

ALLEN CITY COUNCIL

REGULAR MEETING

FEBRUARY 26, 2019

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 6:30 p.m. on Tuesday, February 26, 2019, in the City Council Conference Room of the Allen City Hall, 305 Century Parkway, Allen, Texas.

- 1. Update Regarding a Council Dais Voting/Speaker System.**
- 2. Update Regarding the Allen USA Celebration.**
- 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 7:02 p.m. on Tuesday, February 26, 2019.

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, February 26, 2019, in the Council Chambers of the Allen City Hall, 305 Century Parkway, Allen, Texas.

Pledge of Allegiance

Public Recognition

1. Citizens' Comments.

Melanie Hughes, 920 Rush Creek Drive, Allen, Texas, expressed support for option #1 for Agenda Items 9 and 10.

Consent Agenda

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 items on the Consent Agenda as follows:

2. Approve Minutes of the February 12, 2019, Regular City Council Meeting.

3. Adopt a Resolution Authorizing the City Manager to Apply For, Accept, Reject, Alter, or Terminate a Grant from the State of Texas, Office of the Governor, Criminal Justice Division to Fund an Enhanced Crime Victim Services Program.

RESOLUTION NO. 3642-2-19(R): A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, TO APPLY FOR, ACCEPT, REJECT, ALTER, OR TERMINATE GRANT #3795201 FROM THE STATE OF TEXAS, OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION PROVIDING FUNDING FOR AN ENHANCED CRIME VICTIM SERVICES PROGRAM, IF AWARDED; AND PROVIDING FOR AN EFFECTIVE DATE

4. Adopt a Resolution Authorizing the City Manager to Apply For, Accept, Reject, Alter, or Terminate the Third Year of a Three-Year Grant from the State of Texas, Office of the Governor, Criminal Justice Division to Fund a Third Child Abuse Investigator.

RESOLUTION NO. 3643-2-19(R): A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, TO APPLY FOR, ACCEPT, REJECT, ALTER, OR TERMINATE GRANT #3339603 FROM THE STATE OF TEXAS, OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION PROVIDING FUNDING FOR A CHILD ABUSE INVESTIGATOR POSITION TO BE ASSIGNED TO THE COLLIN COUNTY CHILDREN'S ADVOCACY CENTER, IF AWARDED; AND PROVIDING FOR AN EFFECTIVE DATE.

5. Adopt a Resolution Authorizing the City Manager to Apply For, Accept, Reject, Alter, or Terminate a One-Year Grant from the State of Texas, Office of the Governor, Criminal Justice Division to Fund a Third Criminalist (Crime Scene Investigator).

RESOLUTION NO. 3644-2-19(R): A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, TO APPLY FOR, ACCEPT, REJECT, ALTER, OR TERMINATE GRANT #3795301 FROM THE STATE OF TEXAS, OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION PROVIDING FUNDING FOR A CRIMINALIST (CRIME SCENE INVESTIGATOR) POSITION TO BE ASSIGNED TO THE ALLEN POLICE DEPARTMENT, IF AWARDED; AND PROVIDING AN EFFECTIVE DATE.

6. Receive the Summary of Property Tax Collections as of January 2019.

The motion carried.

Regular Agenda

7. **Adopt an Ordinance Amending the Code of Ordinances, Chapter 3, "Animals and Fowl" Altering Certain Definitions, Allowing for Multi-Year Registration, Mandating Impounded Animals be Micro-Chipped Prior to Release, Clarifying Rules for the Transfer of Custody to Rescue Organizations, and Various Other Clarifying Amendments.**

