

## **ALLEN CITY COUNCIL**

### **REGULAR MEETING**

**DECEMBER 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**

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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 6:30 p.m. on Tuesday, December 11, 2018, in the City Council Conference Room of the Allen City Hall, 305 Century Parkway, Allen, Texas.

- 1. Briefing Regarding Interlocal Cooperation for the Sloan Creek Lift Station Project.**
- 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 7:05 p.m. on Tuesday, December 11, 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 7:07 p.m. on Tuesday, December 11, 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 Blue Star Flag to a Family of Allen Service Personnel Serving in the Armed Forces.**
3. **Recognition of the Texas Amateur Athletic Federation (TAAF) Male and Female Athletes of the Year.**
  - Texas Amateur Athletic Federation Female Athlete of the Year – Sidney Green
  - Texas Amateur Athletic Federation Male Athlete of the Year – Keegan Bothelo
4. **Recognition of Allen City Television (ACTV) for a Series of Awards from the National Association of Telecommunications Officers and Advisors (NATOA) and the Texas Association of Telecommunications Officers and Advisors (TATOA).**

National Association of Telecommunication Officers and Advisors (NATOA)

First Place - Overall Programming Excellence (Operating Budget \$250,000 - \$500,000)

Second Place - Event/Program Promotion for The Brian Setzer Orchestra Returns to Allen

Third Place - Use of Humor for Don't Clown Around, Put the Phone Down PSA

Third Place - Magazine Format Series for The New News

Texas Association of Telecommunication Officers and Advisors (TATOA)

First Place - Instruction/Training for City of Allen's ABAY

First Place - Profile of an Organization/Department for City of Allen - #VisitAllen

First Place - Event Program Promotion for Beat the Heat at Ford Pool

First Place - Use of Humor for Beat the Heat at Ford Pool

Second Place - Use of Humor for Don't Clown Around, Put the Phone Down PSA

Third Place - Partnership Production for Monarch City and SH-121 Corridor

**Consent Agenda**

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

10. **Authorize the City Manager to Execute a Contract with Daktronics through the BuyBoard Cooperative Purchasing Agreement for Outdoor Electronic Message Marquees at the Allen Event Center in the Amount of \$180,082.**

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

5. **Approve Minutes of the November 27, 2018, Regular City Council Meeting.**
6. **Authorize the City Manager to Negotiate and Execute an Interlocal Cooperation Agreement with the Town of Fairview Regarding the Sloan Creek Lift Station Funding.**
7. **Authorize the City Manager to Negotiate and Execute an Interlocal Cooperation Agreement with the Town of Fairview and North Texas Municipal Water District (NTMWD) Regarding the Sloan Creek Lift Station.**

8. **Authorize the City Manager to Execute a Professional Service Agreement with Birkhoff, Hendricks & Carter, LLP, in the Amount of \$153,300 for the Sloan Creek Trunk Sewer Project.**
9. **Award Bid and Authorize the City Manager to Execute a Contract with Aire Dynamics in the Amount of \$205,395 for HVAC Replacement at Joe Farmer Recreation Center.**
11. **Authorize the City Manager to Purchase Thermal Imagers and Associated Equipment for the Fire Department from Municipal Emergency Services in the Amount of \$166,086.**

The motion carried.

10. **Authorize the City Manager to Execute a Contract with Daktronics through the BuyBoard Cooperative Purchasing Agreement for Outdoor Electronic Message Marquees at the Allen Event Center in the Amount of \$180,082.**

**MOTION:** Upon a motion made by Mayor Pro Tem Caplinger and a second by Councilmember Sedlacek, the Council voted six (6) for and one (1) opposed, with Councilmember Doherty casting the negative vote, to authorize the City Manager to execute a contract with Daktronics through the BuyBoard Cooperative Purchasing Agreement for Outdoor Electronic Message Marquees at the Allen Event Center in the amount of \$180,082. The motion carried.

#### **Regular Agenda**

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12. **Conduct a Public Hearing and Adopt an Ordinance for a Specific Use Permit No. 165 for a Minor Automotive Repair Use on Lot 5, Block A, Lyrick Addition Generally Located South of Bethany Drive and West of Greenville Avenue. [Minor Automotive Repair -Firestone]**

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. 3632-12-18:** 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. 165 FOR A MINOR AUTOMOTIVE REPAIR USE FOR LOT 5, BLOCK A, LYRICK ADDITION (COMMONLY KNOWN AS 802 S. GREENVILLE AVENUE), PRESENTLY ZONED FOR PLANNED DEVELOPMENT NO. 131 SHOPPING CENTER "SC"; ADOPTING A SITE PLAN, LANDSCAPE PLAN, AND BUILDING ELEVATIONS; 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 Mayor Pro Tem Caplinger and a second by Councilmember Brooks, the Council voted seven (7) for and none (0) opposed to adopt Ordinance No. 3632-12-18, as previously captioned, to approve Specific Use Permit No. 165 for a Minor Automotive Repair Use. The motion carried.

