



**AGENDA  
CITY OF ALLEN  
CITY COUNCIL REGULAR MEETING  
OCTOBER 12, 2021 - 7:00 PM  
CITY COUNCIL CHAMBERS  
ALLEN CITY HALL  
305 CENTURY PARKWAY  
ALLEN, TX 75013**

**Call to Order and Announce a Quorum is Present.**

**Pledge of Allegiance.**

**Public Recognition.**

1. Citizen's Comments.

*[The City Council invites citizens to speak to the Council on any topic not on the agenda or not already scheduled for Public Hearing. Prior to the meeting, please complete a "Public Meeting Appearance Card" and present it to the City Secretary. The time limit is three minutes per speaker, not to exceed a total of fifteen minutes for all speakers.]*

2. Present Plaques-of-Appeal to Former Members of the Various Boards and Commissions.

**Consent Agenda.**

*[Routine Council business. Consent Agenda is approved by a single majority vote. Items may be removed for open discussion by a request from a Councilmember or member of staff.]*

3. Approve Minutes of the September 28, 2021, Regular City Council Meeting.
4. Approve Minutes of the October 4, 2021, TRIAD Meeting.
5. Adopt a Resolution Casting 109 Votes for Mr. Gary Rodenbaugh for Election to the Board of Directors for the Collin Central Appraisal District.
6. Adopt a Resolution Approving the City's Investment Policy Governing the Investment of Municipal Funds.
7. Adopt a Resolution and Authorize the City Manager to Accept, Reject, Alter or Terminate a Grant Through the Small Business Administration's Shuttered Venue Operators Grant Program for Payroll and Utility Assistance during the COVID

19 Pandemic.

8. Authorize the City Manager to Execute a Contract with Stantec Consulting Services, Inc., for Consultant Services for Preparation of a Downtown Plan in the Amount of \$125,000.
9. Authorize the City Manager to Approve Annual Beverage Purchases from Andrews Distributing for Parks and Recreation Used for Resale at Allen Event Center and The Courses at Watters Creek in the Amount of \$130,000.
10. Authorize the City Manager to Approve Annual Alcoholic Beverage Purchases Through FinTech.net for Parks and Recreation for Retail Sale at Allen Event Center and The Courses at Watters Creek in the Amount of \$206,312.
11. Authorize the City Manager to Approve Annual Food & Beverage Purchases from Ben E. Keith for Parks & Recreation Used for Resale at Allen Event Center and The Courses at Watters Creek in the Amount of \$245,000.

**Regular Agenda.**

12. Approve the Coordinating Committee's Recommendations for a Joint Radio System Expenditure for System Changes, Upgrades, Additional Use and Any Other Aspects of the Joint Radio System Pursuant to the Joint Radio System Agreement with the City of Plano to Purchase a Replacement of the Microwave Network that Connects the Various Towers in the Amount of \$1,748,353 and Allowing the City of Plano to Retain the City of Allen Annual Disbursements in the Amount of \$582,784 from the Subscriber Revenue Fund Under the Joint Radio System Agreement to Fund the City of Allen's One-Third Cost Share of Such Improvements.
13. Award Bid and Authorize the City Manager to Execute a Contract with SYB Construction Co., Inc., for the Windridge Estates Phase 2 Water & Sanitary Sewer Replacement Project in the Amount of \$4,234,900.
14. Conduct a Public Hearing and Adopt an Ordinance to Amend the Development Regulations of District G of Planned Development No. 108 with a Base Zoning of Mixed Use and to Adopt a Zoning Exhibit, Concept Plan, Building Elevations, Open Space Plan, Commercial Area Civic Spaces Plan, Commercial Area Enhanced Paving Exhibit, and Commercial Area Street "G" Cross Section for Approximately 35.740± Acres in the John Fyke Survey, Abstract No. 325, Generally Located at the Northeast Corner of the Intersection of Exchange Parkway and Watters Road. (Twin Creeks Watters)

**Other Business.**

15. Calendar.
  - October 30 - Arbor Day, Glendover Park, 9 a.m. - Noon
16. Items of Interest. [*Council announcements regarding local civic and charitable events, meetings, fundraisers, and awards.*]

**Executive Session. (As needed)**

Legal, Section 551.071.

*As authorized by Section 551.071(2) of the Texas Government Code, the Workshop Meeting and/or the Regular Agenda may be Convened into Closed Executive Session for the Purpose of Seeking Confidential Legal Advice from the City Attorney on any Agenda Item Listed Herein.*

(Closed to Public as Provided in the Texas Government Code.)

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

**Adjournment.**

This notice was posted at Allen City Hall, 305 Century Parkway, Allen, Texas, at a place convenient and readily accessible to the public at all times. Said notice was posted on Friday, October 8, 2021, at 5:00 p.m..

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Shelley B. George, City Secretary

Allen City Hall is wheelchair accessible. Access to the building and special parking are available at the entrance facing Century Parkway. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 214.509.4105.

<b>CITY COUNCIL AGENDA COMMUNICATION</b>
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<b>AGENDA DATE:</b>	October 12, 2021
<b>SUBJECT:</b>	Present Plaques-of-Appreciation to Former Members of the Various Boards and Commissions.
<b>STAFF RESOURCE:</b>	Shelley B. George, City Secretary
<b>ACTION PROPOSED:</b>	Present Plaques-of-Appreciation to Former Members of the Various Boards and Commissions.

**BACKGROUND**

The Mayor will present Plaques-of-Appreciation to individuals for their service on various City Boards and Commissions.



<b>CITY COUNCIL AGENDA COMMUNICATION</b>
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**AGENDA DATE:**

October 12, 2021

**SUBJECT:**

Approve Minutes of the September 28, 2021, Regular  
City Council Meeting.

**STAFF RESOURCE:**

Shelley B. George, City Secretary

**ATTACHMENTS:**

Minutes

## **ALLEN CITY COUNCIL**

### **REGULAR MEETING**

**SEPTEMBER 28, 2021**

#### **Present:**

Kenneth M. Fulk, Mayor

#### **Councilmembers:**

Baine Brooks, Mayor Pro Tem

Daren Meis

Carl Clemencich

Dave Cornette

Chris Schulmeister

Dave Shafer

#### **City Staff:**

Eric Ellwanger, City Manager

Eric Strong, Deputy City Manager

Tim Dentler, Assistant City Manager

Rebecca Vice, Assistant City Manager

Shelley B. George, City Secretary

Teresa Warren, Director, Public and Media Relations

Rocio Gonzalez, 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 Fulk at 5:56 p.m. on Tuesday, September 28, 2021, in the Basement Meeting Rooms of Allen City Hall, 305 Century Parkway, Allen, Texas.

- 1. Update on Bulk Waste Service Improvements.**
- 2. Update from the Downtown Steering Committee.**
- 3. Committee Updates from City Council Liaisons.**
- 4. Questions on Current Agenda.**

With no further discussion, Mayor Fulk adjourned the Workshop Session of the Allen City Council at 6:50 p.m. on Tuesday, September 28, 2021.

**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 Fulk at 7:00 p.m. on Tuesday, September 28, 2021, in the City Council Chambers of Allen City Hall, 305 Century Parkway, Allen, Texas.

**Pledge of Allegiance**

**Public Recognition**

**1. Citizen's Comments.**

The following individuals spoke requesting the City address short term rentals in Allen:  
Tammie Jost, 1102 Bay Shore Street, Allen, Texas; and,  
Doug Jost, 1102 Bay Shore Street, Allen, Texas.

The following individuals spoke in support of a Dog Park being built by the City of Allen:  
Nancy Fountain, 1219 Brenham Court, Allen, Texas;  
Bob Cubbage, 804 Fawn Valley Drive, Allen, Texas;  
Marlene Seward, 1725 Broadmoor Drive, Allen, Texas;  
Patricia Ruffin, 1185 Sophia Street, Allen, Texas;  
Shannon Mobley, 525 Cameron Lane, Allen, Texas;  
Barack Harriizi, 1318 Sunny Creek, Allen, Texas; and,  
Wesley Smith, 502 Oakwood Drive, Allen, Texas

Victoria Sublette, 1227 Palo Duro, Allen, Texas, spoke regarding the recent relocation announcement of MD7 and asked Council to look at the total tax burden on taxpayers and the Return on Investment.

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

- Presentation of a Proclamation to the City of Allen Forester Proclaiming October 30, 2021, as Arbor Day.

