

## **ALLEN CITY COUNCIL**

### **REGULAR MEETING**

**SEPTEMBER 25, 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 (absent)

Shelli Siemer, Assistant City Manager / Acting City Manager

Eric Ellwanger, Assistant City Manager (absent)

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, September 25, 2018, in the City Council Conference Room of the Allen City Hall, 305 Century Parkway, Allen, Texas.

- 1. Update Regarding Community Waste Disposal (CWD) Contract.**
- 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 7:07 p.m. on Tuesday, September 25, 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 7:09 p.m. on Tuesday, September 25, 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. **Presentation of Shining Star Awards to Jim Sanders and Joe Falkner for their Lifesaving Heroic Efforts in Saving the Life of Fellow Cyclist, Kevin Tang.**

**Consent Agenda**

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**MOTION:** Upon a motion made by Councilmember Brooks and a second by Councilmember Doherty, 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 11, 2018, Regular City Council Meeting.**
4. **Adopt an Ordinance Approving and Enacting Supplement No. 15 to the Allen Land Development Code.**

**ORDINANCE NO. 3611-9-18:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ADOPTING SUPPLEMENT NO. 15 TO THE ALLEN LAND DEVELOPMENT CODE; PROVIDING FOR THE PRINTING THEREOF, AUTHENTICATION BY THE MAYOR AND ATTESTATION BY THE CITY SECRETARY; PROVIDING A REPEAL OF CERTAIN ORDINANCES; PROVIDING EXCEPTIONS TO REPEAL; PROVIDING A PENALTY FOR SUCH VIOLATION THEREOF; AND PROVIDING AN EFFECTIVE DATE.

5. **Adopt a Resolution Designating *The Allen American* and *The Dallas Morning News* as Official Newspapers of the City of Allen for Fiscal Year 2018-2019.**

**RESOLUTION NO. 3612-9-18(R):** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, DESIGNATING THE ALLEN AMERICAN AND THE DALLAS MORNING NEWS AS THE OFFICIAL NEWSPAPERS OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, FOR FISCAL YEAR 2018-2019; AND PROVIDING AN EFFECTIVE DATE.

6. **Authorize the City Manager to Approve Annual Beverage Purchases through FinTech.net Used for Retail Sale at Allen Event Center and The Courses a Watters Creek in the Amount of \$218,154.**
7. **Authorize the City Manager to Approve Annual Beverage Purchases from Andrews Distributing Used for Retail Sale at Allen Event Center and The Courses at Watters Creek in the amount of \$166,878.**
8. **Authorize the City Manager to Approve Annual Food and Beverage Purchases from Ben E. Keith Used for Retail Sale at Allen Event Center and The Courses at Watters Creek in the Amount of \$385,697.**

The motion carried.

**Regular Agenda**

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9. **TABLED ITEM: 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 motion made by Mayor Pro Tem Caplinger and a second by Councilmember Clemencich, the Council voted seven (7) for and none (0) opposed to remove Agenda Item 9 from the table. The motion carried.

Although this was not a Public Hearing Item, Mayor Terrell indicated that he received two cards from the following individuals who wished their opposition to this item be recorded:

- Karen Mahal, 1074 Great Meadow Drive, Allen, Texas; and,
- Percival Guidote, 1074 Great Meadow Drive, Allen, Texas.

**ORDINANCE NO. 3613-9-18:** 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 SUBSECTIONS OF SECTIONS 6-235 "AMENDMENTS TO THE TEXAS FOOD ESTABLISHMENT RULES" ADOPTING LOCAL AMENDMENTS TO THE TEXAS FOOD ESTABLISHMENT RULES; AMENDING SECTION 6-242 "PERMITS AND INSPECTIONS" BY ADDING SUBSECTION (e) RELATING TO BRINGING NON-COMPLIANT FACILITIES OR EQUIPMENT INTO COMPLIANCE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE OF TWO THOUSAND DOLLARS (\$2,000) PER VIOLATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION:** Upon a motion made by Councilmember Brooks and a second by Mayor Pro Tem Caplinger, the Council voted seven (7) for and none (0) to adopt Ordinance No. 3613-9-18, as previously captioned, amending the Code of Ordinances by amending Chapter 6 "Health and Environment" Article VIII "Environmental Health." The motion carried.

10. **CONTINUED ITEM: 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."**

**MOTION:** Upon motion made by Councilmember Brooks and a second by Mayor Pro Tem Caplinger, the Council voted seven (7) for and none (0) opposed to remove Agenda Item 10 from the table. The motion carried.

