

## **ALLEN CITY COUNCIL**

### **REGULAR MEETING**

**JUNE 11, 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, City Manager

Rebecca Vice, Acting Assistant City Manager

Shelley B. George, City Secretary

Teresa Warren, Director, Public and Media Relations Office

Pete 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 6:33 p.m. on Tuesday, June 11, 2019, in the City Council Conference Room of the Allen City Hall, 305 Century Parkway, Allen, Texas.

- 1. Update Regarding Automated License Plate Readers.**
- 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 7:03 p.m. on Tuesday, June 11, 2019.

#### **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, June 11, 2019, 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. Citizen Comments.**

Kevin Handy, 1858 Villa Drive, Allen, Texas, spoke regarding establishing an open government committee.

Justin Jinright, 571 Kentucky Lane, Fairview, Texas, spoke regarding the North Texas Municipal Water District.

**2. Keep Allen Beautiful Recognition of Curtis Middle School “Power of One Project” Participants.**

**Consent Agenda**

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**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 adopt all items on the Consent Agenda as follows:

- 3. Approve Minutes of the May 28, 2019, Regular City Council Meeting.**
- 4. Approve Minutes of the May 29, 2019, Special Called City Council Meeting.**
- 5. Award Bid and Authorize the Acting City Manager to Execute Annual Contracts with SAFEbuilt Texas, LLC, and Bureau Veritas North America, LLC, for Building Inspection Services in the Annual Amount of \$150,000 with the Option for Two, One-Year Renewals.**
- 6. Adopt a Resolution Authorizing the Acting City Manager to Execute an Interlocal Agreement Between the Cities of Allen, with Plano, and Lucas to Allow the City of Lucas to Use the Radio System Jointly Owned by the City of Allen and the City of Plano.**

**RESOLUTION NO. 3674-6-19(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 LUCAS 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.

The motion carried.

**Regular Agenda**

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- 7. Conduct a Public Hearing and Adopt an Ordinance to Amend the Development Regulations of Planned Development No. 40 Corridor Commercial and Adopt a Concept Plan and Building Elevations for the Property Generally Located South of State Highway 121 and West of N. Watters Road. [Ally Outfitters]**

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 individuals spoke in support to the item:  
Cindy Coggins, 659 Junction Dr E405, Allen, Texas;

Craig Misfeldt, 300 Canadian Trail, Allen, Texas;  
Dave Cornette, 310 Willow Brook Drive, Allen, Texas;  
David Lyons, 1548 Brandywine Drive, Allen, Texas;  
David Shafer, 351 Chaparral, #104, Allen, Texas;  
Dorris Murdock, 1400 Bradford Trace, Allen, Texas;  
J.C. Stelzer, 307 Osage, Post, Texas; and  
Matthew Miramontes, 1058 Balmorhea Drive, Allen, Texas.

The following individuals spoke in opposition to the item:  
Chris Vasquez, 11620 Alexandria Drive, Frisco, Texas;  
Judy Brooks, 926 Lairds Lane, Allen, Texas;  
Richard Brooks, 926 Lairds Lane, Allen, Texas; and,  
Sarah Mitchell, Ironside Drive, Plano, Texas.