ORDINANCE NO. 3645-2-19: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 3, SECTION 3-1 BY DELETING THE DEFINITION OF "VICIOUS ANIMAL", BY CHANGING THE DEFINITION OF "ASSISTANCE ANIMAL" TO "SERVICE ANIMAL", AND BY AMENDING THE DEFINITION OF "RESCUE GROUP"; BY AMENDING SECTION 3-5(a) TO AMEND THE REGISTRATION PERIOD FOR CERTAIN ANIMALS; BY AMENDING SECTION 3-9 TO ADD SUBSECTION (c) REQUIRING DOGS, CATS AND FERRETS RELEASED FROM IMPOUNDMENT TO BE MICROCHIPPED; BY AMENDING SECTION 3-11 (d)(1) AND (4) REGARDING RESCUE OF ANIMALS BY RESCUE GROUP AND RELATED FEES; BY DELETING SECTION 3-12 (b)(3)(c); BY AMENDING SECTION 3-16 (c)(1)(c) REGARDING REGISTRATION PHOTOGRAPHS FOR DANGEROUS DOGS; BY AMENDING SECTION 3-16 (d)(3) AND 3-16 (e) BY CHANGING THE REFERENCES TO "DESTROYED" TO "HUMANELY EUTHANIZED"; BY AMENDING SECTION 3-20 SUBSECTION (c) REGARDING DOCKING A DOG'S TAIL AND SUBSECTION (d) REGARDING THE CONFINEMENT OF AN ANIMAL IN A PARKED OR STANDING VEHICLE; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; 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) opposed, to adopt Ordinance No. 3645-2-19, as previously captioned, amending the Code of Ordinance, Chapter 3, "Animals and Fowl. The motion carried.

8. **Adopt a Resolution Amending and Restating Animal Control Fees and Charges.**

RESOLUTION NO. 3646-2-19(R): A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ESTABLISHING ANIMAL CONTROL FEES AND CHARGES; PROVIDING FOR A REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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 adopt Resolution No. 3646-2-19(R), as previously captioned, amending and restating animal control fees and charges with an amendment to remove the senior discount for unsterilized animals. The motion carried.

Mayor Terrell moved to Agenda Item 13.

Mayor Terrell announced the Executive Session then recessed the Regular Agenda at 7:30 p.m.

Executive Session

In accordance with the Texas Government Code, the Allen City Council convened into Executive Session at 7:30 p.m. on Tuesday, February 26, 2019, in the Council Conference Room, 305 Century Parkway, Allen, Texas, in order to discuss matters pertaining to:

13. Consultation with City Attorney Pursuant to Section 551.071 of the Texas Government Code —

Discussion Regarding the Petitions Submitted by the Allen Police Association and the Allen Firefighters Association, IAFF Local 3453, Requesting Recognition as the Sole and Exclusive Bargaining Agent for the Covered Police Officers and Firefighters Employed by the Allen Police and Fire Departments.

The Executive Session adjourned at 8:08 p.m. on Tuesday, February 26, 2019.

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

The Allen City Council reconvened into the Regular Meeting at 8:10 p.m. on Tuesday, February 26, 2019. The following action was taken on items discussed during Executive Session.

Mayor Terrell moved to Agenda Item 9.

9. Take Action on a Petition Submitted by the Allen Firefighters Association, IAFF Local 3453 Requesting Recognition as the Sole and Exclusive Bargaining Agent for the Covered Firefighters Employed by the Allen Fire Department Located in Allen, Texas.

Although this was not a public hearing item, Mayor Terrell asked anyone wishing to speak for or against this item to do so at this time.

The following individuals spoke in support of option 1:

Tracy Denton, 2030 Huntcliffe Court, Allen, Texas;
Jon Toney, 514 Oldbridge Drive, Allen Texas;
Scott Harrison, 202 Pine Valley Court, Fairview, Texas;
Jeremy Painkin, 4520 Mac Kazer, Prosper, Texas;
Brian Woodrum, 441 F.M.1395, Edgewood, Texas;
David Watsky, 12001 N. Central Expressway, Dallas, Texas; and,
Brandon Day, 731 Baxter Trail, Rockwall, Texas.