**3. Presentation of a Blue Star Flag to Family Members of Allen Service Personnel Currently Serving in the U.S. Armed Forces.**

- The Kizer Family in honor of their son, Ryan.
- The Powers Family in honor of their son, Benjamin.

**Consent Agenda**

Mayor Fulk removed Agenda Item 7 from the Consent Agenda.

Councilmember Shafer removed Agenda Item 9 from the Consent Agenda.

**MOTION:** Upon a motion made by Councilmember Clemencich and a second by Councilmember Cornette, the Council voted seven (7) for and none (0) opposed to adopt the remaining items on the Consent Agenda as follows:

4. **Approve Minutes of the September 14, 2021, Regular City Council Meeting.**
5. **Approve Minutes of the September 16, 2021, Special Called City Council Workshop.**
6. **Adopt an Ordinance Amending Chapter 2 - Administration, Article VII, of the Code of Ordinances Regarding the Administrative Departments of the City.**

**ORDINANCE NO. 3859-9-21:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 2, "ADMINISTRATION," ARTICLE VII, "ADMINISTRATIVE DEPARTMENTS", BY AMENDING SECTION 2-102 "ESTABLISHING AND CHANGING DIVISIONS WITHIN DEPARTMENTS; ASSIGNMENT OF WORK" BY AMENDING SUBSECTIONS (a); REPEALING SECTIONS 2-151 "COMMUNITY SERVICES DEPARTMENT CREATED," 2-181 "ENGINEERING DEPARTMENT CREATED," 2-191 "PLANNING AND DEVELOPMENT DEPARTMENT CREATED," 2-201 "MANAGEMENT INFORMATION SYSTEMS DEPARTMENT CREATED," AND 2-211 "BUILDING AND CODE COMPLIANCE DEPARTMENT CREATED"; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

**RESOLUTION NO. 3860-9-21(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 TEXAS 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 a One-Year Contract, with the Option for Four (4) One-Year Renewals, with Lawn Star Landscape for Litter Collection Services at Various City Properties and Detailed Overpass/Underpass Maintenance in the Amount of \$209,908.**
11. **Accept the Resignation of LaReeda Rentie and Declare a Vacancy in Place No. 4 on the Parks and Recreation Board.**

The motion carried.

Mayor Fulk moved to Agenda Item 7.

7. **Adopt a Resolution Amending the City Council's Rules of Order and Procedure.**

No action was taken on this item.

Mayor Fulk moved to Agenda Item 9.

9. **Authorize the City Manager to Execute a First Amendment to the Project Development Agreement between the City of Allen, the Allen Economic Development Corporation, and The Farm Development Co.**

**MOTION:** Upon a motion made by Councilmember Shafer and a second by Councilmember Cornette, the Council voted seven (7) for and none (0) opposed to authorize the City Manager to execute a First Amendment to the Project Development Agreement between the City of Allen, the Allen Economic Development Corporation, and The Farm Development Co. The motion carried.

#### Regular Agenda

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**12. Conduct a Public Hearing and Adopt an Ordinance to Amend the Development Regulations of Planned Development No. 134A with a Base Zoning of Mixed Use for Blocks A through N and Block X, The Farm is Generally Located at the Southeast Corner of the Intersection of State Highway 121 and Alma Drive. (The Farm)**

Mayor Fulk 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 Fulk closed the Public Hearing.

**ORDINANCE NO. 3861-9-21:** 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 PLANNED DEVELOPMENT "PD" NO. 134A MIXED USE MIX ADOPTED BY ORDINANCE NO. 3761-7-20; 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 Clemencich, the Council voted seven (7) for and none (0) opposed to approve Ordinance No. 3861-9-21, as previously captioned, to amend the Development Regulations of Planned Development PD No. 134A with a Base Zoning District of Mixed Use for Blocks A through N, and Block X, located at the southeast corner of the intersection of State Highway 121 and Alma Drive. The motion carried.

**13. Conduct a Public Hearing and Adopt an Ordinance to Establish a Planned Development Zoning District with a Base Zoning of Single-Family Residential (R-5) and to Adopt Development Regulations, Zoning Exhibit, Concept Plan, Open Space Plan and Screening Plan for 34.2± Acres; Generally Located at the Northwest Corner of the Intersection of Watters Road and Stacy Road. (The Reserve at Watters)**

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

Marlene Seward, 1725 Broadmoor Drive, Allen, Texas, spoke in opposition of the item.

With no one else speaking, Mayor Fulk closed the Public Hearing.

**ORDINANCE NO. 3862-9-21:** 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, RELATING TO THE USE AND DEVELOPMENT OF 34.2± ACRES OUT OF THE FRANCIS DOSSER SURVEY, ABSTRACT NO.

280, PRESENTLY ZONED AS PLANNED DEVELOPMENT NO. 43 WITH A BASE ZONING OF GARDEN OFFICE (GO) AND PLANNED DEVELOPMENT NO. 43 WITH A BASE ZONING OF MULTIFAMILY RESIDENTIAL (MF-18) BY CHANGING THE ZONING TO CREATE PLANNED DEVELOPMENT NO. 146 WITH A BASE ZONING OF SINGLE-FAMILY RESIDENTIAL (R-5) AND ADOPTING DEVELOPMENT REGULATIONS, A ZONING EXHIBIT, A CONCEPT PLAN, AN OPEN SPACE PLAN, AND A 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 Councilmember Meis and a second by Councilmember Shafer, the Council voted seven (7) for and none (0) opposed to approve Ordinance No. 3862-9-21, as previously captioned, to establish Planned Development No. 146 with a base zoning of Single-Family Residential (R-5) and to adopt Development Regulations, Zoning Exhibit, Concept Plan, Open Space Plan and Screening Plan, for a property generally located at the northwest corner of the intersection of Watters Road and Stacy Road. The motion carried.

**14. Authorize the City Manager to Execute a Fourth Amendment to the Contract for Solid Waste Collection, Disposal, and Recycling Services with Community Waste Disposal (CWD).**

**MOTION:** Upon a motion made by Councilmember Cornette and a second by Councilmember Shafer, the Council voted seven (7) for and none (0) opposed to Authorize the City Manager to execute a fourth amendment to the contract for Solid Waste Collection, Disposal, and Recycling Services with Community Waste Disposal (CWD). The motion carried.

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

**RESOLUTION NO. 3863-9-21(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 Shafer and a second by Councilmember Cornette, the Council voted seven (7) for and none (0) opposed to approve Resolution No. 3863-9-21(R), as previously captioned, to establish rates and fees for commercial and residential solid waste, recycling, and household hazardous waste services. The motion carried.

**16. Adopt a Resolution Establishing the Water and Sewer Rates Recommended for Fiscal Year 2021-2022.**

**RESOLUTION NO. 3864-9-21(R):** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ESTABLISHING SANITARY SEWER CHARGES AND WATER SERVICE CHARGES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**MOTION:** Upon a motion made by Councilmember Shafer and a second by Councilmember Cornette, the Council voted seven (7) for and none (0) opposed to approve Resolution No. 3864-9-21(R), as previously captioned, to establish the Water and Sewer Rates Recommended for Fiscal Year 2021-2022. The motion carried.

**17. Appoint to Fill a Vacancy in Place No. 4 on the Parks and Recreation Board.**

**MOTION:** Upon a motion made by Mayor Pro Tem Brooks and a second by Councilmember Clemencich, the Council voted seven (7) for and none (0) opposed to nominate Nat Dryer as recommended by the Council Nominating Committee to fill the unexpired term in Place No. 4 on the Parks and Recreation Board and set an expiration of September 30, 2022. The motion carried.

**Other Business**

**18. Calendar.**

**19. Items of Interest.**

- Mayor Fulk announced Rotary Internationals as his Charity of the Month.
- Mayor Pro Tem Brooks asked the community to remember all involved in the recent shooting.
- Mayor Pro Tem Brooks announced the Collin County Historical Commission had awarded Brian Bristow, Parks and Recreation Assistant Director, the Advocate of the Year Award.
- Mayor Pro Tem Brooks commended the Public and Media Relations Program on the success of the “#NoPlaceLikeAllen” campaign and encouraged citizens to visit the City’s website to learn more.
- Councilmember Cornette invited the public to participate in the Allen Heritage Guild’s “Whispers of the Past” featuring Mayor Pro Tem Brooks on October 17 at the Heritage Village.