The following individuals did not wish to speak, but wished to record their support of the item:  
Abe Robledo, 120 W Cityline Dr, Apt 3034, Richardson, Texas;  
Angela Fudge, 1546 Prairie View Dr, Allen, Texas;  
Armando Villarreal, 7107 Holly Hill Dr, Apt #202, Dallas, Texas;  
Ashley Morgan, 1207 Big Bend Drive, McKinney, Texas;  
Barbara Benton, 3000 Buena Vista, Plano, Texas;  
Bill Randels, 5454 Amesbury Drive, Apt # 1103, Dallas, Texas;  
Brandon Allen, 120 W Cityline Drive, Apt 4081, Richardson, Texas;  
Brandon Hayes, 105 Reliance Court, Rockwall, Texas;  
Brandy Miramontes, 1058 Balmorhea Drive, Allen, Texas;  
Brett Veno, 886 CR 2617, Caddo Mills, Texas;  
Brian Fehr, 1040 Balmorhea Drive, Allen, Texas;  
Bryan Andrew, 1741 Inwood Boulevard, Garland, Texas;  
Calvin Truong, 5335 Bent Tree Forest Drive, Dallas, Texas;  
Chance Lanzillo, 1505 Precision Drive, Plano, Texas;  
Charles Heasley, 816 Cheyenne Drive, Allen, Texas;  
Craig Smith, 1001 Springfield Lane, Allen, Texas;  
Dan Reed, 1234 Eastwick Circle, Murphy, Texas;  
Debra Brosius, 1201 Meadowbrook Street, Allen, Texas;  
Devin Wilson, 9644 Minton Drive, Fort Worth, Texas;  
Diana Tener, 1542 Bradford Trace Drive, Allen, Texas;  
Donovan Bone, 1545 Sunflower Drive, Allen, Texas;  
Emma Menini, 1310 Bradford Trace Drive, Allen, Texas;  
Ian Ng, 305 W Commerce Street, Apt 372, Dallas, Texas;  
J. Darren Shue, 2491 Wagonwheel Drive, Rockwall, Texas;  
Jack Copeland, 1228 Livovno Drive, Rockwall, Texas;  
James Balla, 6600 McKinney Ranch Parkway, #8204, McKinney, Texas;  
Jarrid Trudeau, 1125 E Renner Road, Richardson, Texas;  
Jeff Benton, 3000 Buena Vista, Plano, Texas;  
Jeffrey Clark, 5312 Dunster Drive, McKinney, Texas;  
Jennifer Heasley, 816 Cheyenne Drive, Allen, Texas;  
John Copeland, 1228 Livovno Drive, Rockwall, Texas;  
John Jiang, 2027 Greenfield Lane, Allen, Texas;  
John Lyons, 1548 Brandywine Drive, Allen, Texas;  
Jorge Mtanous Rodriguez, 1906 Auburn Drive, Richardson, Texas;  
Kevin Peritto, 1604 Rolling Brook Drive, Allen, Texas;

Kyle Turner, 1542 Bradford Trace Drive, Allen, Texas;  
Laura Fehr, 5506 Huisache Street, Houston, Texas;  
Lisa Mooring, 6807 Colfax Drive, Dallas, Texas;  
Marcella Andrew, 1741 Inwood Boulevard, Garland, Texas;  
Matt Koehrsen, 1102 Haley Court, Allen, Texas;  
Matt Roberts, 6501 Independence Parkway, Plano, Texas;  
Michael Copeland, 780 N. Watters Road, #780, Allen, Texas;  
Michael Ricketts, 3433 Dillon Court, Hurst, Texas;  
Owen Lyons, 1548 Brandywine Drive, Allen, Texas;  
Peter Kim, 4224 Windhaven Lane, Dallas, Texas;  
Philip Brosius, 1201 Meadowbrook Street, Allen, Texas;  
Rafael Palmeiro, 5214 Reims Court, Colleyville, Texas;  
Rebecca Jiang, 2027 Greenfield Lane, Allen, Texas;  
Richard Keele, 903 Homestead Trail, Allen, Texas;  
Robert Merritt, 12401 Pleasant Valley Drive, Dallas, Texas;  
Ryan Wilks, 112 W. Cedar Street, Hurst, Texas;  
Sarah Minini, 1310 Bradford Trace Drive, Allen, Texas;  
Sherry Sandoval, 6807 Colfax Drive, Dallas, Texas;  
Thomas Keele, 903 Homestead Trail, Allen, Texas;  
Thomas Menini, 1310 Bradford Trace Drive, Allen, Texas;  
Tim Raffety, 2528 Greenhill Drive, Mesquite, Texas;  
Tom Tener, 1542 Bradford Trace Drive, Allen, Texas;  
Vincent Nguyen, 1818 Duke Drive, Richardson, Texas;  
William Saunders, 1544 Crystal Pass, Allen, Texas; and,  
Yoori Kim, 4224 Windhaven Lane, Dallas, Texas.

The following individual did not wish to speak, but wished to record their opposition of the item:  
Rita Lassbers, 1517 Appalachian Drive, Allen, Texas

With no one else speaking, Mayor Terrell closed the public hearing.

