

ALLEN CITY COUNCIL

REGULAR MEETING

MAY 14, 2019

Present:

Stephen Terrell, Mayor

Councilmembers:

Gary L. Caplinger, Mayor Pro Tem

Kurt Kizer

Carl Clemencich

Lauren Doherty

Robin L. Sedlacek

Chris Schulmeister

Baine Brooks

City Staff:

Eric Ellwanger, Acting City Manager

Rebecca Vice, Acting 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 7:02 p.m. on Tuesday, May 14, 2019, in the Council Chambers of the Allen City Hall, 305 Century Parkway, Allen, Texas.

Pledge of Allegiance

1. Appointment of City Manager and Approval of Employment Agreement.

Mayor Terrell moved to Agenda Item 2.

2. Consider All Matters Incident and Related to the General and Special Elections Held on May 4, 2019.

a. Canvas of Election Returns.

City Secretary George reviewed for the City Council the election returns for the City Council General Election of Councilmember Place Nos. 4 and 6 and the Special Election for Proposed Amendment to the Home Rule City Charter. She reviewed the early voting totals, Election Day totals, and the combined Election Day totals. She also reviewed voting statistics including 60,476 registered voters and 8,781 total votes, which indicated a 14.5 % voter turnout. Votes cast by military overseas ballots (FPCA - Federal Post Card Application) and provisional ballots have been verified by the Early Voting Ballot Board and are included in the verified totals. The totals verified the following results:

	EARLY VOTES CAST	REGULAR VOTES CAST	TOTAL VOTES CAST
COUNCILMEMBER PLACE NO. 4			
Melanie Hughes	2,556	1,273	3,829
Chris Schulmeister	2,961	1,135	4,096
COUNCILMEMBER PLACE NO. 6			
Jon Toney	1,430	788	2,218
Baine Brooks	4,013	1,549	5,562

PROPOSITION A-1: Shall the Home Rule Charter of the City of Allen, Texas be amended to provide term limits for the mayor and council members consisting of: (i) no person may serve as a member of the city council either as mayor or as a council member for more than twelve (12) years; (ii) no person who has ever served twelve (12) or more years on the city council either as mayor or council member may be elected to the city council either as mayor or as a council member; (iii) no person may serve either as mayor or as a council member for more than two (2) consecutive terms with the exception that the mayor may run for the office of council member and a council member may run for the office of mayor, provided such person has not already served twelve (12) or more years on the city council; and (iv) a person ineligible to run for the office of mayor or council member because of having already served two (2) consecutive terms is eligible to run for the office of mayor or council member after the expiration of one full term following the expiration of the last elected term of office, provided such person has not already served twelve (12) or more years on the city council?

"FOR"	3,767	1,722	5,489
"AGAINST"	2,213	874	3,087

- b. Adopt a Resolution Declaring the Results of the General Election for City Councilmembers and of the Special Election for a Proposed Amendment to the Home Rule Charter.

RESOLUTION 3662-5-19(R): A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, DECLARING THE RESULTS OF THE GENERAL AND SPECIAL ELECTIONS OF THE CITY OF ALLEN HELD MAY 4, 2019, FOR CITY COUNCILMEMBERS AND A PROPOSED AMENDMENT TO THE HOME RULE CITY CHARTER; 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) opposed, to adopt Resolution No. 3662-5-19(R), as previously captioned, declaring the results of the May 4, 2019, General and Special Elections. The motion carried.

Mayor Terrell announced that the Canvas of the Election was completed.

3. Administration of the Oath-of-Office and Presentation of the Certificate-of-Election.

Mayor Terrell presented Councilmember Sedlacek with a plaque recognizing her 12 years of service to the citizens of Allen on the Allen City Council as Councilmember Place No. 4. Mayor Terrell also presented her with her nameplate as she stepped down from the Council dais.

City Secretary George administered the Oath-of-Office to reelected Councilmember Brooks and newly elected Councilmember Schulmeister. Mayor Terrell presented Certificates-of-Election to each and offered his congratulations. Councilmember Schulmeister took his place at the dais.

Public Recognition

4. Citizens' Comments.

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

- Present a Proclamation to Stephen Massey, Director of Community Services with the City of Allen Proclaiming May 19-25, 2019, as "Public Works Week."

6. Annual Report by Greg Roemer, President of Community Waste Disposal, Inc. (CWD).

Consent Agenda

MOTION: Upon a motion made by Councilmember Doherty and a second by Mayor Pro Tem Caplinger, the Council voted seven (7) for and none (0) opposed to adopt all items on the Consent Agenda as follows:

- 7. Approve Minutes of the April 23, 2019, City Council Joint Workshop Meeting with the Planning and Zoning Commission.**
- 8. Approve Minutes of the April 23, 2019, Regular City Council Meeting.**
- 9. Approve Minutes of the April 27, 2019, Special Called City Council Meeting.**
- 10. Approve Minutes of the May 2, 2019, Special Called City Council Meeting.**
- 11. Adopt an Ordinance Adopting an Amendment to the Home Rule Charter Approved by the Voters of the City of Allen at an Election Held on May 4, 2019.**

ORDINANCE NO. 3663-5-19: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ADOPTING AN AMENDMENT TO THE HOME RULE CHARTER APPROVED BY THE VOTERS OF THE CITY OF ALLEN AT AN ELECTION HELD ON MAY 4, 2019; AND PROVIDING FOR AN EFFECTIVE DATE.

- 12. Adopt an Ordinance Approving and Enacting Supplement No. 16 to the Allen Land Development Code.**

ORDINANCE NO. 3664-5-19: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ADOPTING SUPPLEMENT NO. 16 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.

