

ALLEN CITY COUNCIL

REGULAR MEETING

AUGUST 27, 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, Assistant City Manager

Tim Dentler, Assistant City Manager (absent)

Shelley B. George, City Secretary

Teresa Warren, Director, Public and Media Relations Office

Lauren Field, Deputy City Secretary

Pete Smith, City 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 6:10 p.m. on Tuesday, August 27, 2019, in the Council Chambers of the Allen City Hall, 305 Century Parkway, Allen, Texas.

- 1. Property Assessed Clean Energy Program Overview.**
- 2. Update Regarding Strategies for Coyote Management.**
- 3. Committee Updates from City Council Liaisons.**
- 4. Questions on Current Agenda.**

With no further discussion, the Workshop Session of the Allen City Council was adjourned at 7:05 p.m. on Tuesday, August 27, 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 7:10 p.m. on Tuesday, August 27, 2019, in the Council Chambers of the Allen City Hall, 305 Century Parkway, Allen, Texas.

Pledge of Allegiance

- Members of Webelos Pack 306 Posted the Colors and lead the Pledge of Allegiance.

Public Recognition

1. **Citizen Comments.**
2. **Presentation of a Ceremonial Check from LegacyTexas Bank Commemorating their Partnership with the City's Property Improvement Program.**
3. **Presentation of Proclamation by the Office of the Mayor.**
 - Present a Proclamation to Jed Tamayo, Municipal Court Administrator, Proclaiming August 27, 2019, as "Teen Court Day."

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:

4. **Approve Minutes of the August 13, 2019, Regular City Council Meeting.**
5. **Approve Minutes of the August 16-18, City Council Budget Workshop.**
6. **Adopt an Ordinance Amending the Code of Ordinances Chapter 6, Article VIII, "Environmental Health."**

ORDINANCE NO. 3692-8-19: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE CODE OF ORDINANCES CHAPTER 6 "HEALTH AND ENVIRONMENT," ARTICLE VIII, "ENVIRONMENTAL HEALTH" BY AMENDING IN ITS ENTIRETY DIVISION 2 "FOOD ESTABLISHMENTS" ADOPTING THE TEXAS FOOD ESTABLISHMENT RULES AND LOCAL AMENDMENTS THERETO; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE OF \$2,000 PER VIOLATION; AND PROVIDING FOR AN EFFECTIVE DATE

7. **Adopt an Ordinance Amending the Allen Land Development Code by Amending Article III, "Building Regulations" by Adopting the International Building Code, 2018 Edition, with Amendments; International Existing Building Code, 2018.**

ORDINANCE NO. 3693-8-19: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE ALLEN LAND DEVELOPMENT CODE BY AMENDING IN ITS ENTIRETY ARTICLE III, "BUILDING REGULATIONS" BY ADOPTING THE INTERNATIONAL BUILDING CODE, 2018 EDITION, WITH AMENDMENTS; INTERNATIONAL EXISTING BUILDING CODE, 2018 EDITION, WITH AMENDMENTS; INTERNATIONAL FIRE CODE, 2018 EDITION, WITH AMENDMENTS; INTERNATIONAL RESIDENTIAL CODE, 2018 EDITION, WITH AMENDMENTS; INTERNATIONAL MECHANICAL CODE, 2018 EDITION, WITH AMENDMENTS; INTERNATIONAL PLUMBING

CODE, 2018 EDITION, WITH AMENDMENTS; INTERNATIONAL FUEL GAS CODE, 2018 EDITION, WITH AMENDMENTS; NATIONAL ELECTRICAL CODE, 2017 EDITION, WITH AMENDMENTS; INTERNATIONAL ENERGY CONSERVATION CODE, 2018 EDITION, WITH AMENDMENTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000); AND PROVIDING FOR AN EFFECTIVE DATE.

8. **Adopt a Resolution Authorizing the City Manager to Execute Interlocal Agreements with Texas Health Plano, Plano ISD and the Cities of Parker and Murphy to Allow the Entities to Use the Radio System Jointly Owned by the City of Allen and the City of Plano.**

RESOLUTION NO. 3694-8-19(R): A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, APPROVING THE TERMS AND CONDITIONS OF SEPARATE INTERLOCAL COOPERATION AGREEMENTS BY AND BETWEEN THE CITIES OF ALLEN AND PLANO WITH TEXAS HEALTH PLANO, PLANO INDEPENDENT SCHOOL DISTRICT, AND WITH THE CITIES OF PARKER AND MURPHY 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.

9. **Adopt a Resolution Nominating Mr. Gary Rodenbaugh for Election to the Board of Directors for the Collin Central Appraisal District.**

RESOLUTION NO. 3695-8-19(R): A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, PLACING IN NOMINATION THE NAME OF GARY RODENBAUGH FOR MEMBERSHIP ON THE BOARD OF DIRECTORS OF THE COLLIN CENTRAL APPRAISAL DISTRICT IN ACCORDANCE WITH SECTION 6.03(g) OF THE STATE PROPERTY TAX CODE; DIRECTING THE CITY SECRETARY TO NOTIFY INTERESTED PARTIES OF SAID ACTION; AND PROVIDING AN EFFECTIVE DATE.

