

ALLEN CITY COUNCIL

REGULAR MEETING

APRIL 23, 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

Eric Ellwanger, Assistant City Manager

Shelley B. George, City Secretary

Teresa Warren, Director, Public and Media Relations Office

Peter G. Smith, City Attorney

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 7:14 p.m. on Tuesday, April 23, 2019, in the Council Chambers of the Allen City Hall, 305 Century Parkway, Allen, Texas.

Pledge of Allegiance

Public Recognition

1. Citizens' Comments.

Sameena Karmally, 14 Bishop Gate, Allen, Texas, spoke regarding an event at a non-profit space.

2. Presentation of the Allen Community Development Corporation (CDC) Annual Report by George Chrisman, President.

3. Presentation of Proclamations by the Office of the Mayor.

- Present a Proclamation to Coach Jerry Best and the Allen High School Wrestling Team Proclaiming 2019 as "Allen Eagles Wrestling Team Year."
- Present a Proclamation to Dan Allen and Representatives from Various Area Motorcycle Clubs Proclaiming May 2019 as "Motorcycle Safety and Awareness Month."

- Present a Proclamation to the Keep Allen Beautiful Board Proclaiming May 11, 2019 as “Great American Cleanup Day.”

Consent Agenda

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 all items on the Consent Agenda as follows:

4. Approve Minutes of the April 9, 2019, Regular City Council Meeting.
5. Approve Minutes of the April 16, 2019, Special Called City Council Meeting.
6. Adopt a Resolution No. 3656-4-19(R) Authorizing the City Manager to Execute the Lease/Purchase of One 2019 Harley Davidson Motorcycle for the Police Department through Government Capital Corporation in the Amount of \$33,908.

RESOLUTION NO. 3656-4-19(R): A RESOLUTION OF THE CITY OF ALLEN, TEXAS, AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE-PURCHASE AGREEMENT WITH GOVERNMENT CAPITAL CORPORATION AND RELATED DOCUMENTS WITH RESPECT TO THE ACQUISITION, PURCHASE, FINANCING AND LEASING OF CERTAIN EQUIPMENT FOR THE PUBLIC BENEFIT; RESOLVING OTHER MATTERS RELATED THERETO; AND PROVIDING AN EFFECTIVE DATE.

7. Award Bid and Authorize the City Manager to Execute a Contract with Fabritech in the Amount of \$178,021 for the Replacement of Three Shade Sails at Celebration Park.
8. Award Bid and Authorize the City Manager to Execute a Contract with J.R. Stelzer for Repainting and Minor Repairs of the Bethany Water Tower and Stacy Ground Storage Tank #3 in the Amount of \$1,123,782.
9. Authorize the City Manager to Negotiate and Execute a Public Project Development Agreement with Wimberly Lot Owners and the Twin Creeks HOA Regarding Northbrook Drainage Improvements.
10. Award Bid and Authorize the City Manager to Execute a Contract with ANA Site Construction, LLC, for Northbrook Court Drainage Improvements in the Amount of \$247,223.
11. Receive the Capital Improvement Program (CIP) Status Report.
12. Receive the Investment Report for the Period Ending March 31, 2019.
13. Receive the Financial Report for Period Ending March 31, 2019.

The motion carried.

Regular Agenda

14. Adopt an Ordinance Establishing the May 2019 City of Allen Water Conservation and Water Resource Management Plan.

ORDINANCE NO. 3657-4-19: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 14; BY ADOPTING THE MAY 2019 WATER CONSERVATION AND WATER RESOURCE MANAGEMENT PLAN; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE, PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000); AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Upon a motion made by Mayor Pro Tem Caplinger and a second by Councilmember Clemencich, the Council voted seven (7) for and none (0) opposed to adopt Ordinance No. 3657-4-19, as previously captioned, establishing the May 2019 City of Allen Water Conservation and Water Resource Management Plan. The motion carried.

