

## **ALLEN CITY COUNCIL**

### **REGULAR MEETING**

**AUGUST 13, 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

Lauren Field, Deputy City Secretary

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 6:11 p.m. on Tuesday, August 13, 2019, in the Council Chambers of the Allen City Hall, 305 Century Parkway, Allen, Texas.

Mayor Terrell recessed the Workshop Session and then reconvened at 6:37 p.m. in Basement Meeting Room A of the Allen City Hall.

- 1. Proposed Amendments to the Allen Land Development Code.**
- 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 7:02 p.m. on Tuesday, August 13, 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 7:09 p.m. on Tuesday, August 13, 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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Mayor Terrell moved to Agenda Item 2.

**2. Presentation of Proclamation by the Office of the Mayor.**

- Present a Proclamation to Representatives of the U.S. Census Bureau Proclaiming the 2020 Census as a Top Priority for the City of Allen.

**1. Citizen Comments.**

Melissa Spence, 2030 Londonderry Drive, Allen, Texas, spoke regarding Council expressing opinions to the media.

Ty Potter, 551 Gillespie Drive, Allen, Texas, spoke in favor of gun shows.

Joseph Vail, 901 High Meadows Drive, Allen, Texas, spoke regarding tree preservation.

Connie Cooley, 514 Fairhaven Drive, Allen, Texas, spoke in favor of gun shows.

Kevin Pierce, 604 Sandy Creek Drive, Allen, Texas, spoke in favor of gun shows.

Robert Acker, 216 Glenwick Place, Allen, Texas, spoke regarding urban living.

Melissa Greear, 1109 Elmbrook Court, Allen, Texas, spoke in opposition to gun shows.

**Consent Agenda**

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**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:

**3. Approve Minutes of the July 23, 2019, Regular City Council Meeting.**

**4. Adopt an Ordinance Declaring a 10.62± Acre Tract of Land Out of the William Snyder Survey, Abstract No. 821, as Being a Part of the City.**

**ORDINANCE NO. 3687-8-19:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, DECLARING A 10.62± ACRE TRACT OF LAND OUT OF THE WILLIAM SNYDER SURVEY, ABSTRACT NO. 821, COLLIN COUNTY, TEXAS, IDENTIFIED IN EXHIBIT "A" HERETO AND ADJACENT TO THE CITY AS BEING A PART OF THE CITY PURSUANT TO TEXAS LOCAL GOVERNMENT CODE SECTION 41.003; MAKING CERTAIN FINDINGS IN SUPPORT OF SUCH DECLARATION; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**5. Adopt a Resolution Approving the Terms and Conditions of a Local Project Advance Funding Agreement (LPAFA) with The State of Texas Acting by and through The Texas Department of Transportation for Funding Traffic Signal Detection Improvement.**

**RESOLUTION NO. 3688-8-19(R):** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, APPROVING THE TERMS AND CONDITIONS OF THE LOCAL PROJECT ADVANCE FUNDING AGREEMENT (LPAFA) WITH THE STATE OF TEXAS ACTING BY AND THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION

FOR FUNDING TRAFFIC SIGNAL DETECTION EQUIPMENT; AND PROVIDING AN EFFECTIVE DATE.

6. **Adopt a Resolution Authorizing the City Manager to Apply for, Accept, Reject, Alter or Terminate a Grant Through the Texas Department of Transportation for Design and Construction of Sidewalks along Pebblebrook Drive and Sycamore Creek Road to Provide a Safe Route to School.**

**RESOLUTION NO. 3689-8-19(R)**: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, APPROVING THE SUBMITTAL OF AN APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION SAFE ROUTES TO SCHOOL PROGRAM FOR A PROJECT NOMINATION PROVIDED BY THE SAFE, ACCOUNTABLE, FLEXIBLE AND EFFICIENT - TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS (SAFETEA – LU); AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO COMPLETE THE APPLICATION; AND PROVIDING AN EFFECTIVE DATE.

7. **Adopt a Resolution Authorizing the City Manager to Execute This and Future Interlocal Agreements with the North Central Texas Emergency Communications District for Regional 9-1-1 Service.**

**RESOLUTION NO. 3690-8-19(R)**: A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, APPROVING THE TERMS AND CONDITIONS OF THE ATTACHED INTERLOCAL AGREEMENT FOR REGIONAL 9-1-1 SERVICES; AUTHORIZING EXECUTION OF THE INTERLOCAL AGREEMENT FOR REGIONAL 9-1-1 SERVICES BY THE CITY MANAGER; AND PROVIDING AN EFFECTIVE DATE.

8. **Authorize the City Manager to Purchase Three (3) Chevrolet Tahoes, from Freedom Chevrolet, and Police Package Equipment, from Priority Public Safety, for the Replacement of Three Police Department Vehicles in the Total Amount of \$125,754.**
9. **Authorize the City Manager to Execute a Contract with Duro-Last, Inc., through The Interlocal Purchasing System (TIPS) in the Amount of \$1,500,000 for the Allen Event Center Roof Replacement.**

The motion carried.