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

Jeffrey Peters, 627 Haven Drive, Anna, Texas;
Justin Sullivan, 12152 County Road 1204, Anna, Texas;
Zachary Lee, 107 Butler Street, Anna, Texas; and,
Bryan Janak, 5005 Springtree Lane, Sachse, Texas

RESOLUTION NO. 3647-2-19(R): A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ACCEPTING THE PETITION OF THE ALLEN FIREFIGHTERS ASSOCIATION, IAFF LOCAL 3453 REQUESTING RECOGNITION AS THE SOLE AND EXCLUSIVE BARGAINING AGENT FOR THE CITY OF ALLEN FIREFIGHTERS AND DETERMINING THAT THE CITY MAY MEET AND CONFER PURSUANT TO SUBCHAPTER C, CHAPTER 142 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING

A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Upon a motion made by Councilmember Doherty and a second by Councilmember Sedlacek, the Council voted five (5) for and two (2) opposed, with Mayor Terrell and Councilmember Brooks casting the opposing votes, to adopt Resolution No. 3647-2-19(R), as previously captioned, accepting the petition requesting recognition as the sole and exclusive bargaining agent for the City of Allen Firefighters and determine that the City may meet and confer pursuant to Subchapter C, Chapter 142 of the Texas Local Government Code. The motion carried.

10. Take Action on a Petition Submitted by the Allen Police Association Requesting Recognition as the Sole and Exclusive Bargaining Agent for the Covered Police Officers Employed by the Allen Police Department Located in Allen, Texas.

Although this was not a public hearing item, Mayor Terrell asked anyone wishing to speak for or against this item to do so at this time.

The following individuals spoke in support of option 1:

Matt Koehrsen 205 West McDermott Drive, Allen, Texas;
Jonathan Maness, 205 West McDermott Drive, Allen, Texas; and,
Clint McNear, 1056 Lufkin Lane, Forney, Texas.

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

Cameron Fife, 205 West McDermott Drive, Allen, Texas;
Todd Cleveland, 205 West McDermott Drive, Allen, Texas;
Chance Graves, 205 West McDermott Drive, Allen, Texas;
Logan Poppe, 205 West McDermott Drive, Allen, Texas;
Melanie Cleveland, 205 West McDermott Drive, Allen, Texas;
Damien Jacobs, 205 West McDermott Drive, Allen, Texas;
John Booth, 205 West McDermott Drive, Allen, Texas;
Richard Garayna, 205 West McDermott Drive, Allen, Texas;
Michael Canon, 205 West McDermott Drive, Allen, Texas;
Josh Savage, 205 West McDermott Drive, Allen, Texas;
Felix Couhape, 205 West McDermott Drive, Allen, Texas; and,
Dillon Egizi, 205 West McDermott Drive, Allen, Texas.

RESOLUTION NO. 3648-2-19(R): A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ACCEPTING THE PETITION SUBMITTED BY THE ALLEN POLICE ASSOCIATION REQUESTING RECOGNITION AS THE SOLE AND EXCLUSIVE BARGAINING AGENT FOR THE MEMBERS OF THE CITY OF ALLEN POLICE DEPARTMENT AND DETERMINING THAT THE CITY MAY MEET AND CONFER PURSUANT TO SUBCHAPTER B, CHAPTER 142 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Upon a motion made by Councilmember Doherty and a second by Councilmember Sedlacek, the Council voted six (6) for and one (1) opposed, with Mayor Terrell casting the opposing vote, to adopt Resolution No. 3648-2-19(R), as previously captioned, accepting the petition requesting recognition as the sole and exclusive bargaining agent for the City of Allen Police

and determine that the City may meet and confer pursuant to Subchapter C, Chapter 142 of the Texas Local Government Code. The motion carried.

Mayor Terrell commented regarding his votes on Agenda Items 9 and 10. He stated that his vote did not mean he was opposed to meet and confer. He wanted to have the fire fighters and police officers certify the associations as their representatives; otherwise, he would have supported the items 100%.

Other Business

18. Calendar.

19. Items of Interest.

- Council recognized a Boy Scout from Troop 224 in attendance as a requirement for earning their Citizenship in Community Merit Badge.

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 9:09 p.m. on Tuesday, February 26, 2019. The motion carried.

These minutes approved on the 12th day of March 2019.

APPROVED:

Stephen Terrell, MAYOR

ATTEST:

Shelley B. George, TRMC, CITY SECRETARY