15. **Conduct a Public Hearing and Adopt an Ordinance to Amend the Development Regulations of Planned Development No. 92 Commercial Corridor to Authorize a Smoking Establishment Use after Approval of a Specific Use Permit and to Adopt a Concept Plan an Patio Elevations for a Property Generally Located South of State Highway 121 and West of Watters Road (and Commonly Known as 975 N. Watters Road) [Starcreek Village – Smoking 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.

ORDINANCE NO. 3658-4-19: 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 OF TRACT A-2 OF PLANNED DEVELOPMENT “PD” NO. 92 CORRIDOR COMMERCIAL “CC” AND ADOPTING A CONCEPT PLAN AND PATIO ELEVATIONS RELATING TO THE USE AND DEVELOPMENT OF ALL OF LOT 1, BLOCK A, STARCREEK VILLAGE; 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 (6) for and one (1) opposed, with Councilmember Doherty casting the negative vote, to adopt Ordinance No. 3658-4-19, as previously captioned, to amend the Development Regulations of Planned Development No. 92 Corridor Commercial and adopt a Concept Plan and Patio Elevations for Lot 1, Block A, Starcreek Village, for Starcreek Village. The motion carried.

16. **Conduct a Public Hearing and Adopt an Ordinance to Establish a Specific Use Permit for a Smoking Establishment Use for an Approximately 4,775± Square Foot Portion of a Building Generally Located South of State Highway 121 and West of Watters Road (And Commonly Known as 975 N. Watters Road, Suite 190). [Cigar Palace]**

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. 3659-4-19: 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. 167 AUTHORIZING AN APPROXIMATELY 4,775± SQUARE FOOT PORTION OF A BUILDING LOCATED ON LOT 1, BLOCK A, STARCREEK VILLAGE, PRESENTLY ZONED FOR PLANNED DEVELOPMENT “PD” NO. 92 CORRIDOR COMMERCIAL “CC” TO BE USED FOR A SMOKING ESTABLISHMENT 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.

MOTION: Upon a motion made by Mayor Pro Tem Caplinger and a second by Councilmember Sedlacek, the Council voted seven (6) for and one (1) opposed, with Councilmember Doherty casting the negative vote, to adopt Ordinance No. 3659-4-19, as previously captioned, for Specific Use Permit No. 167 for a Smoking Establishment use for Cigar Palace. The motion carried.

Mayor Terrell moved to Agenda Item 19.

Other Business

19. Calendar.

- April 22 – April 30 – City of Allen General Election Early Voting Period
- May 4 – Election Day, 7:00 a.m. – 7:00 p.m.

20. Items of Interest.

Mayor Terrell announced the Executive Session then recessed the Regular Agenda at 8:20 p.m.

Executive Session

In accordance with the Texas Government Code, the Allen City Council convened into Executive Session at 8:35 p.m. on Tuesday, April 23, 2019, 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 —

Discussion Regarding Appointment of an Acting City Manager.

The Executive Session adjourned at 9:09 p.m. on Tuesday, April 23, 2019.

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

The Allen City Council reconvened into the open meeting at 9:11 p.m. on Tuesday, April 23, 2019. The following actions were taken on items discussed during Executive Session.

Mayor Terrell moved to Agenda Item 17.

17. Adopt a Resolution Appointing an Acting City Manager and Providing for an Effective Date.

RESOLUTION NO. 3660-4-19(R): A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, APPOINTING AN ACTING CITY MANAGER; 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) opposed to adopt Resolution 3661-4-19(R), as previously captioned, effective May 1, 2019 Eric Ellwanger is appointed as acting City Manager increasing his monthly salary by \$5,000 until a full-time City Manager is hired. The motion carried.

18. Adopt a Resolution Authorizing City Representatives to Execute Related Bank Depository Documents.

RESOLUTION NO. 3661-4-19(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.

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 Resolution 3661-4-19(R), as previously captioned, designating City representatives authorized to execute all related bank depository documents. The motion carried.

Adjournment

MOTION: Upon a motion made by Councilmember Clemencich and a second by Councilmember Doherty, 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, April 23, 2019. The motion carried.

These minutes approved on the 14th day of May 2019.

APPROVED:

Stephen Terrell, MAYOR

ATTEST:

Shelley B. George, TRMC, CITY SECRETARY