

ALLEN CITY COUNCIL

REGULAR MEETING

MAY 28, 2019

Present:

Stephen Terrell, Mayor

Councilmembers:

Gary L. Caplinger, Mayor Pro Tem

Kurt Kizer

Carl Clemencich

Lauren Doherty

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

Kevin Laughlin, 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 6:37 p.m. on Tuesday, May 28, 2019, in the City Council Conference Room of the Allen City Hall, 305 Century Parkway, Allen, Texas.

- 1. Update Regarding Municipal Court Operations.**
- 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 6:58 p.m. on Tuesday, May 28, 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 7:07 p.m. on Tuesday, May 28, 2019, in the Council Chambers of the Allen City Hall, 305 Century Parkway, Allen, Texas.

Pledge of Allegiance

Public Recognition

- 1. Citizen Comments.**

Adelia Scaife, 403 W. Coats Drive, Allen, Texas, read a letter to the Council regarding a potential conflict of interest.

2. Public Recognition of the Keep Allen Beautiful Reuse-A-Shoe Contest Winners.

- 1st Place: Anderson Elementary, 840 pairs of shoes
- 2nd Place: Bolin Elementary, 931 pairs of shoes
- 3rd Place: Evans Elementary, 1,125 pairs of shoes

3. Parent Teacher Association (PTA) Lifetime Achievement Award Presentation to Andrea Smith, Education Specialist.

Consent Agenda

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 adopt all items on the Consent Agenda as follows:

4. Approve Minutes of the May 14, 2019, Regular City Council Meeting.

5. Approve Minutes of the May 23, 2019, City Council Joint Workshop with Planning and Zoning Commission.

6. Adopt a Resolution Authorizing the City Manager to Execute an Interlocal Agreement Between the Cities of Allen, Plano, and Wylie to Jointly Operate a Radio Communications System.

RESOLUTION NO. 3668-5-19(R): A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL COOPERATION AGREEMENT BY AND BETWEEN THE CITIES OF ALLEN AND PLANO AND WYLIE FOR THE USE OF THE RADIO SYSTEM THAT IS JOINTLY OWNED BY THE CITY OF ALLEN AND THE CITY OF PLANO; AUTHORIZING EXECUTION OF THE INTERLOCAL AGREEMENTS BY THE CITY MANAGER; AND PROVIDING AN EFFECTIVE DATE.

7. Adopt a Resolution Denying Oncor Electric Delivery Company's Application for Approval of a Distribution Cost Recovery Factor.

RESOLUTION NO. 3669-5-19(R): A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S APPLICATION FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR PURSUANT TO 16 TEX. ADMIN. CODE §25.243 TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL; AND PROVIDING FOR AN EFFECTIVE DATE.

The motion carried.

Regular Agenda

- 8. Conduct a Public Hearing and Adopt an Ordinance to Establish a Planned Development Zoning District with a Base Zoning of Central Business District "CBD" and to Adopt Development Regulations, Concept Plan, Building Elevations, Architectural Plan, Open Space Plan, and Street Cross Sections for Approximately 12.28± Acres Generally Located at the Northeast Quadrant of U.S. Highway 75 and W. Main Street and Bounded by Anna Drive, Main Street, U.S. Highway 75, and the Southern boundary of Block A and C of Whisenant Estates Addition. [Allen City Center - Urban Residential and Office Uses]**

The Public Hearing was not held, but Mayor Terrell asked anyone wishing to speak for or against this item to do so at this time.

The following individuals spoke in opposition of the item:

Paula Cheek, 903 Glen Rose, Allen, Texas;
Judy Cote, 710 Rockcrossing Lane, Allen, Texas;
Kelly Cunningham, 727 Fairlawn Street, Allen, Texas;
Doug Gallagher, 204 Glenwick Place, Allen, Texas;
Kevin Handy, 1858 Villa Drive, Allen, Texas;
Devin Hudson, 407 Daisy Drive, Allen, Texas;
Melaine Hughes, 920 Rush Creek Drive, Allen, Texas;
Katie Loftus, 302 N. Anna Drive, Allen, Texas;
Jim Longley, 209 Exchange Place, Allen, Texas;
Louis Mancuso, 304 N. Anna Drive, Allen, Texas;
Adelia Scaife, 403 W. Coats Drive, Allen, Texas;
Katy Seitzler, 217 Sycamore Creek Road, Allen, Texas;
David Shafer, 351 Chaparral #104, Allen, Texas;
Misty Strebeck, 302 N. Bonham Drive, Allen, Texas;
William Switzer, 402 N. Bonham Drive, Allen, Texas; and,
Charles Webb, 1609 Roanoke Drive, Allen, Texas