#### **Regular Agenda**

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10. **Conduct a Public Hearing and Adopt an Ordinance to Establish a Planned Development Zoning District with a Base Zoning of Central Business District and Adopt Development Regulations, Concept Plan, Building Elevations, Architectural Plan, Open Space Plan, and Street Cross Sections for a Property 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]**

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 favor of the item:  
Steve Johannes, 616 Club Drive, Allen, Texas 75013;  
David Hicks, 401 Woodlake Drive, Allen, Texas 75013; and,  
Bill Dahlstrom, 2323 Ross Avenue, Suite 600, Dallas, Texas 75201.

The following individuals spoke in opposition to the item:  
Dave Cornette, 310 Will Brook Drive, Allen, Texas 75002;  
Louis Mancuso, 304 N. Anna Drive, Allen, Texas 75013;  
Katie Loftus, 302 N. Anna Drive, Allen, Texas 75013;  
Doug Gallagher, 204 Glenwick Place, Allen, Texas 75013;  
Robert Acker, 2016 Glenwick Place, Allen, Texas 75013;  
Gregg Watling, 606 Fannin Court, Allen, Texas 75013;  
Herbert Tretter, 1322 Edelweiss Drive, Allen, Texas 75002;  
Kevin Handy, 1858 Villa Drive, Allen, Texas 75013;  
Adelia Scaife, 403 W. Coats Drive, Allen, Texas 75013;  
Kenneth Fulk, 1229 Marble Falls Drive, Allen, Texas 75013;  
William Switzer, 402 N. Bonham Drive, Allen, Texas 75013;  
Karen Kincheloe, 1006 Ashby Drive, Allen, Texas 75013;  
Melanie Hughes, 920 Rush Creek Drive, Allen, Texas 75002;  
Margaret Ives, 401 W. Coats Drive, Allen, Texas 75013;  
Mason Zack, 606 N. Allen Drive, Allen, Texas 75013; and,  
Scott Cote, 710 Rockcrossing Lane, Allen, Texas 75002.

The following individuals did not wish to speak, but wished to record their opposition to the item:  
Judy Cote, 710 Rockcrossing Lane, Allen, Texas 75002;  
John Emmett, 1706 Leander Court, Allen, Texas 75002;  
Connie Budz, 503 W. Coats Drive, Allen, Texas 75013;  
Dianne Lindeman, 1306 Merrimac Drive, Allen, Texas 75002;  
Mark Lindeman, 1306 Merrimac Drive, Allen, Texas 75002;  
Jane Prouty, 606 Fannin Court, Allen, Texas 75013;  
Alyson Casey, 1514 Flameleaf Drive, Allen, Texas 75002;  
Sean Welch, 1414 Shiloh Road #2824, Plano, Texas 75074;  
Mary Wong, 111 Melody Mall Drive, Allen, Texas 75002;  
Gary Barnum, 1511 Riverdale Drive, Allen, Texas 75013;  
Marion Parker, 400 Daisy Drive, Allen, Texas 75013;  
Priscilla Parker, 400 Daisy Drive, Allen, Texas 75013;  
Danny Bega, 1507 Bellevue Court, Allen, Texas 75013;  
Lori Aaron, 1507 Bellevue Court, Allen, Texas 75013;  
Misty Strebeck, 302 N. Bonham Drive, Allen, Texas 75013;  
Faith Yildirim, 206 N. Central Expressway, Allen, Texas 75013;  
Sharon Missler, 1424 Rio Grande Drive, Allen, Texas 75013;  
Gene Autry, 552 Bell Drive, Allen, Texas 75002;  
Jon Toney, 514 Oldbridge Drive, Allen, Texas 75002;  
Sui Jin, 2054 Wimbledon Drive, Allen, Texas 75013;  
Lisa Primrose, 623 Driftwood Court, Allen, Texas 75013;  
Debbie Rhyner, 302 Fairfax Drive, Allen, Texas 75013;  
Daryl Rhyner, 302 Fairfax Drive, Allen, Texas 75013;  
Rick Ives, 401 W. Coats Drive, Allen, Texas 75013;  
Paul Dobson, 210 Glenwick Place, Allen, Texas 75013;  
Meira Zack, 606 N. Allen Drive, Allen, Texas 75013;