**ORDINANCE NO. 3675-6-19:** 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 7.329± PORTION OF “TRACT 3” IN “PD” PLANNED DEVELOPMENT NO. 40 AS ESTABLISHED BY ORDINANCE NO. 751-10-86, 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 Brooks, the Council voted six (6) for and one (1) opposed, with Councilmember Doherty casting the negative vote, to adopt Ordinance No. 3675-6-19, as previously captioned, to amend the Development Regulations of Planned Development No. 40 Corridor Commercial and adopt a concept plan and building elevations for the property generally located south of State Highway 121 and west of N. Watters Road for Ally Outfitters. The motion carried.

8. **Conduct a Public Hearing and Adopt an Ordinance to Amend Specific Use Permit No. 152 for a Gymnastics or Sports Training Facility Use to Increase the Area Subject to the SUP and Update the Parking Study for an Approximately 20,866± Square Foot Portion of a Building Generally Located North of Bethany Drive and West of Greenville Avenue (and Commonly Known as 718 S. Greenville Avenue, Suite 150). [Alliance Cheer - Expansion]**

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. 3676-6-19:** 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 ORDINANCE NO. 3452-2-17 GRANTING SPECIFIC USE PERMIT NO. 152 TO EXPAND THE PORTION OF THE BUILDING LOCATED ON LOT 1, BLOCK A, ALLEN BUSINESS CENTER II (ALSO KNOWN AS 718 S. GREENVILLE AVENUE, SUITE 150) WHICH MAY BE USED FOR A GYMNASTICS AND SPORTS TRAINING FACILITY USE IN AN APPROXIMATELY 20,866± SQUARE FOOT PORTION OF THE BUILDING; 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 Doherty and a second by Mayor Pro Tem Caplinger, the Council voted seven (7) for and none (0) opposed to adopt Ordinance No. 3676-6-19, as previously captioned, amending Specific Use Permit No. 152 for a Gymnastics and Sports Training Facility use for Alliance Cheer. The motion carried.

9. **Conduct a Public Hearing and Adopt an Ordinance to Establish a Planned Development Zoning District with a Base Zoning of Corridor Commercial and to Adopt Development Regulations, Concept Plan, Building Elevations, and a Landscape Plan for the Property Generally Located South of Ridgeview Drive and West of U.S. Highway 75. [Tractor Supply]**

It was noted that Ms. George had accepted and verified written opposition from a property owner within 200 feet of the zoning request property and Mr. Kurbansade, Director of Community Development, has confirmed that 23.95% of the 200-foot protested area was computed. The Council must have a super majority vote in order to approve the zoning request as required by Section 4.06, Changes and Amendments, of the Allen Land Development Code.

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 individuals spoke in opposition to the item:  
Alexander Evans, 1823 Lake Travis Drive, Allen, Texas;  
Chris Curtis, 816 Commerce Parkway, Allen, Texas;  
Dave Cornette, 310 Willow Brook Drive, Allen, Texas; and  
Kevin Handy, 1858 Villa Drive, Allen, Texas.

With no one else speaking, Mayor Terrell closed the public hearing.

**MOTION:** Upon a motion made by Mayor Pro Tem Caplinger and a second by Councilmember Kizer, the Council voted five (5) for and two (2) opposed, with Councilmember's Clemencich and Doherty casting the negative votes, to establish Planned Development PD No. 139 with a base zoning of Corridor Commercial and adopt a Concept Plan, Building Elevations, and Landscape Plan for a property generally located south of Ridgeview Drive and directly west of U.S. Highway 75 for Tractor Supply. The motion failed.

**10. Conduct a Public Hearing and Adopt an Ordinance to Amend the Development Regulations of Sub-Area 1 of Planned Development No. 45 Shopping Center and to Adopt a Base Zoning of Townhome, Concept Plan, Building Elevations, Open Space and Screening Plan, Lot Typicals, and Cross Sections for the Property Generally Located South of W. Stacy Road and West of U.S. Highway 75. [Cambridge Townhomes at Stacy Green]**