13. **Conduct a Public Hearing and Adopt an Ordinance to Amend the Development Regulations of Planned Development No. 108, District H, and Adopt a Concept Plan and Building Elevations for Approximately 0.781± Acres of Land Generally Located at the Southeast Corner of the Intersection of Baumgartner Way and Webster Drive. [Restaurant with Drive Through - Golden Chick]**

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. 3633-12-18:** 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 REGULATIONS RELATING TO THE USE AND DEVELOPMENT OF 0.781± ACRES LOCATED IN THE JOHN FYKE SURVEY, ABSTRACT NO. 325 PRESENTLY ZONED AS PLANNED DEVELOPMENT “PD” NO. 108 MIXED USE “MIX” AND ADOPTING A CONCEPT PLAN AND BUILDING ELEVATIONS; 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 Kizer and a second by Councilmember Doherty, the Council voted seven (7) for and none (0) opposed to adopt Ordinance No. 3633-12-18, as previously captioned, to amend the Development Regulations of Planned Development No. 108, District H, and adopt a Concept Plan and Building Elevations. The motion carried.

14. **Conduct a Public Hearing and Adopt an Ordinance to Amend the Development Regulations of Tract A-1 of Planned Development No. 92 Corridor Commercial and Adopt a Concept Plan, Building Elevations and an Amended Zoning Exhibit related to the Use and Development for Lot 1, Block A, Starcreek Village and Approximately 5.417± Acre Tract of Land Located in the Francis Dosser Survey, Generally Located at the Southwest Corner of the Intersection of State Highway 121 and Watters Road. [Amend Permitted Uses – Starcreek Village]**

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. 3634-12-18:** 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 TRACT A-1 OF PLANNED DEVELOPMENT “PD” NO. 92 CORRIDOR COMMERCIAL “CC” AND ADOPTING A CONCEPT PLAN, BUILDING ELEVATIONS, AND AN AMENDED ZONING EXHIBIT RELATING TO THE USE AND DEVELOPMENT OF ALL OF LOT 1, BLOCK A, STARCREEK VILLAGE AND 5.417± ACRES LOCATED IN THE FRANCIS DOSSER SURVEY, ABSTRACT NO. 280; 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 Mayor Pro Tem Caplinger and a second by Councilmember Brooks, the Council voted seven (7) for and none (0) opposed to adopt Ordinance No. 3634-12-18, as previously captioned, to amend the Development Regulations of Tract A1 of Planned Development No. 92 Corridor Commercial and adopt a Concept Plan, Building Elevations and an Amended Zoning Exhibit. The motion carried.

#### **Other Business**

**15. Calendar.**

- December 24 and 25 - City Hall Closed for Christmas Eve and Christmas Day Holidays
- December 25 - Council Meeting Canceled
- January 1, 2019 - City Hall Closed for New Year's Day Holiday
- January 8, 2019 - Next Regular Council Meeting

**16. Items of Interest.**

- Council congratulated Allen's own Kyler Murray for winning the 2018 Heisman Memorial Trophy.
- The Allen Eagles Football team will play in the state semifinal this Saturday, December 15 at 4 p.m. against the Duncanville Panthers at AT&T Stadium in Arlington, Texas.

Mayor Terrell announced the Executive Session then recessed the Regular Agenda at 8:09 p.m.

#### **Executive Session**

In accordance with the Texas Government Code, the Allen City Council convened into Executive Session at 8:40 p.m. on Tuesday, December 11, 2018, in the Council Conference Room, 305 Century Parkway, Allen, Texas, in order to discuss matters pertaining to:

**17. Personnel Pursuant to Section 551.071 (2) of the Texas Government Code —**

Discussion Regarding City Manager Selection Process.

The Executive Session adjourned at 9:10 p.m. on Tuesday, December 11, 2018

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

The Allen City Council reconvened into the Regular Meeting at 9:13 p.m. on Tuesday, December 11, 2018. No action was taken on items discussed during Executive Session.

#### **Adjournment**

**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 9:14 p.m. on Tuesday, December 11, 2018. The motion carried.

These minutes approved on the 8<sup>th</sup> day of January 2019.

**APPROVED:**

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**Stephen Terrell, MAYOR**

**ATTEST:**

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