**Executive Session**

The Executive Session was not held.

**20. Reconvene and Consider Action on Items Resulting from Executive Session.**

**Adjournment**

**MOTION:** Upon a motion made by Councilmember Cornette and a second by Councilmember Shafer, the Council voted seven (7) for and none (0) opposed to adjourn the Regular Meeting of the Allen City Council at 9:16 p.m. on Tuesday, September 28, 2021. The motion carried.

These minutes approved on the 12<sup>th</sup> day of October 2021.

**APPROVED:**

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**Kenneth M. Fulk, MAYOR**

**ALLEN CITY COUNCIL  
REGULAR MEETING  
SEPTEMBER 28, 2021**

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**ATTEST:**

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



<b>CITY COUNCIL AGENDA COMMUNICATION</b>
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**AGENDA DATE:**

October 12, 2021

**SUBJECT:**

Approve Minutes of the October 4, 2021, TRIAD Meeting.

**STAFF RESOURCE:**

Shelley B. George, City Secretary

**ATTACHMENTS:**

Minutes

**ALLEN CITY COUNCIL /  
ALLEN ISD BOARD OF TRUSTEES /  
ALLEN-FAIRVIEW CHAMBER EXECUTIVE COMMITTEE  
TRIAD MEETING  
OCTOBER 4, 2021**

**Allen City Council:**

Kenneth M. Fulk, Mayor  
Baine Brooks, Mayor Pro Tem (absent)  
Daren Meis  
Carl Clemencich  
Dave Cornette  
Chris Schulmeister  
Dave Shafer

**City Staff:**

Eric Ellwanger, City Manager  
Eric Strong, Deputy City Manager  
Tim Dentler, Assistant City Manager (absent)  
Rebecca Vice, Assistant City Manager  
Shelley B. George, City Secretary (absent)  
Rocio Gonzalez, Deputy City Secretary  
Pete Smith, City Attorney  
Kate Meacham, Parks and Recreation Director  
Karen Cromwell, CVB Director

**Chamber of Commerce Executive Committee:**

Paul Hernandez, Chair (absent)  
Donna Neal, Chair Elect (absent)  
Jared Shelton, Immediate Past Chair  
Demetris Williams Adekanmbi, Treasurer  
David Ellis, At-Large  
Neil Brown, At-Large  
Sharon Mayer, CEO

**AIISD Board of Trustees:**

Amy Gnadt, President  
Kelly Rowley, Vice President  
Sarah Mitchell, Secretary  
Kevin Cameron, Board Member  
Polly Montgomery, Board Member  
Vatsa Ramanathan, Board Member

**AIISD Staff:**

Robin Bullock, Superintendent  
Daniel Pitcock, Deputy Superintendent  
Jennifer Wilhelm, Assistant Superintendent  
Kim McLaughlin, Assistant Superintendent  
Dr. Jason Johnston, Assistant Superintendent  
David Hicks, Chief Information Officer  
Johnny Hill, Chief Financial Officer  
Lenore Yurkovich, Executive Assistant

**1. Call to Order and Announce a Quorum is Present.**

With a quorum of the members present, the TRIAD Meeting was called to order by Mayor Fulk, President Gnadt and Treasurer Adekanmbi at 6:02 p.m. on Monday, October 4, 2021, at the Allen ISD and Professional Learning and Auxiliary Services Building located at 610 E. Bethany Drive, Allen, Texas 75002.

**2. Pledge of Allegiance.**

A moment of silence was held in memory of AIISD Trustee David Noll.

**3. Update on School Finance.**

Mr. Hill provided an update on school finance in Texas.

**4. Update on AISD Construction Projects.**

Mr. Pitcock provided an update on AISD construction projects including the recent completion of the Professional Learning and Auxiliary Services Building where the Board of Trustees will conduct board meetings.

**5. Update from Allen Independent School District – November 2021 Bond Election.**

Ms. Bullock, Mr. Pitcock and Mr. Hill presented information to the group regarding the Allen ISD bond propositions.

**6. Update from City of Allen – Charter Amendment Election.**

Mr. Smith provide an update on the City of Allen Charter Amendment Election to be held on November 2, 2021.

**7. Update on the Stephen G. Terrell Recreation Center.**

Ms. Meacham provide an update on the construction of the Stephen G. Terrell Recreation Center.

**8. Update from the Allen-Fairview Chamber of Commerce.**

Treasurer Adekanmbi reviewed activities and events held by the Chamber during the past year. She also highlighted upcoming events including the Golf Tournament and initiatives for small business owners.

**9. Update on State of Allen.**

Secretary Mitchell provided an update on the State of Allen scheduled for November 30, 2021, at the Marriot Dallas Allen Hotel and Convention Center.

**10. Items of Interest.** *[Announcements Regarding Local Civic and Charitable Events, Meetings, Fundraisers and Awards]*

- Next TRIAD Meeting Date – October 3, 2022
- Community Announcements

**Adjournment.**

**MOTION:** Upon a motion made by Councilmember Shafer and a second by Councilmember Cornette, the Council voted six (6) for and none (0) opposed to adjourn the TRIAD Meeting at 7:54 p.m. on Monday, October 4, 2021. The motion carried.

These minutes approved on the 12<sup>th</sup> day of October 2021.

**APPROVED:**

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**Kenneth M. Fulk, MAYOR**

**TRIAD MEETING  
OCTOBER 4, 2021  
PAGE 3**

**ATTEST:**

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

<b>CITY COUNCIL AGENDA COMMUNICATION</b>
--

**AGENDA DATE:** October 12, 2021

**SUBJECT:** Adopt a Resolution Casting 109 Votes for Mr. Gary Rodenbaugh for Election to the Board of Directors for the Collin Central Appraisal District.

**STAFF RESOURCE:** Eric Ellwanger, City Manager  
Shelley B. George, City Secretary

**PREVIOUS COUNCIL ACTION:** Adopted Resolution No. 3860-9-21(R) nominating Mr. Gary Rodenbaugh for Election to the Board of Directors for the Collin Central Appraisal District.

**ACTION PROPOSED:** Adopt a Resolution Casting 109 Votes for Mr. Gary Rodenbaugh for Election to the Board of Directors for the Collin Central Appraisal District.

**BACKGROUND**

In accordance with the Texas Property Code, Section 6.03, the Appraisal District's five directors are to be appointed by the taxing units that participate in the District. On September 28th, the City Council approved the nomination of Mr. Gary Rodenbaugh as a candidate for election to the board of directors. Candidates must be residents of the District for at least two years prior to beginning service on the Board. The City of Allen has 109 votes to cast. As in the past, the proposed Resolution casts all 109 votes for Mr. Rodenbaugh.

**MOTION**

***I make a motion to adopt Resolution No. \_\_\_\_\_ casting all 109 votes of the City of Allen for Mr. Gary Rodenbaugh for election to the Board of Directors of the Collin Central Appraisal District Board.***

**ATTACHMENTS:**

Resolution  
CCAD Letter Casting All Votes

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, CASTING BALLOTS FOR THE BOARD OF DIRECTORS FOR 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.**

**WHEREAS**, on September 28, 2021, the City Council adopted Resolution No. 3860-9-21(R) nominating Mr. Gary Rodenbaugh as a candidate to be a Director of the Collin Central Appraisal District; and,

**WHEREAS**, the City Council is required by the State Property Tax Code to cast votes for the Board of Directors of the Collin Central Appraisal District; and,

**WHEREAS**, said votes must be made in an open meeting and delivered to the Chief Appraiser before November 14, 2021; and,

**WHEREAS**, the City Council desires for Gary Rodenbaugh, 102 W. Main Street, Allen, Texas 75013 to continue service on the Board of Directors.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, THAT:**

**SECTION 1.** The City Council casts all 109 votes for Gary Rodenbaugh to become a member of the Collin Central Appraisal District Board of Directors.

**SECTION 2.** The City Council directs the City Secretary to forward a certified copy of this Resolution to the Collin Central Appraisal District and notify all other appropriate parties of this action.