Dawn Scaife, 909 Carlsbad Drive, Allen, Texas 75002;  
Gene Scaife, 909 Carlsbad Drive, Allen, Texas 75002;  
Zodie Christakos, 713 Cottonwood Bend Drive, Allen, Texas 75002;  
Lori Holter, Lynge Drive, Allen, Texas 75013;  
Carmen Roy, 400 W. Coats Drive, Allen, Texas 75013;  
Marty Roy, 400 W. Coats Drive, Allen, Texas 75013;  
Joan Bazar, 709 Hefner Drive, Allen, Texas 75013;  
Douglas Bazar, 709 Hefner Drive, Allen, Texas 75013;  
Carol Stone, 918 Pebblebrook Drive, Allen, Texas 75002;  
Nancy Madson, 517 Cedar Elm Lane, Allen, Texas 75002;  
Ayse Erdem, 212 Windsong Way, Allen, Texas 75002;  
David Christakos, 713 Cottonwood Bend Drive, Allen, Texas 75002;  
Randy Johnson, 407 W. Coats Drive, Allen, Texas 75013;  
Leslie Dicus, 802 Glen Rose Drive, Allen, Texas 75013;  
Jeremiah Banda, 2 Lawn Meadow Cove, Allen, Texas 75002;  
Scott McCroskey, 502 Coats Drive, Allen, Texas 75002;  
Deidra Dennis, 206 Willow Creek Circle, Allen, Texas 75002;  
Susie Hall, 1405 Flameleaf Drive, Allen, Texas 75002;  
Bonnie Monroe, 218 Wildwood Drive, Allen, Texas 75013;  
John Bell, 409 Ellis Street, Allen, Texas 75002;  
Pervez Mahmud, 405 W. Coats Drive, Allen, Texas 75013;  
Dominic Mancuso, 304 N. Anna Drive, Allen, Texas 75013;  
Michelle Mancuso, 304 N. Anna Drive, Allen, Texas 75013;  
Gena-Marie Mancuso, 304 N. Anna Drive, Allen, Texas 75013;  
Sherilyn Kunkel, 9 Cedar Elm Circle, Allen, Texas 75002;  
Steve Dicus, 802 Glen Rose Drive, Allen, Texas 75013;  
Marina Gutierrez, 303 N. Bonham Drive, Allen, Texas 75013;  
Heather Ann Damico, 1005 Great Basin Court, Allen, Texas 75013;  
Alex Evans, 1823 Lake Travis Drive, Allen, Texas 75002;  
Judy Evans, 409 W. Coats Drive, Allen, Texas 75013;  
Sinan Yildirim, 206 N. Central Expressway, Allen, Texas 75013; and,  
Mustafa Findikci, 1628 Snowberry Drive, Allen, Texas 75013.

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

**MOTION:** Upon a motion made by Councilmember Doherty and a second by Councilmember Brooks, the Council voted five (5) for and two (2) opposed with Mayor Terrell and Mayor Pro Tem Caplinger casting the negative votes, to deny the request with prejudice. The motion carried.

**11. Conduct a Public Hearing and Adopt an Ordinance to Amend the Development Regulations of Planned Development No. 56 Shopping Center by Adding "Banquet Hall" as a Permitted Use and Adopt a Concept Plan and Building Elevations for a Property Generally Located East of Custer Road and South of McDermott Drive. [McDermott Banquet Hall]**

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. 3691-8-19:** 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 C OF PLANNED DEVELOPMENT “PD” NO. 56 SHOPPING CENTER “SC” AND ADOPTING A CONCEPT PLAN AND BUILDING ELEVATIONS RELATING TO THE USE AND DEVELOPMENT OF ALL OF LOT 1, BLOCK A, CUSTER/MCDERMOTT ADDITION (COMMONLY KNOWN AS 2021 W. MCDERMOTT DRIVE); 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 Brooks, the Council voted seven (7) for and none (0) opposed to adopt Ordinance No. 3691-8-19 to amend the development regulations of Planned Development No. 56 Shopping Center and adopt a Concept Plan and Building Elevations for a property generally located east of Custer Road and south of McDermott Drive. The motion carried.

**12. Conduct a Public Hearing on the Fiscal Year 2019-2020 Budget as Required by Article IV, Section 4.04 of the Allen City Charter.**

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.

Mayor Terrell announced that the City Council will vote on the FY2020 budget at the September 10, 2019, City Council meeting at 7:00 p.m. at Allen City Hall, 305 Century Parkway, Allen, Texas.

**13. Conduct a Public Hearing Regarding the Fiscal Year 2019-2020 City Tax Rate.**

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 spoke in opposition to the item:  
Dave Cornette, 310 Willow Brook Drive, Allen, Texas 75002.

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

**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 set the City Council meeting date of September 10, 2019, at 7:00 p.m. at Allen City Hall, 305 Century Parkway, Allen, Texas, to vote on the proposed tax rate of 49.8 cents per \$100 of the certified appraised value for the Fiscal Year 2019-202 budget. The motion carried.

**Other Business**

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**14. Calendar.**

- August 16-18 – City Council Budget Workshop, Tanglewood Resort and Conference Center.

- August 27 Second Public Hearing Date Regarding the Fiscal Year 2019-20 City Tax Rate and FY 2019-20 City Budget.

**15. Items of Interest.**

- Council wished happy birthday to Councilmember Clemencich.

**Executive Session**

The Executive Session was not held.

**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 11:18 p.m. on Tuesday, August 13, 2019. The motion carried.

These minutes approved on the 27<sup>th</sup> day of August 2019.

**APPROVED:**

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**Stephen Terrell, MAYOR**

**ATTEST:**

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