10. **Authorize the City Manager to Execute an Agreement with America's Nationwide Netting, Inc., DBA Nets of Texas, to Install Outfield Barrier Nets on Two Fields at the Spirit Park Softball Complex in the Amount of \$135,000.**
11. **Authorize the City Manager to Purchase Two Nutanix Nodes and Memory for the Data Center from CDW-G through the Texas Department of Information Resources for an Amount of \$165,029.**

The motion carried.

Regular Agenda

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.

Melissa Spence, 2030 Londonderry Drive, Allen, Texas, spoke requesting Council adopt the effective tax rate.

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

MOTION: Upon a motion made by Councilmember Schulmeister and a second by Mayor Pro Tem Caplinger, 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 48.9 cents per \$100 of the certified appraised value for the Fiscal Year 2019-202 budget. The motion carried.

14. Conduct a Public Hearing and Adopt an Ordinance to Amend the Development Regulations of Planned Development No. 84 Multi-Family Residential to Adopt a Base Zoning of Office and to Adopt a Concept Plan and Building Elevations for the Property Generally Located East of Greenville Avenue and North of Chaparral Road. [Office Use - Saxony on 5]

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. 3696-8-19: 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 II OF PLANNED DEVELOPMENT “PD” NO. 84 MULTI-FAMILY RESIDENTIAL “MF-18” BY ADOPTING A BASE ZONING OF OFFICE “O”, CONCEPT PLAN, AND BUILDING ELEVATIONS RELATING TO THE USE AND DEVELOPMENT OF ALL OF LOT 2, BLOCK A, CHAPARRAL GARDENS SENIOR HOUSING; 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. 3696-8-19, as previously captioned, amending the development regulations of Planned Development No. 84 to adopt a base zoning of Office and adopt a Concept Plan and Building Elevations for the property generally located east of Greenville Avenue and north of Chaparral Road for Saxony on 5. The motion carried.

15. Conduct a Public Hearing and Adopt an Ordinance Amending the Allen Land Development Code Relating to Section 4.20.2, Removing Firearms Sales & Service Use from the Schedule of Principle

Uses; Section 6.05, Amending Approval Procedures, Requirements and Standards for Site Plans; Section 6.06.1, Clarifying Use Interpretation and Removing Spacing Requirements for "Firearms and Explosives Sales and Service"; Section 6.06.11, "Solar Panels" to be Consistent with Current Adopted Building Codes; Section 7.04.1, "Vehicle Parking" Regulations and Associated Calculations For Parking Dimension Requirements; Section 7.07, Clarifying Language Regarding Separation of "Fences and Walls"; Section 8.05, "Subdivision Standards" Amending Approval Procedures, Requirements and Standards; Appendix A, Amending the Definition of "Certificate of Compliance"; and Section 2.02 by Amending Duties and Procedures of the Board of Adjustment.

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. 3697-8-19: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE ALLEN LAND DEVELOPMENT CODE, AS PREVIOUSLY AMENDED, BY AMENDING IN ITS ENTIRETY SECTION 2.02 "BOARD OF ADJUSTMENT" AND RELATED SUBSECTIONS; AMENDING SECTION 4.20.2 "SCHEDULE OF PRINCIPAL USES" BY DELETING THE USE "FIREARMS SALES & SERVICES"; AMENDING IN ITS ENTIRETY SECTION 6.05 "SITE PLAN APPROVAL" AND RELATED SUBSECTIONS; AMENDING SECTION 6.06.1 "FIREARMS AND EXPLOSIVES SALE AND SERVICE"; AMENDING SECTION 6.06.11 "SOLAR PANELS" BY AMENDING PARAGRAPH b.i. RELATING TO PERMIT REQUIREMENTS; AMENDING SUBSECTIONS 1, 4 AND 5 OF SECTION 7.04.1 "VEHICLE PARKING"; AMENDING SUBSECTION 4 OF SECTION 7.07 "FENCES AND WALLS"; AMENDING IN THEIR ENTIRETY SECTION 8.01 "PURPOSE," SECTION 8.02 "GENERAL PROVISIONS," SECTION 8.03 "PLAT REGULATIONS," AND SECTION 8.04 "PERMITS REQUIRED" AND RELATED SUBSECTIONS; AMENDING SUBSECTION 1 "CONSTRUCTION PLANS" OF SECTION 8.05 "SUBDIVISION STANDARDS"; AND AMENDING APPENDIX "A" "DEFINITIONS" BY ADDING A DEFINITION FOR "CERTIFICATE OF COMPLIANCE"; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Upon a motion by Councilmember Kizer and a second by Councilmember Clemencich, the Council voted seven (7) for and none (0) opposed to adopt Ordinance No. 3697-8-19, as previously captioned, amending the Allen Land Development Code. The motion carried.

Other Business

16. Calendar.

- September 2 – City Hall closed for the Labor Day holiday.

17. Items of Interest.

- First United Methodist Church will hold a grand opening celebration on September 8 from 5–7 p.m.
- The Allen Eagles Football team will play Cedar Hill on Friday, August 30.
- Council recognized Boy Scouts from Troop Nos. 306 and 358 in attendance.

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 8:11 p.m. on Tuesday, August 27, 2019. The motion carried.

These minutes approved on the 10th day of September 2019.

APPROVED:

Stephen Terrell, MAYOR

ATTEST:

Shelley B. George, TRMC, CITY SECRETARY