**SECTION 3.** This Resolution shall take effect immediately upon its passage.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 12<sup>TH</sup> DAY OF OCTOBER 2021.**

**APPROVED:**

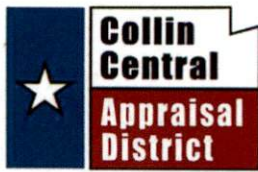
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**Kenneth M. Fulk, MAYOR**

**ATTEST:**

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**Shelley B. George, CITY SECRETARY**



# Collin Central Appraisal District

September 29, 2021

Kenneth Fulk, Mayor  
City of Allen  
305 Century Pkwy  
Allen, TX 75013

RECEIVED  
CITY OF ALLEN

OCT 04 2021

OFFICE OF  
CITY SECRETARY

RE: Election of Collin Central Appraisal District Board of Directors  
Number of votes allocated to: City of Allen

Dear Mayor Fulk:

In accordance with the Texas Property Tax Code, the Appraisal District's five directors are to be elected by the taxing units that participate in the Appraisal District. Each taxing unit may nominate one to five board candidates. The District's Board of Directors serve two-year terms, with the next term beginning January 1, 2022.

## **Nominations**

Nominations will cease the end of calendar day, October 14, 2021. Nominations must be made in an open meeting and a written Resolution from the presiding officer of your governing body must be received by my office no later than October 14, 2021.

## **Allocation of Votes**

Each taxing unit's vote allocation is based on their tax levy compared to the grand total levy for all taxing units. City of Allen will have **109** vote(s) to cast for the election of the 2022 - 2023 Board of Directors of the Collin Central Appraisal District.

## **Ballots**

My office will prepare and mail a ballot to the presiding officer of each taxing unit that has at least one vote. The mailing of ballots is scheduled for October 18, 2021.

Sincerely,

Bo Daffin  
Chief Appraiser

<b>CITY COUNCIL AGENDA COMMUNICATION</b>
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**AGENDA DATE:** October 12, 2021

**SUBJECT:** Adopt a Resolution Approving the City's Investment Policy Governing the Investment of Municipal Funds.

**STAFF RESOURCE:** Pete Phillis, Chief Financial Officer  
Chris Landrum, Assistant CFO

**PREVIOUS COUNCIL ACTION:** On September 22, 2020, City Council approved Resolution No. 3779-9-20 amending the Investment Policy.

**ACTION PROPOSED:** Adopt a Resolution approving the City's Investment Policy Governing the Investment of Municipal Funds.

### **BACKGROUND**

Texas Government Code - Section 2256.005 (e) requires annual re-adoption of the City's Investment Policy. The City Council previously re-adopted the Investment Policy at the September 22, 2020, City Council meeting.

Current investment officers for the city are the Chief Financial Officer; the Assistant Chief Financial Officer; Strategic Services Auditor; Chief Accountant; and Senior Accountant. The investment officers are required to attend state mandated training once every two years. Training will be required in FY2022.

The City is required to annually review the investment policy and make revisions as needed. The investment policy is now being presented to City Council for re-adoption to reflect the following revisions:

- Section VI:
  - Updated the Authorized Broker/Dealers/Financial Institutions/Banks/Investment Pools list as follows:
    - Add: Alamo Capital
    - Remove: Ladenburg Thalmann & Company

### **STAFF RECOMMENDATION**

Staff recommends that the City Council adopt a Resolution approving the City's Investment Policy governing the investment of municipal funds.

### **MOTION**

*I make a motion to adopt Resolution No. \_\_\_\_\_ approving the city's Investment Policy governing the investment of municipal funds.*



**ATTACHMENTS:**

Resolution

Investment Policy

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, APPROVING AN INVESTMENT POLICY AND THE INVESTMENT OF MUNICIPAL FUNDS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 2256 TEX. GOV'T CODE requires the City Council to annually review its Investment Policy; and,

**WHEREAS**, the City Council re-adopted the Investment Policy on September 22, 2020; and,

**WHEREAS**, Chapter 2256 TEX. GOV'T CODE requires the City Council to review, revise and adopt a list of authorized brokers, financial institutions and banks to engage in investment transactions with the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, THAT:**

**SECTION 1.** The Investment Policy attached hereto as Exhibit "A" ("Investment Policy"), and made a part hereof for all purposes, has been reviewed and includes any amendments thereto, is hereby adopted as the Investment Policy of the City of Allen as required by Chapter 2256 of the Texas Government Code.

**SECTION 2.** This Resolution shall take effect upon its adoption.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 12<sup>TH</sup> DAY OF OCTOBER 2021.**

**APPROVED:**

\_\_\_\_\_  
**Kenneth M. Fulk, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**Shelley B. George, CITY SECRETARY**

**EXHIBIT A**

**CITY OF ALLEN, TEXAS**

**INVESTMENT POLICY**

**October 12, 2021**

## **PURPOSE**

The purpose of this document is to set forth specific investment policy and strategy guidelines for the City of Allen in order to achieve the goals of safety, liquidity, yield, and public trust for all investment activity. This policy serves to satisfy the statutory requirement (specifically the Public Funds Investment Act (PFIA), Chapter 2256, Texas Government Code, as amended, [the "Act"]) to define, adopt and review a formal investment strategy and policy. Additionally, this policy excludes the investment of public funds that are invested by a trustee pursuant to Chapter 172 of the Texas Local Government Code, and Chapter 113 and Chapter 117 of the Texas Trust Code, for the City's retiree healthcare benefits program. Such funds are invested pursuant to a separate Investment Guidelines Document as part of a Post-Retirement Health Care Plan Trust.

## **INVESTMENT STRATEGY**

The City of Allen maintains portfolios which utilize four specific investment strategy considerations designed to address the unique characteristics of the fund groups represented in the portfolios. Preservation and safety of principal shall be the foremost investment objective in each of the portfolios. Liquidity is the second objective. Its importance to each fund group is emphasized in the following paragraphs. Yield and diversification shall also be a consideration and shall be in compliance with the guidelines set forth in the Investment Policy.

- A. Investment strategies for operating funds have as their primary objective to assure that anticipated cash flows are matched with adequate investment liquidity. The secondary objective is to create a portfolio structure which will experience minimal volatility during economic cycles. This may be accomplished by purchasing high quality, short-to-medium term securities which will complement each other in a ladder or barbell maturity structure.
- B. Investment strategies for debt service funds shall have as the primary objective the assurance of investment liquidity adequate to cover the debt service obligation on the required payment date. If the annual debt service obligation is covered, then securities may be purchased that have a stated final maturity date which exceeds the debt service payment date.
- C. Investment strategies for reserve funds shall have as the primary objective the ability to generate a dependable revenue stream to the appropriate fund from securities with a low to moderate degree of volatility. Securities should be of high quality and, except as may be required by any bond ordinance specific to an individual issue, of intermediate to longer-term maturities.
- D. Investment strategies for special projects or special purpose fund portfolios shall have as their primary objective to assure that anticipated cash flows are matched with adequate investment liquidity. These portfolios should include at least 10% in highly liquid securities to allow for flexibility and unanticipated project outlays. The stated final maturity dates of securities held should not exceed the estimated project completion date.

## **INVESTMENT POLICY**

### **I. SCOPE**

This investment policy applies to all financial assets of the City of Allen including component units reported as follows:

- General Fund
- Enterprise Funds
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## **II. OBJECTIVES**

The City of Allen shall manage and invest its cash with the four objectives listed in priority order: Safety; Liquidity; Yield and Public Trust. Safety of principal invested is always the primary objective. All investments shall be designed and managed in a manner responsive to the public trust and consistent with State and Local law.

### **SAFETY**

The primary objective of the City's investment activity is preservation of capital. Each investment transaction shall be conducted in a manner to avoid capital losses.

### **LIQUIDITY**

The City's investment portfolio shall remain sufficiently liquid to enable the City to meet operating requirements that may be reasonably anticipated. To the extent possible, the City will attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the City will not directly invest in securities maturing more than five years from the date of purchase.

### **YIELD**

The investment portfolio shall be designed with the objective of regularly exceeding the average rate of return on a six-month U.S. Treasury Bill. The City's investment risk constraints and cash flow needs shall be taken into consideration.

### **PUBLIC TRUST**

All participants in the City's investment process shall seek to act responsibly as custodians of the public trust. Investment officials shall avoid any transaction which might impair public confidence in the City's ability to govern effectively.