Mayor Terrell announced that the public hearing was still open 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. 3614-9-18:** 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 "MASSAGE ESTABLISHMENT," AMENDING SECTION 4.20.4 "SCHEDULE OF PRINCIPAL USES CENTRAL BUSINESS DISTRICT" BY ADDING "MASSAGE ESTABLISHMENT;" AMENDING SECTION 6.03.2 "PRIVATE CLUBS-OPERATIONAL REGULATIONS" RELATING TO OUTDOOR SERVICE; AMENDING SECTION 6.06 "SUPPLEMENTAL USE REGULATIONS" TO ADD SECTION 6.06.16 TITLED "MASSAGE ESTABLISHMENTS" RELATING TO THE USE AND DEVELOPMENT OF MASSAGE ESTABLISHMENTS; AMENDING SECTION 7.03.2 "EXTERIOR FAÇADE MATERIALS" CORRECTING A SCRIVENER ERROR; AMENDING SECTION 7.05 "LANDSCAPING REQUIREMENTS" BY ADDING SECTION 7.05.6 "IRRIGATION PLAN REQUIREMENTS" RELATING TO THE PERMITTING AND INSTALLATION OF CERTAIN IRRIGATION SYSTEMS, AMENDING SECTION 7.09.5 "GENERAL REGULATIONS GOVERNING SIGNS" CORRECTING A SCRIVENER ERROR; AMENDING SECTION 7.03.3 "SCREENING MECHANICAL EQUIPMENT" BY CHANGING THE CAPTION AND ADDING PARAGRAPH 3 TITLED "REFUSE AND RECYCLING COLLECTION ENCLOSURES"; AMENDING SECTION 8.11 "STREET LIGHTS," PARAGRAPH 2 "RESIDENTIAL STREET LIGHTS" RELATING TO THE DEVELOPER FEE PAID FOR STREET LIGHT INSTALLATION; AMENDING APPENDIX A "DEFINITIONS" TO AMEND THE DEFINITION OF "PERSONAL SERVICE BUSINESS" AND ADD A DEFINITION FOR "MASSAGE ESTABLISHMENT"; 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 Mayor Pro Tem Caplinger and a second by Councilmember Kizer, the Council voted seven (7) for and none (0) to adopt Ordinance No. 3614-9-18, as previously captioned, amending the Allen Land Development with the exclusion of hours of operations for massage establishments. The motion carried.

**11. Conduct a Public Hearing and Adopt an Ordinance to Amend the Development Regulations of a Portion of Planned Development No. 22 Shopping Center to Add "Medical or Dental Office" and "Office" as Permitted Uses Generally Located South of Bethany Drive and West of Allen Heights Drive. [The Learning Experience Phase II]**

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. 3615-9-18:** 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 1R, BLOCK A, THE LEARNING EXPERIENCE, PRESENTLY ZONED

AS PLANNED DEVELOPMENT “PD” NO. 22 SHOPPING CENTER “SC,” BY AMENDING THE DEVELOPMENT REGULATIONS TO AUTHORIZE “MEDICAL OR DENTAL OFFICE” AND “OFFICE” AS PERMITTED USES 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 Kizer and a second by Councilmember Clemencich, the Council voted seven (7) for and none (0) to adopt Ordinance No. 3615-9-18, as previously captioned, to amend the Development Regulations of a portion of Planned Development No. 22 Shopping Center to add “Medical or Dental Office” and “Office” as permitted uses on Lot 1R, Block A, The Learning Experience. The motion carried.

**12. Conduct a Public Hearing and Adopt an Ordinance to Amend the Development Regulations of Planned Development No. 78 Corridor Commercial Generally Located North of Stacy Road and West of U.S. Highway 75. [Allen Premium Outlets - Kiosks]**

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. 3616-9-18:** 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, BLOCK 2, ALLEN PREMIUM OUTLETS, PRESENTLY ZONED AS PLANNED DEVELOPMENT “PD” NO. 78 CORRIDOR COMMERCIAL “CC,” BY AMENDING THE DEVELOPMENT REGULATIONS RELATING TO CARTS AND KIOSKS AND ADOPTING AN AMENDED CART AND KIOSK SITE PLAN; 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 Sedlacek, the Council voted seven (7) for and none (0) to adopt Resolution No. 3616-9-18, as previously captioned, to amend the Development Regulations of Planned Development No. 78 Corridor Commercial for Lot 1, Block 2, Allen Premium Outlets. The motion carried.

**13. Conduct a Public Hearing and Adopt an Ordinance to Amend the Development Regulations of Planned Development No. 73 Shopping Center Generally Located South of Stacy Road and West of Andrews Parkway. [Allen Event Center - Signage]**

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. 3617-9-18:** 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 AMENDING THE DEVELOPMENT REGULATIONS RELATING TO THE USE AND DEVELOPMENT OF LOT 3, BLOCK A, THE VILLAGE AT ALLEN, PRESENTLY ZONED AS PLANNED DEVELOPMENT “PD” NO. 73 SHOPPING CENTER “SC,” BY AMENDING THE SIGN TABLE AND SIGN LOCATION PLAN, AND ADDING ELEVATIONS FOR TWO SIGN TYPES; 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 Brooks and a second by Mayor Pro Tem Caplinger, the Council voted seven (7) for and none (0) to adopt Resolution No. 3616-9-18, as previously captioned, to amend the Development Regulations of Planned Development No. 73 Shopping Center for Lot 3, Block A, The Village at Allen. The motion carried.

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

Mayor Terrell moved this Agenda Item to October 23, 2018, Regular Meeting.

**15. Confirm Appointments of Councilmembers to Place No. 7 on the Allen Community Development Corporation and Place No. 1 on the Allen Economic Development Corporation as Nominated by Mayor Terrell.**

Mayor Terrell moved this Agenda Item to October 23, 2018, Regular Meeting.

**Other Business**

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**16. Calendar.**

- October 2 - National Night Out in Allen
- October 6 - Grand Opening of Spirit Park @ 5:00 p.m.

**17. Items of Interest.**

- Council reminded citizens that the last day to register to vote in the November 6, General Election is October 9, 2018.
- Council recognized Boy Scouts from Troop 1334 in attendance as a requirement for earning a Merit Badge.

**Executive Session**

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The Executive Session was not held.

**Adjournment**

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**MOTION:** Upon a motion made by Councilmember Doherty and a second by Councilmember Sedlacek, the Council voted seven (7) for and none (0) opposed to adjourn the Regular Meeting of the Allen City Council at 8:01 p.m. on Tuesday, September 25, 2018. The motion carried.

These minutes approved on the 9<sup>th</sup> day of October 2018.

**APPROVED:**

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**Stephen Terrell, MAYOR**

**ATTEST:**

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