13. Adopt an Ordinance Approving and Enacting Supplement No. 15 to the Code of Ordinances.

ORDINANCE NO. 3665-5-19: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ADOPTING SUPPLEMENT NO. 15 TO THE CODE OF ORDINANCES; 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.

- 14. Award Bid and Authorize the City Manager to Execute the Purchase of Temporary Food and Beverage Personnel Services with Arch Staffing Group, Inc., SMB Staffing, LLC, and Salazar Services, LLC, dba F&B Services, in the Amount of \$300,000 with Two Optional One-Year Renewals.**
- 15. Authorize the City Manager to Execute a Three-Year Agreement with Microsoft Corporation through SHI Government Solutions, Inc., to Provide Current Microsoft Cloud, Server, Mobile and Desktop Software in the Annual Amount of \$260,402.**
- 16. Award Bid and Authorize the City Manager to Execute a Contract with Southwest Erosion Control for the Construction of The Courses at Watters Creek Infrastructure Improvements Project Phase I in the Amount of \$218,066.**
- 17. Ratify the Contract Approved by the City Manager Under a State of Emergency with KCK Utility Construction, Inc., for Repair of the Exchange Parkway Sanitary Sewer Line in the Amount of \$177,497.**
- 18. Authorize the City Manager to Execute the Purchase of Emergency Medical Service Supplies from Bound Tree Medical, LLC, through an Interlocal Cooperation Agreement with the City of Cedar Hill in the Annual Amount of \$140,000.**
- 19. Approve the Recommendation from the Tax Increment Financing (TIF) Reinvestment Zone Number One (Garden District) Board of Directors Relating to Payment to Watters Creek Owner, LLC, from the TIF Fund in the Amount of \$722,540.36 from the City Tax Increment, \$125,729.01 from the County Tax Increment, and a Payment to the City from the TIF Fund in the Amount of \$15,000 for Administrative Support.**

The motion carried.

Regular Agenda

- 20. Conduct a Public Hearing and Adopt an Ordinance to Establish a Specific Use Permit for a Gymnastics or Sports Training Use for an Approximately 8,874± Square Foot Portion of a Building Generally Located North of Bethany Drive and East of U.S. Highway 75 (and Commonly Known as 500 W. Bethany Drive). [D1 Sports Training]**

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. 3666-5-19: 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. 168 AUTHORIZING AN APPROXIMATELY 8,874± SQUARE FOOT PORTION OF THE BUILDING LOCATED ON LOT 6, BLOCK 1, ALLEN TECH CENTER ADDITION AND WITHIN A LIGHT INDUSTRIAL “LP” ZONING DISTRICT TO BE USED FOR A GYMNASTICS OR SPORTS TRAINING FACILITY 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 Brooks, the Council voted seven (7) for and none (0) opposed to adopt Ordinance No. 3666-5-19, as previously captioned, for Specific Use Permit No. 168 for a Gymnastics or Sports Training Facility use for D1 Sports Training. The motion carried.

21. **Award Bid and Authorize the City Manager to Execute a Contract with Crossland Construction Company, Inc., for the Central Fire Station Remodel and Expansion Project in the Amount of \$6,301,931.**

MOTION: Upon a motion made by Councilmember Doherty and a second by Councilmember Clemencich, the Council voted seven (7) for and none (0) opposed to award bid and authorize the City Manager to execute a contract with Crossland Construction Company, Inc., for the Central Fire Station Remodel and Expansion Project in the amount of \$6,301,931. The motion carried.

22. **Adopt a Resolution Establishing Rates and Fees for Commercial and Residential Solid Waste, Recycling and Household Hazardous Waste Services**

RESOLUTION NO. 3667-5-19(R): A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ESTABLISHING FEES AND RATES FOR RESIDENTIAL AND COMMERCIAL SOLID WASTE COLLECTION SERVICES; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Upon a motion made by Councilmember Kizer and a second by Councilmember Brooks, the Council voted seven (7) for and none (0) opposed, to adopt Resolution No. 3667-5-19(R), as previously captioned, establishing rates and fees for commercial and residential solid waste, recycling, and household hazardous waste services. The motion carried.

Other Business

23. **Calendar.**

24. **Items of Interest.**

- Councilmember Brooks congratulated his daughter, Brittani, on her recent graduation from Tusculum University. He also wished her a happy 21st birthday.
- Council wished happy birthday to Mayor Pro Tem Caplinger.

Mayor Terrell announced the Executive Session then recessed the Regular Agenda at 8:25 p.m.

Executive Session

In accordance with the Texas Government Code, the Allen City Council convened into Executive Session at 8:39 p.m. on Tuesday, May 14, 2019, in the Council Conference Room, 305 Century Parkway, Allen, Texas, in order to discuss matters pertaining to:

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

Discussion Regarding Appointment of City Manager and Approval of Employment Agreement.

The Executive Session adjourned at 9:15 p.m. on Tuesday, May 14, 2019.

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

The Allen City Council reconvened into the open meeting at 9:20 p.m. on Tuesday, May 14, 2019. No action was taken on items discussed during the Executive Session.

Adjournment

MOTION: Upon a motion made by Councilmember Doherty and a second by Mayor Pro Tem Caplinger, the Council voted seven (7) for and none (0) opposed to adjourn the Regular Meeting of the Allen City Council at 9:21 p.m. on Tuesday, May 14, 2019. The motion carried.

These minutes approved on the 28th day of May 2019.

APPROVED:

Stephen Terrell, MAYOR

ATTEST:

Shelley B. George, TRMC, CITY SECRETARY