## **III. RESPONSIBILITY AND CONTROL**

### **DELEGATION OF AUTHORITY AND TRAINING**

Authority to manage the City's investment program is derived from a resolution of the City Council. The Chief Financial Officer (CFO) is designated as the primary investment officer of the City. The Assistant Chief Financial Officer is designated as secondary investment officer in the absence of the CFO. The CFO may delegate the day-to-day activities to a responsible individual(s) who has received the appropriate training required by state statute. The CFO shall be responsible for all transactions undertaken and shall establish a

system of controls and compliance audit to regulate the activities of subordinate officials and persons authorized to execute investment transactions.

The investment officers and persons authorized to execute investment transactions shall attend training sessions of at least 10 hours in compliance with Section 2256.008 of the Act within 12 months after taking office or assuming duties and at least 8 hours every two years thereafter.

#### SAFEKEEPING AND CUSTODY

The CFO shall establish written procedures for the operation of the investment program, consistent with this investment policy. Procedures shall include reference to safekeeping and reporting of the portfolio market value for securities held in safekeeping, banking service contracts and collateral. Securities and collateral will be held by a third-party custodian designated by the City or by the Federal Reserve Bank and held in the City's name as evidenced by safekeeping receipts of the institution with which the securities are deposited. The market value of the securities and collateral shall be reported at least monthly by the custodians. Any substitutions and/or releases of collateral must be approved by the CFO or another person qualified to execute investment transactions designated by the CFO. All collateral must have a market value of 103% of the original purchase price of the investment (less FDIC or NCUSIF insurance) plus accrued interest.

#### PRUDENT INVESTOR RULE

The standard of prudence to be applied by the investment officer shall be the "prudent investor" rule which states: "Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived."

In determining whether an investment officer has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration:

- A. the investment of all funds, or funds under the entity's control, over which the officer had responsibility rather than a consideration as to the prudence of a single investment; and
- B. whether the investment decision was consistent with the written investment policy of the entity.

All participants in the investment program will seek to act responsibly as custodians of the public trust. Investment staff will avoid any transaction that might impair public confidence in the City's ability to govern effectively. Investment staff shall recognize that the investment portfolio is subject to public review and evaluation. The overall program shall be designed and managed with a degree of professionalism which is worthy of the public trust. Nevertheless, the City recognizes that in a marketable, diversified portfolio, occasional measured losses are inevitable and must be considered within the context of the overall portfolio's investment rate of return.

#### ETHICS AND CONFLICTS OF INTEREST

City staff involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair the ability to make impartial investment decisions. An investment officer of the City who has a personal business relationship and/or a relationship by blood or marriage within the second degree, as defined in the PFIA Section 2256.005, with a financial organization seeking to sell an investment to the City, shall file a disclosure statement with the Texas Ethics Commission, the City Council, and the City Manager.

## LIABILITY

Investment and management staff acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility for market price changes, provided deviations from expectations are reported in a timely fashion and the liquidity and the sale of the securities are carried out in accordance with the terms of this policy.

## INVESTMENT SAFEGUARDS

CASH FLOW: Investment staff of the City will maintain a cash flow analysis which identifies the present and future cash requirements. The investment portfolio (utilizing cash flow analysis) will be structured such that the selling of securities prior to maturity for the purpose of meeting daily cash needs would be on an exception basis only.

SEPARATION OF DUTIES: Investment staff of the City will be responsible for maintaining the cash flow analysis, determining the amount eligible for investment, and all other administrative duties necessary in executing and tracking the investments. Authorized Finance management staff will be responsible for the actual investment decisions.

INTERNAL CONTROL: The CFO shall establish an annual process of independent review by an external auditor in conjunction with the annual audit. This review will provide internal control by assuring compliance with policies and procedures.

## **IV. INVESTMENT PORTFOLIO**

### RISK AND DIVERSIFICATION

The City recognizes that investment risks can result from issuer defaults, market price changes or various technical complications leading to temporary illiquidity. Risk is controlled through portfolio diversification which shall be achieved by the following general guidelines:

- A. risk of issuer default is controlled by limiting investments to those instruments allowed by the Act, which are described herein;
- B. risk of market price changes shall be controlled by avoiding over-concentration of assets in a specific maturity sector, limitation of the weighted average maturity of operating funds investments to less than 18 months, and avoidance of over-concentration of assets in specific instruments other than U.S. Treasury Securities, and U.S. Agency Obligations or Securities and authorized investment pools.
- C. risk of illiquidity due to technical complications shall be controlled by the selection of securities dealers as described herein.
- D. Concentration of credit risk is controlled by limiting the amount of investment with a single issuer to no more than 35% of the total portfolio with the exception of State approved investment pools and U.S. Government Securities and Agency Obligation.
- E. Custodial credit risk is minimized by requiring pledged securities to be in the name of the City.

### AUTHORIZED INVESTMENTS

Assets of the City may be invested in the following instruments if deemed an authorized investment pursuant to the Public Funds Investment Act, Chapter 2256, Texas Government Code, as amended:

- A. obligations of the United States of America, its agencies and instrumentalities;
- B. direct obligations of the State of Texas or its agencies and instrumentalities;
- C. collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by an agency or instrumentality of the United States;
- D. other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, the State of Texas or the United States or the respective agencies and instrumentalities, including obligations that are fully insured or guaranteed by the Federal Deposit Insurance Corporation or by the explicit full faith and credit of the United States;
- E. obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent;
- F. Certificates of deposit issued by a depository institution that has its main office or a branch office in Texas. The certificate of deposit must be guaranteed or insured by the Federal Deposit Insurance Corporation (FDIC) or its successor or the National Credit Union Share Insurance Fund (NCUSIF) or its successor and secured by acceptable collateral securities in the name of or benefit of the City and have a market value of at least 103% of the original purchase price (less FDIC or NCUSIF insurance) plus accrued interest. Additionally, funds invested by the City through a broker that has a main office or branch office in Texas and is selected from a list approved by the City as required by section 2656.025 of the Public Funds Investment Act or a depository institution that has a main office or branch office in Texas and is selected by the City are authorized investments if the following conditions are met:
  - a. the broker or depository institution selected by the City as specified above arranges for the deposit of the funds in certificates of deposit in one or more federally insured depository institutions, wherever located, for the account of the City;
  - b. the full amount of the principal and accrued interest of each of the certificates of deposit is insured by the United States or an instrumentality of the United States; and
  - c. the City appoints a depository bank or a clearing broker registered with the Securities and Exchange Commission Rule 15c-3 (17CFR, Section 240 15c3-3) as custodian for the City with respect to the certificates of deposit issued for account to the City;
- G. Public Funds Investment pools in the State of Texas which follow practices allowed by the current law and whose investments may consist of CD's, U.S. Treasuries, U.S. Government Agency Securities, U.S. Government Sponsored Corporation's Instruments, Commercial Paper, Repurchase Agreements, or other investment instruments permitted by law.
- H. Collateralized Repurchase Agreements that are contractual agreements between the City and commercial banks, trust companies, state or federally chartered savings and loan associations, and federally chartered savings banks. The Repo issuer sells acceptable securities to the City and, in turn, the City agrees to resell the securities on a specific date at a specified amount (original cost plus interest). Repurchase agreements are required to be backed by acceptable collateral securities in the name of or benefit of the City and have a market value of at least 103% of the original purchase price plus accrued interest.
- I. Commercial Paper and Banker's Acceptances that have met all requirements of state law, including ratings, term, and security.



- J. No-load money market mutual fund that meets the requirements of state law as an authorized investment under Chapter 2256 of the PFIA.
- K. Guaranteed investment contracts that meet the requirements of state law as an authorized investment for bond proceeds and that the governing body of the City has specifically authorized guaranteed investment contracts as an eligible investment in the order, ordinance, or resolution authorizing the issuance of bonds
- L. The City is not required to liquidate investments that were an authorized investment at the time of purchase.
- M. If an authorized investment in the City's portfolio is rated in a way that causes it to become an unauthorized investment, the investment officers of the City shall review the investment to determine whether it would be more prudent to hold the investment until its maturity, or to redeem the investment. Officers shall consider the time remaining until maturity of the investment, the quality of the investment, and the quality and amounts of collateral which may be securing the investment in determining the appropriate steps to take.
- N. The City requires that all City depository accounts have sufficient pledged collateral, valued at market, held by a third-party custodian designated by the City in the City's name, and secured at 103% of the City balances less the amount of FDIC or NCUSIF insurance at all times.

