a 3.91 percent increase in the tax rate, and to adopt Ordinance No. 3609-9-18, as previously captioned, setting the tax rate for the Fiscal Year 2018-2019. The motion carried.

16. Adopt a Resolution Implementing the Water and Sewer Rate Increases Recommended for Fiscal Year 2018-2019.

RESOLUTION NO. 3610-9-18(R): A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ESTABLISHING SANITARY SEWER CHARGES AND WATER SERVICE CHARGES; PROVIDING A SEVERABILITY CLAUSE; 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) to adopt Resolution No. 3610-9-18(R), as previously captioned, setting new rates for residential and commercial water and sewer services. The motion carried.

Mayor Terrell moved to Agenda item 19.

Other Business

19. Calendar.

20. Items of Interest.

- Councilmember Doherty wished everyone celebrating a happy and sweet New Year in honor of Rosh Hashanah and Yom Kipper.
- Councilmember Sedlacek announced The Parks Foundation fundraiser, “Party on the Path,” on Saturday, September 22, 2018.
- Councilmember Sedlacek announced the Happy Fall Fest at the Allen Senior Recreation Center beginning at 9:00 a.m.
- Council recognized Boy Scouts from Troops 1299, 221, 306 and 334 in attendance as a requirement for earning a Merit Badge.
- Mayor Terrell commended Chief Boyd, the Allen Police and Fire Departments on organizing the 9/11 remembrance ceremony at tonight’s meeting.
- Mayor Terrell also commended former Mayor Loughmiller on his presentation of the upcoming Collin County Bond Election and encouraged residents to learn more about the proposed bond propositions as this is very important program for the future of Collin County.
- Council wished happy birthday to Councilmember Kizer and Mayor Terrell.

Mayor Terrell announced the Executive Session then recessed the Regular Agenda at 8:18 p.m.

Executive Session

In accordance with the Texas Government Code, the Allen City Council convened into Executive Session at 8:25 p.m. on Tuesday, September 11, 2018, in the Council Conference Room, 305 Century Parkway, Allen, Texas, in order to discuss matters pertaining to:

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

Discuss Appointments to the Board of Adjustment, Building and Standards Commission, Community Development Corporation, Economic Development Corporation, and Planning and Zoning Commission.

The Executive Session adjourned at 8:45 p.m. on Tuesday, September 11, 2018

22. Reconvene and Consider Action on Items Resulting from Executive Session.

The Allen City Council reconvened into the Regular Meeting at 8:50 p.m. on Tuesday, September 11, 2018. The following action was taken on items discussed during Executive Session.

17. Appoint to Fill Expiring Terms and Vacancies on the Following Boards, Commissions, Committees and Corporations: Animal Shelter Advisory Committee, Board of Adjustment/Building and Standards Commission/Sign Control Board, Central Business District Design Review Committee, Community Development Corporation Board, Convention and Visitors Bureau Advisory Board, Economic Development Corporation Board, Keep Allen Beautiful Board, Library Board, Parks and Recreation Board, Planning and Zoning Commission, Public Art Committee, and Health Officer.

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 nominate the following individuals as recommended by the Council Nominating Committee to the designated places on the respective Boards, Commissions, Committees and Corporations, and Health Officer:

<u>Animal Shelter Advisory Committee</u>		<u>Expiration Date</u>
Place No. 2 (staff)	Kathyn May	September 30, 2020
Place No. 4	Pamela Ackerman	September 30, 2020
<u>Board of Adjustment/Building & Standards Commission/ Sign Board</u>		<u>Expiration Date</u>
Place No. 1	Bruce Howard	September 30, 2019
Place No. 2	Ken Barry	September 30, 2020
Place No. 4	Deborah Angell Smith	September 30, 2020
Alt. Place No. 2	Emad Siddiqi	September 30, 2020
<u>Central Business District Design Review Committee</u>		<u>Expiration Date</u>
Place No. 2	Dwight Burns	September 30, 2020
<u>Community Development Corporation</u>		<u>Expiration Date</u>
Place No. 2	George Chrisman	September 30, 2020
Place No. 4	Ron Alexander	September 30, 2020
Place No. 6	Tommy Baril	September 30, 2020
<u>Convention and Visitors Bureau Advisory Board</u>		<u>Expiration Date</u>
Place No. 2	TBD	September 30, 2020
Place No. 4	Karen Simpson	September 30, 2020
<u>Economic Development Corporation</u>		<u>Expiration Date</u>
Place No. 1	Michael Schaeffer	September 30, 2021
<u>Keep Allen Beautiful</u>		<u>Expiration Date</u>
Place No. 2	Steve Chisholm	September 30, 2020
Place No. 4	Sommer Bernard	September 30, 2020
Place No. 6	Tabassum Ahmad	September 30, 2020
<u>Library Board</u>		<u>Expiration Date</u>
Place No. 2	Maroba Zoeller	September 30, 2020
Place No. 4	Scott Phillips	September 30, 2020
Place No. 6	Jack Brick	September 30, 2020
<u>Parks and Recreation Board</u>		<u>Expiration Date</u>
Place No. 2	Geoben Johnson III	September 30, 2020
Place No. 4	LaReeda Rentie	September 30, 2020
Place No. 6	John Holley	September 30, 2020
<u>Planning and Zoning Commission</u>		<u>Expiration Date</u>
Place No. 2	Elias Shaikh	September 30, 2020
Place No. 4	Gene Autrey	September 30, 2020
Place No. 6	Michael Orr	September 30, 2020
<u>Public Art Committee</u>		<u>Expiration Date</u>
Place No. 2	Sandy Wittsche	September 30, 2020
Place No. 4	Jane Bennett	September 30, 2020
Place No. 6	Steve Benson	September 30, 2020

<u>City Health Officer</u>	<u>Expiration Date</u>
City Health Officer	Dr. John Connolly
	September 30, 2020

The motion carried.

18. Confirm Appointments of Councilmembers as Liaisons to City Boards and Commissions as Nominated by Mayor Terrell.

No action was taken on this item.

Adjournment

MOTION: Upon a motion made by Councilmember Brooks and a second by Councilmember Clemencich, the Council voted seven (7) for and none (0) opposed to adjourn the Regular Meeting of the Allen City Council at 8:55 p.m. on Tuesday, September 11, 2018. The motion carried.

These minutes approved on the 25th day of September 2018.

APPROVED:

Stephen Terrell, MAYOR

ATTEST:

Shelley B. George, TRMC, CITY SECRETARY