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

Judy Adams, 409 W. Coats Drive, Allen, Texas;
Connie Budz, 503 W. Coats Drive, Allen, Texas;
Ken Budz, 503 W. Coats Drive, Allen, Texas;
Alyson Casey, 1514 Flameleaf Drive, Allen, Texas;
Scott Croskey, PO Box 137, Allen, Texas;
Leslie Dicus, 802 Glen Rose, Allen, Texas;
Steve Dicus, 802 Glen Rose, Allen, Texas;
Richard Everett, 213 Lynge Drive, Allen, Texas;
Jeffrey Giles, 406 W. Main Street, Allen, Texas;
Marina Gutierrez, 303 N. Bonham Drive, Allen, Texas;
John Humen, 206 Central Expressway N., Allen, Texas;
Margaret Ives, 401 W. Coats Drive, Allen, Texas;
Rick Ives, 401 W. Coats Drive, Allen, Texas;
Kathleen Jasper, 213 Lynge Drive, Allen, Texas;
Randy Johnson, 407 W. Coats Drive, Allen, Texas;
Sherilyn Kunkel, 9 Cedar Elm Circle, Allen, Texas;
Michelle Mancuso, 304 N. Anna Drive, Allen, Texas;
Nelda McCroskey, 502 W. Coats Drive, Allen, Texas;

Daryl Rhyner, 302 Fairfax Drive, Allen, Texas;
Debbie Rhyner, 302 Fairfax Drive, Allen, Texas;
Carmen Roy, 400 W. Coats Drive, Allen, Texas;
Monty Roy, 400 W. Coats Drive, Allen, Texas;
Dawn Scaife, 909 Carlsbad Drive, Allen, Texas;
Gene Scaife, 909 Carlsbad Drive, Allen, Texas;
Julie Schornack, 1103 Shumard, Allen, Texas;
Herbert Tretter, 1322 Edelweiss Drive, Allen, Texas;
Sean Welch, 1414 Shiloh, Allen, Texas; and,
Mary Wong, 111 Melody Mall Drive, Allen, Texas

MOTION: Upon a motion made by Councilmember Schulmeister and a second by Mayor Pro Tem Caplinger, the Council voted six (6) for and one (1) opposed, with Councilmember Brooks casting the negative vote, to remand this item to the Planning and Zoning Commission for consideration of revised plans. The motion carried.

Mayor Terrell recessed the meeting at 8:44 p.m. and reconvened the meeting at 8:54 p.m.

9. Conduct a Public Hearing and Adopt an Ordinance Granting a Specific Use Permit for a Medical or Dental Office Use for and Approximately 3,600± Square Foot Portion of a Building Generally Located North of Prestige Circle and Directly West of Jupiter Road (And Commonly Known as 600 S. Jupiter Road). [DFW ABA Center]

Mayor Terrell opened the public hearing and asked anyone wishing to speak for or against this item to do so at this time.

The following individual did not speak but wished to record his support of the item:
William Switzer, 402 N. Bonham Drive, Allen, Texas

Mayor Terrell closed the public hearing.

ORDINANCE NO. 3670-5-19: 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. 169 AUTHORIZING AN APPROXIMATELY 3,600± SQUARE FOOT PORTION OF THE BUILDING LOCATED ON LOT 1, BLOCK 1, ALLEN CHURCH OF CHRIST ADDITION AND WITHIN A COMMUNITY FACILITIES “CF” ZONING DISTRICT TO BE USED FOR A MEDICAL OR DENTAL OFFICE 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 Councilmember Clemencich and a second by Councilmember Doherty, the Council voted seven (7) for and none (0) opposed to adopt Ordinance No. 3670-5-19, as previously captioned, granting Specific Use Permit No. 169 for a Medical or Dental Office use for DFW ABA Center. The motion carried.