The following is the maximum goal for various types of authorized deposits (shown as a percentage of total investments) for each type of investment. The percentages are based mainly on the safety and liquidity of the investment and to obtain the overall highest rate of return with appropriate risk for the City.

A.	Collateralized/Insured Certificates of Deposits (CD's): .....	50%
B.	Collateralized Repurchase Agreements: .....	30%
C.	U.S. Treasury Obligations: .....	100%
D.	Municipal Investment Pool (MIP): .....	100%
E.	Commercial Bank Savings Accounts: .....	15%
F.	U.S. Government Agency Securities: non-callable .....	100%
G.	U.S. Government Agency Securities: callable.....	70%
H.	U.S. Government Sponsored Corporation's Instruments: non-callable.....	75%
I.	U.S. Government Sponsored Corporation's Instruments: callable .....	70%
J.	Commercial Paper: .....	20%
K.	Banker's Acceptances: .....	10%
L.	Guaranteed Investment Contracts: .....	25%
M.	State or Local Governmental Obligations:.....	50%
N.	Money Market Mutual Funds .....	15%
O.	Local Government Investment Pools (LGIP) .....	100%

- Must comply with percentage restriction in PFIA Section 2256.014(c)

#### TERM OF INVESTMENTS

The maximum term of any investment may not exceed five (5) years.

#### TRANSACTION BIDS

Transaction bids may be obtained orally, in writing, electronically, or in any combination of these methods. At least three competitive bids for individual security purchases are required, however, this provision excludes transactions involving money market mutual funds, local government investment pools, securities

issued and deemed to be made at prevailing market rates, or a reinvestment of funds from a called security with the original broker.

#### **TRANSACTION SETTLEMENTS**

The settlement of all transactions, except investment pool funds and mutual funds, shall be on a delivery versus payment basis.

#### **V. REPORTING**

The CFO shall submit a signed quarterly investment report to the City Council that contains the information required by the Public Funds Investment Act including but not limited to:

- A. describing in detail the investment position of the entity on the date of the report;
- B. stating the book value and market value of each separately invested asset at the beginning and end of the reporting period by the type of asset and fund type invested;
- C. stating the maturity date of each separately invested asset that has a maturity date; and
- D. stating the compliance of the investment portfolio of the City as it relates to the investment strategy stated in the City's Investment Policy.

#### **VI. SELECTION OF BROKERS AND SECURITY DEALERS**

For brokers and dealers of government securities the City may select only those dealers reporting to the Market Reports Division of the Federal Reserve Board of New York also known as the "Primary Government Security Dealers," unless a comprehensive credit and capitalization analysis reveals that other firms are adequately financed to conduct public business. Investment officials shall not knowingly conduct business with any firm with whom public entities have sustained losses on investments. All securities dealers shall provide the City with references from public entities which they are currently serving. The City shall review the list of brokers on an annual basis pursuant to Section 2256.025 of the Public Funds Investment Act.

All financial institutions and broker/dealers who desire to become qualified bidders for investment transactions must supply the following as appropriate:

- A. audited financial statements
- B. proof of National Association of Securities Dealers (NASD) certification
- C. proof of state registration
- D. certification of having read the City's Investment Policy signed by a qualified representative of the organization
- E. acknowledgement that the organization has implemented reasonable procedures and control in an effort to preclude investment activities not authorized by this policy arising out of investment transactions conducted between the City and the organization.

The list of brokers/dealers, financial institutions, banks, and investment pools shown are authorized to conduct investment business with the City.

## **VII. INVESTMENT POLICY ADOPTION**

The City of Allen Investment Policy shall be adopted by resolution of the City Council. The City Council shall review this Investment Policy and investment strategies annually and any modifications made thereto must be approved by the City Council.

Authorized Broker/Dealer/Financial Institutions/Banks/Investment Pools

Alamo Capital 2030 Main St., Ste. #1300 Irvine, CA 92614	Nader Mokri	949-701-1300	nmokri@alamocapital.com
American National Bank 720 S. Greenville Ave., Allen, TX 75002	Colleen Biggerstaff Admin. Officer Greg Jebesen	972-727-5785 Ext 5929 214-863-6179 F	colleenbiggerstaff@anbt.com GregJebesen@anbt.com
Cantor Fitzgerald & Co. 110 East 59 <sup>th</sup> St., 4 <sup>th</sup> Floor New York, NY 10022	John Baldo Gilbert Ramon Charo Ammerman	713-599-5192	gilbert.ramon@cantor.com
Comerica Bank MC6548 1508 West Mockingbird Ln. Dallas, TX 75235	Vicky Weatherby	713-507-7022	vmweatherby@comerica.com
Comerica Securities, Inc. 39400 Woodward Ave. #160, MC: 7951 Bloomfield Hills, MI 48304	Chris Theut Institutional Sales Kyle Rademaker	248-645-4173 800-327-7058 248-645-4167 F	ctheut@comerica.com ksrademaker@comerica.com
Financial Northeastern 100 Passaic Avenue Fairfield, NJ 07004	Steven Azzato	973-396-1043 800-362-9876 x1271 866-840-4596 F	sazzato@financialnortheastern.com
FHN Financial 920 Memorial City Way, 11 <sup>th</sup> Floor Houston, TX 77024	Buddy Saragusa	713-435-4475 817-471-7646 C	buddy.saragusa@fhnfinancial.com
Hilltop Securities 1201 Elm St., Ste. 3500 Dallas, TX 75270	Walt Parrish	214-859-6617	walt.parrish@hilltopsecurities.com
Independent Bank 1600 Redbud Blvd. McKinney, TX 75069	Amy Feagin Noah Elrod	214-720-1205 469-301-2796	nelrod@ibt.com
Interbank 5307 E. Mockingbird Ln. Dallas, TX 75260	Bill Lawrence Treasury Services Officer	214-584-2417	Bill.Lawrence@interbank.com
Pershing, LLC One Pershing Plaza Jersey City, NJ 07399	Steven Azzato	973-396-1043	sazzato@financialnortheastern.com
Prosperity Bank 5851 Legacy Cir., Ste. 400 Plano, TX 75024	Shatarro Richardson Aaron Sprunger	972-461-7162 SR 214-217-7034 AS	Shatarro.richardson@prosperitybankusa.com aaron.sprunger@prosperitybankusa.com

Southside Bank 1201 S. Beckham Ave. Tyler, TX 75701	Mary McLarry	903-535-4504	mary.mclarry@southside.com
Stifel Nicolaus & Co., Inc. Fixed Income Capital Markets 100 Motor Pkwy., 2 <sup>nd</sup> Floor Hauppauge, NY 11788	Luke Donenfeld Vice President	800-645-5424 x4471 631-656-4471 (Direct) 917-846-8398 (Cell)	ldonenfeld@stifel.com
Texas Class 2435 N. Central Expwy. Ste. 1200 Richardson, TX 75080	Karen Proctor Regional Director	214-473-4224	Karen.proctor@texasclass.com
Texas Security Bank 1212 Turtle Creek Blvd. Dallas, TX 75207	Bonnie Nichols Senior Vice President Chief Compliance Officer	469-398-4804 214-571-9595 F	bonnie.nichols@texassecuritybank.com
TexPool Participant Services c/o Federated Investors 1001 Texas Ave., Ste. 1400 Houston, TX 77002	Dianne Parker	866-839-7665 866-839-3291	dparker@federatedinv.com
TexSTAR 1201 Elm St., Ste. 3500 Dallas, TX 75270	Mary Ann Dunda Managing Director	214-953-4086 800-839-7827 214-753-8878 F	MaryAnn.Dunda@HilltopSecurities.com
The Baker Group 1601 NW Expwy, 20 <sup>th</sup> Floor Oklahoma City, OK 73118	Rick Hansing Managing Director	405-415-7237 800-998-8392 405-831-2429 F	rick@gobaker.com
Vining Sparks IBG, LP. 775 Ridge Lake Blvd, 2 <sup>nd</sup> Floor Memphis, TN 38120	Anthony Nelson, SVP Mark Stahl, SVP	800-357-0256 206-443-7299 F	anelson@viningsparks.com mstahl@viningsparks.com
Wells Fargo Brokerage Services, LLC 1445 Ross Ave., Ste. 210 Dallas, TX 75202	Susan T Ward Huey Scott	Dallas 800-937-0998 Susan 214-740-1586 214-740-9990 F Huey 214-777-4033	wardst@wellsfargo.com Huey.H.Scott@wellsfargo.com

EXHIBIT A

**CITY OF ALLEN, TEXAS**

**INVESTMENT POLICY**

**October 12, 2021**

## **PURPOSE**

The purpose of this document is to set forth specific investment policy and strategy guidelines for the City of Allen in order to achieve the goals of safety, liquidity, yield and public trust for all investment activity. This policy serves to satisfy the statutory requirement (specifically the Public Funds Investment Act (PFIA), Chapter 2256, Texas Government Code, as amended, [the "Act"]) to define, adopt and review a formal investment strategy and policy. Additionally, this policy excludes the investment of public funds that are invested by a trustee pursuant to Chapter 172 of the Texas Local Government Code, and Chapter 113 and Chapter 117 of the Texas Trust Code, for the City's retiree healthcare benefits program. Such funds are invested pursuant to a separate Investment Guidelines Document as part of a Post-Retirement Health Care Plan Trust.