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. 3677-6-19:** 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 9.114± ACRE PORTION OF "PD" PLANNED DEVELOPMENT NO. 45 AND ALL OF SUB-AREA 1 AS ESTABLISHED BY ORDINANCE NO. 3529-10-17, AS AMENDED, AND ADOPTING A BASE ZONING OF TOWNHOME RESIDENTIAL "TH"; ADOPTING A CONCEPT PLAN, BUILDING ELEVATIONS, OPEN SPACE AND SCREENING PLAN, LOT TYPICALS, AND CROSS SECTIONS; 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 Councilmember Schulmeister and a second by Councilmember Doherty, the Council voted seven (7) for and none (0) opposed to adopt Ordinance No. 3677-6-19, as previously captioned, to amend the Development Regulations of Planned Development PD No. 45 Shopping Center and adopt a base zoning of Townhome, Concept Plan, Building Elevations, Open Space and Screening Plan, Lot Typicals, and Cross Sections for Lot 7, Block B, Stacy Green, for Cambridge Townhomes at Stacy Green, with the deviation of the Concept Plan from the applicant. The motion carried.

**11. Adopt a Resolution Amending the Building Permit and Inspection Fees Associated with Residential Dwellings.**

**RESOLUTION NO. 3678-6-19(R):** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ESTABLISHING ANNUAL CONTRACTOR REGISTRATION FEES IN ACCORDANCE WITH CHAPTER 4 OF THE CODE OF ORDINANCES AND SECTION 3.10 OF THE ALLEN LAND DEVELOPMENT CODE, AS AMENDED, AND BUILDING PERMIT AND INSPECTION FEES PURSUANT TO ARTICLE III OF THE ALLEN LAND DEVELOPMENT CODE, AS AMENDED; 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 Resolution No. 3678-6-19, as previously captioned, amending the building permit and inspection fees associated with residential dwellings. The motion carried.

Mayor Terrell announced the Executive Session then recessed the Regular Agenda at 9:44 p.m.

#### **Executive Session**

In accordance with the Texas Government Code, the Allen City Council convened into Executive Session at 9:59 p.m. on Tuesday, June 11, 2019, in the Council Conference Room, 305 Century Parkway, Allen, Texas, in order to discuss matters pertaining to:

**16. Pursuant to Section 551.074 of the Texas Government Code, for Personnel Matters:**

- Discussion Regarding Election of Mayor Pro Tem.
- Discussion Regarding Appointment of City Manager and Approval of Employment Agreement.

The Executive Session adjourned at 10:40 p.m. on Tuesday, June 11, 2019.

**17. Reconvene and Consider Action on Items Discussed During Executive Session.**

The Allen City Council reconvened into the Regular Meeting at 10:42 p.m. on Tuesday, June 11, 2019. The following action was taken on items discussed during Executive Session.

**12. Election of Mayor Pro Tem.**

Mayor Terrell called for nominations from the Council for the position of Mayor Pro Tem.

Councilmember Brooks nominated Councilmember Caplinger.

With no other nominations offered, Mayor Terrell closed the call for nominations.

**MOTION:** Upon a motion by Councilmember Brooks and a second by Councilmember Clemencich, the Council voted seven (7) for and none (0) opposed to elect Councilmember Caplinger as Mayor Pro Tem. The motion carried.

**13. Appointment of City Manager and Approval of Employment Agreement.**

**MOTION:** Upon a motion by Councilmember Clemencich and a second by Councilmember Brooks, the Council voted seven (7) for and none (0) opposed to appoint Eric Ellwanger as City Manager for the City of Allen effective June 11, 2019 in accordance with the terms and conditions set forth in the City Manager employment agreement and authorize the Mayor to negotiate and execute the City Manager employment agreement on behalf of the City of Allen. The motion carried.

#### **Other Business**

**14. Calendar.**

- June 17 and 24 – Summer Sounds Concert Series, Bethany Lakes Park, 7 p.m.
- June 29 – Market Street Allen USA Celebration, Celebration Park, 4 p.m.

**15. Items of Interest.**

**Adjournment**

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**MOTION:** Upon a motion made by Councilmember Brooks 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 10:45 p.m. on Tuesday, June 11, 2019. The motion carried.

These minutes approved on the 25<sup>th</sup> day of June 2019.

**APPROVED:**

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**Stephen Terrell, MAYOR**

**ATTEST:**

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