10. Conduct a Public Hearing and Adopt an Ordinance to Establish a Specific Use Permit for a Banks and Financial Institutions Use for an Approximately 3,182± Square Foot Portion of a Building and Detached, Accessory ATM Generally Located at the Northwestern Corner of the Intersection

of W. Exchange Parkway and N. Watters Road (and Commonly Known as 1010 W. Exchange Parkway, Building B). [Twin Creeks Village - Bank]

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. 3671-5-19: 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. 170 AUTHORIZING AN APPROXIMATELY 3,182± SQUARE FOOT PORTION OF THE BUILDING AND DETACHED ACCESSORY ATM LOCATED ON LOT 1, BLOCK A, LEGENDS AT TWIN CREEKS BUSINESS ADDITION AND CURRENTLY ZONED AS PLANNED DEVELOPMENT PD NO. 108 MIXED USE “MIX” ZONING DISTRICT TO BE USED FOR A BANKS AND FINANCIAL INSTITUTIONS 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 Councilmember Brooks and a second by Councilmember Schulmeister, the Council voted seven (7) for and none (0) opposed to adopt Ordinance No. 3671-5-19, as previously captioned, for Specific Use Permit No. 170 for a Banks and Financial Institutions use for a Twin Creeks Village - Bank. The motion carried.

11. Conduct a Public Hearing and Adopt an Ordinance to Amend the Development Regulations of Planned Development PD No. 53 Shopping Center and to Adopt a Concept Plan and Building Elevations for a Property Generally Located at the Northwestern Corner of the Intersection of N. Alma Drive and W. Exchange Parkway. [Shops at Alma and Exchange]

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. 3672-5-19: 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 FOR A 5.511± ACRE PORTION OF “TRACT 5” IN “PD” PLANNED DEVELOPMENT NO. 53 AS ESTABLISHED BY ORDINANCE NO. 1171-5-93, AS AMENDED, AND ADOPTING A CONCEPT PLAN AND BUILDING ELEVATIONS; PROVIDING A CONFLICTS RESOLUTION 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) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Upon a motion made by Mayor Pro Tem Caplinger and a second by Councilmember Doherty, the Council voted seven (7) for and none (0) opposed to adopt Ordinance No. 3672-5-19, as previously captioned, to amend the Development Regulations of Planned Development PD

No. 53 Shopping Center “SC” and adopt a Concept Plan and Building Elevations for Lot 1R, Block A, Kid R Kids Addition, for Shops at Alma and Exchange. The motion carried.

12. **Conduct a Public Hearing and Adopt an Ordinance to Establish a Planned Development Zoning District with a Base Zoning of Townhome Residential and to Adopt Development Regulations, a Concept Plan, Building Elevations, and a Hardscape and Landscape Plan, for a Property Generally Located at the Northwestern Corner of the Intersection of S. Jupiter Road and Chaparral Road. [Villas at Chaparral]**

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. 3673-5-19: 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, RELATING TO THE USE AND DEVELOPMENT OF 4.886± ACRES OF LAND SITUATED IN THE MCBAIN JAMISON SURVEY, ABSTRACT NO. 491, PRESENTLY ZONED AS SHOPPING CENTER “SC” BY CHANGING THE ZONING TO CREATE PLANNED DEVELOPMENT “PD” NO. 138 FOR SINGLE-FAMILY USES WITH A BASE ZONING OF TOWNHOME RESIDENTIAL “TH”; ADOPTING A CONCEPT PLAN, BUILDING ELEVATIONS, AND HARDSCAPE AND SCREENING 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 Brooks, the Council voted seven (7) for and none (0) opposed to adopt Ordinance No. 3673-5-19, as previously captioned, to establish Planned Development PD No. 138 with a base zoning of Townhome “TH” and to adopt a Concept Plan, Building Elevations, and Hardscape and Landscape Plan for a property generally located at the northwestern corner of the intersection of S. Jupiter Road and Chaparral Road for Villas at Chaparral. The motion carried.

Other Business

13. **Calendar.**

14. **Items of Interest.**

Executive Session

The Executive Session was not held.

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 9:38 p.m. on Tuesday, May 28, 2019. The motion carried.

These minutes approved on the 11th day of June 2019.

APPROVED:

Stephen Terrell, MAYOR

ATTEST:

Shelley B. George, TRMC, CITY SECRETARY