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- A. the investment of all funds, or funds under the entity's control, over which the officer had responsibility rather than a consideration as to the prudence of a single investment; and
- B. whether the investment decision was consistent with the written investment policy of the entity.

All participants in the investment program will seek to act responsibly as custodians of the public trust. Investment staff will avoid any transaction that might impair public confidence in the City's ability to govern effectively. Investment staff shall recognize that the investment portfolio is subject to public review and evaluation. The overall program shall be designed and managed with a degree of professionalism which is worthy of the public trust. Nevertheless, the City recognizes that in a marketable, diversified portfolio, occasional measured losses are inevitable and must be considered within the context of the overall portfolio's investment rate of return.

## ETHICS AND CONFLICTS OF INTEREST

City staff involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair the ability to make impartial investment decisions. An investment officer of the City who has a personal business relationship and/or a relationship by blood or marriage within the second degree, as defined in the PFIA Section 2256.005, with a financial organization seeking to sell an investment to the City, shall file a disclosure statement with the Texas Ethics Commission, the City Council, and the City Manager.

## LIABILITY

Investment and management staff acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility for market price changes, provided deviations from expectations are reported in a timely fashion and the liquidity and the sale of the securities are carried out in accordance with the terms of this policy.

## INVESTMENT SAFEGUARDS

CASH FLOW: Investment staff of the City will maintain a cash flow analysis which identifies the present and future cash requirements. The investment portfolio (utilizing cash flow analysis) will be structured such that the selling of securities prior to maturity for the purpose of meeting daily cash needs would be on an exception basis only.

SEPARATION OF DUTIES: Investment staff of the City will be responsible for maintaining the cash flow analysis, determining the amount eligible for investment, and all other administrative duties necessary in executing and tracking the investments. Authorized Finance management staff will be responsible for the actual investment decisions.

INTERNAL CONTROL: The CFO shall establish an annual process of independent review by an external auditor in conjunction with the annual audit. This review will provide internal control by assuring compliance with policies and procedures.

## **IV. INVESTMENT PORTFOLIO**

### RISK AND DIVERSIFICATION

The City recognizes that investment risks can result from issuer defaults, market price changes or various technical complications leading to temporary illiquidity. Risk is controlled through portfolio diversification which shall be achieved by the following general guidelines:

- A. risk of issuer default is controlled by limiting investments to those instruments allowed by the Act, which are described herein;
- B. risk of market price changes shall be controlled by avoiding over-concentration of assets in a specific maturity sector, limitation of the weighted average maturity of operating funds investments to less than 18 months, and avoidance of over-concentration of assets in specific instruments other than U.S. Treasury Securities, and U.S. Agency Obligations or Securities and authorized investment pools.
- C. risk of illiquidity due to technical complications shall be controlled by the selection of securities dealers as described herein.
- D. Concentration of credit risk is controlled by limiting the amount of investment with a single issuer to no more than 35% of the total portfolio with the exception of State approved investment pools and U.S. Government Securities and Agency Obligation.
- E. Custodial credit risk is minimized by requiring pledged securities to be in the name of the City.

## AUTHORIZED INVESTMENTS

Assets of the City may be invested in the following instruments if deemed an authorized investment pursuant to the Public Funds Investment Act, Chapter 2256, Texas Government Code, as amended:

- A. obligations of the United States of America, its agencies and instrumentalities;
- B. direct obligations of the State of Texas or its agencies and instrumentalities;
- C. collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by an agency or instrumentality of the United States;
- D. other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, the State of Texas or the United States or the respective agencies and instrumentalities, including obligations that are fully insured or guaranteed by the Federal Deposit Insurance Corporation or by the explicit full faith and credit of the United States;
- E. obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent;
- F. Certificates of deposit issued by a depository institution that has its main office or a branch office in Texas. The certificate of deposit must be guaranteed or insured by the Federal Deposit Insurance Corporation (FDIC) or its successor or the National Credit Union Share Insurance Fund (NCUSIF) or its successor and secured by acceptable collateral securities in the name of or benefit of the City and have a market value of at least 103% of the original purchase price (less FDIC or NCUSIF insurance) plus accrued interest. Additionally, funds invested by the City through a broker that has a main office or branch office in Texas and is selected from a list approved by the City as required by section 2656.025 of the Public Funds Investment Act or a depository institution that has a main office or branch office in Texas and is selected by the City are authorized investments if the following conditions are met:
  - a. the broker or depository institution selected by the City as specified above arranges for the deposit of the funds in certificates of deposit in one or more federally insured depository institutions, wherever located, for the account of the City;
  - b. the full amount of the principal and accrued interest of each of the certificates of deposit is insured by the United States or an instrumentality of the United States; and
  - c. the City appoints a depository bank or a clearing broker registered with the Securities and Exchange Commission Rule 15c-3 (17CFR, Section 240

15c3-3) as custodian for the City with respect to the certificates of deposit issued for account to the City;

- G. Public Funds Investment pools in the State of Texas which follow practices allowed by the current law and whose investments may consist of CD's, U.S. Treasuries, U.S. Government Agency Securities, U.S. Government Sponsored Corporation's Instruments, Commercial Paper, Repurchase Agreements, or other investment instruments permitted by law.
- H. Collateralized Repurchase Agreements that are contractual agreements between the City and commercial banks, trust companies, state or federally chartered savings and loan associations, and federally chartered savings banks. The Repo issuer sells acceptable securities to the City and, in turn, the City agrees to resell the securities on a specific date at a specified amount (original cost plus interest). Repurchase agreements are required to be backed by acceptable collateral securities in the name of or benefit of the City and have a market value of at least 103% of the original purchase price plus accrued interest.
- I. Commercial Paper and Banker's Acceptances that have met all requirements of state law, including ratings, term, and security.
- J. No-load money market mutual fund that meets the requirements of state law as an authorized investment under Chapter 2256 of the PFIA.
- K. Guaranteed investment contracts that meet the requirements of state law as an authorized investment for bond proceeds and that the governing body of the City has specifically authorized guaranteed investment contracts as an eligible investment in the order, ordinance, or resolution authorizing the issuance of bonds
- L. The City is not required to liquidate investments that were an authorized investment at the time of purchase.
- M. If an authorized investment in the City's portfolio is rated in a way that causes it to become an unauthorized investment, the investment officers of the City shall review the investment to determine whether it would be more prudent to hold the investment until its maturity, or to redeem the investment. Officers shall consider the time remaining until maturity of the investment, the quality of the investment, and the quality and amounts of collateral which may be securing the investment in determining the appropriate steps to take.
- N. The City requires that all City depository accounts have sufficient pledged collateral, valued at market, held by a third-party custodian designated by the City in the City's name, and secured at 103% of the City balances less the amount of FDIC or NCUSIF insurance at all times.

The following is the maximum goal for various types of authorized deposits (shown as a percentage of total investments) for each type of investment. The percentages are based mainly on the safety and liquidity of the investment and to obtain the overall highest rate of return with appropriate risk for the City.

A. Collateralized/Insured Certificates of Deposits (CD's):	50%
B. Collateralized Repurchase Agreements:	30%
C. U.S. Treasury Obligations:	100%
D. Municipal Investment Pool (MIP):	100%
E. Commercial Bank Savings Accounts:	15%
F. U.S. Government Agency Securities: non-callable	100%
G. U.S. Government Agency Securities: callable	70%
H. U.S. Government Sponsored Corporation's Instruments: non-callable	75%
I. U.S. Government Sponsored Corporation's Instruments: callable	70%
J. Commercial Paper:	20%
K. Banker's Acceptances:	10%
L. Guaranteed Investment Contracts:	25%
M. State or Local Governmental Obligations:	50%
N. Money Market Mutual Funds	15%*
O. Local Government Investment Pools (LGIP)	100%

- Must comply with percentage restriction in PFIA Section 2256.014(c)

### TERM OF INVESTMENTS

The maximum term of any investment may not exceed five (5) years.

### TRANSACTION BIDS

Transaction bids may be obtained orally, in writing, electronically, or in any combination of these methods. At least three competitive bids for individual security purchases are required, however, this provision excludes transactions involving money market mutual funds, local government investment pools, securities issued and deemed to be made at prevailing market rates, or a reinvestment of funds from a called security with the original broker.

### TRANSACTION SETTLEMENTS

The settlement of all transactions, except investment pool funds and mutual funds, shall be on a delivery versus payment basis.

## **V. REPORTING**

The CFO shall submit a signed quarterly investment report to the City Council that contains the information required by the Public Funds Investment Act including but not limited to:

- A. describing in detail the investment position of the entity on the date of the report;
- B. stating the book value and market value of each separately invested asset at the beginning and end of the reporting period by the type of asset and fund type invested;
- C. stating the maturity date of each separately invested asset that has a maturity date; and
- D. stating the compliance of the investment portfolio of the City as it relates to the investment strategy stated in the City's Investment Policy.

## **VI. SELECTION OF BROKERS AND SECURITY DEALERS**

For brokers and dealers of government securities the City may select only those dealers reporting to the Market Reports Division of the Federal Reserve Board of New York also known as the "Primary Government Security Dealers," unless a comprehensive credit and capitalization analysis reveals that other firms are adequately financed to conduct public business. Investment officials shall not knowingly conduct business with any firm with whom public entities have sustained losses on investments. All securities dealers shall provide the City with references from public entities which they are currently serving. The City shall review the list of brokers on an annual basis pursuant to Section 2256.025 of the Public Funds Investment Act.

All financial institutions and broker/dealers who desire to become qualified bidders for investment transactions must supply the following as appropriate:

- A. audited financial statements
- B. proof of National Association of Securities Dealers (NASD) certification
- C. proof of state registration
- D. certification of having read the City's Investment Policy signed by a qualified representative of the organization
- E. acknowledgement that the organization has implemented reasonable procedures and control in an effort to preclude investment activities not authorized by this policy arising out of investment transactions conducted between the City and the organization.

The list of brokers/dealers, financial institutions, banks, and investment pools shown are authorized to conduct investment business with the City.

## **VII. INVESTMENT POLICY ADOPTION**

The City of Allen Investment Policy shall be adopted by resolution of the City Council. The City Council shall review this Investment Policy and investment strategies annually and any modifications made thereto must be approved by the City Council.



Authorized Broker/Dealer/Financial Institutions/Banks/Investment Pools

Alamo Capital 2030 Main Street, Suite #1300 Irvine, CA 92614	Nader Mokri	949-701-1300	<a href="mailto:nmokri@alamocapital.com">nmokri@alamocapital.com</a>
American National Bank 720 S. Greenville Ave., Allen, TX 75002	Colleen Biggerstaff Admin. Officer Greg Jebson	972-727-5785 Ext 5929 214-863-6179 F	<a href="mailto:colleenbiggerstaff@anbtx.com">colleenbiggerstaff@anbtx.com</a> <a href="mailto:GregJebson@anbtx.com">GregJebson@anbtx.com</a>
Cantor Fitzgerald & Co. 110 East 59 <sup>th</sup> Street, 4 <sup>th</sup> Floor New York, NY 10022	John Baldo Gilbert Ramon Charo Ammerman	713-599-5192	<a href="mailto:gilbert.ramon@cantor.com">gilbert.ramon@cantor.com</a>
Comerica Bank MC6548 1508 West Mockingbird Ln Dallas, TX 75235	Vicky Weatherby	713-507-7022	<a href="mailto:vmweatherby@comerica.com">vmweatherby@comerica.com</a>
Comerica Securities, Inc. 39400 Woodward Avenue #160, MC: 7951 Bloomfield Hills, MI 48304	Chris Theut Institutional Sales Kyle Rademaker	248-645-4173 800-327-7058 248-645-4167 F	<a href="mailto:ctheut@comerica.com">ctheut@comerica.com</a> <a href="mailto:ksrademaker@comerica.com">ksrademaker@comerica.com</a>
Financial Northeastern 100 Passaic Avenue Fairfield, NJ 07004	Steven Azzato	973-396-1043 800-362-9876 x1271 866-840-4596 F	<a href="mailto:sazzato@financialnortheastern.com">sazzato@financialnortheastern.com</a>
FHN Financial 920 Memorial City Way, 11 <sup>th</sup> Floor Houston, TX 77024	Buddy Saragusa	713-435-4475 817-471-7646 C	<a href="mailto:buddy.saragusa@fhnfinancial.com">buddy.saragusa@fhnfinancial.com</a>
Hilltop Securities 1201 Elm Street, Suite 3500 Dallas, TX 75270	Walt Parrish	214-859-6617	<a href="mailto:walt.parrish@hilltopsecurities.com">walt.parrish@hilltopsecurities.com</a>
Independent Bank 1600 Redbud Blvd. McKinney, TX 75069	Amy Feagin Noah Elrod	214-720-1205 469-301-2796	<a href="mailto:nelrod@ibt.com">nelrod@ibt.com</a>
Interbank 5307 E. Mockingbird Ln. Dallas, TX 75260	Bill Lawrence Treasury Services Officer	214-584-2417	<a href="mailto:Bill.Lawrence@interbank.com">Bill.Lawrence@interbank.com</a>
Pershing, LLC One Pershing Plaza Jersey City, NJ 07399	Steven Azzato	973-396-1043	<a href="mailto:sazzato@financialnortheastern.com">sazzato@financialnortheastern.com</a>

Prosperity Bank 5851 Legacy Circle, Suite 400 Plano, TX 75024	Shatarro Richardson Aaron Sprunger	972-461-7162 SR 214-217-7034 AS	<a href="mailto:Shatarro.richardson@prosperitybankusa.com">Shatarro.richardson@prosperitybankusa.com</a> <a href="mailto:aaron.sprunger@prosperitybankusa.com">aaron.sprunger@prosperitybankusa.com</a>
Southside Bank 1201 S. Beckham Ave. Tyler, TX 75701	Mary McLarry	903-535-4504	<a href="mailto:mary.mclarry@southside.com">mary.mclarry@southside.com</a>
Stifel Nicolaus & Co., Inc. Fixed Income Capital Markets 100 Motor Parkway 2 <sup>nd</sup> Floor Hauppauge, NY 11788	Luke Donenfeld Vice President	800-645-5424 x4471 631-656-4471 (Direct) 917-846-8398 (Cell)	<a href="mailto:ldonenfeld@stifel.com">ldonenfeld@stifel.com</a>
Texas Class 2435 N. Central Expressway Suite 1200 Richardson, TX 75080	Karen Proctor Regional Director	214-473-4224	<a href="mailto:Karen.proctor@texasclass.com">Karen.proctor@texasclass.com</a>
Texas Security Bank 1212 Turtle Creek Blvd Dallas, TX 75207	Bonnie Nichols Senior Vice President Chief Compliance Officer	469-398-4804 214-571-9595 F	<a href="mailto:bonnie.nichols@texassecuritybank.com">bonnie.nichols@texassecuritybank.com</a>
TexPool Participant Services c/o Federated Investors 1001 Texas Avenue Suite 1400 Houston, TX 77002	Dianne Parker	866-839-7665 866-839-3291	<a href="mailto:dparker@federatedinv.com">dparker@federatedinv.com</a>
TexSTAR 1201 Elm Street Suite 3500 Dallas, TX 75270	Mary Ann Dunda Managing Director	214-953-4086 800-839-7827 214-753-8878 F	<a href="mailto:MaryAnn.Dunda@HilltopSecurities.com">MaryAnn.Dunda@HilltopSecurities.com</a>
The Baker Group 1601 NW Expressway, 20 <sup>th</sup> Floor Oklahoma City, OK 73118	Rick Hansing Managing Director	405-415-7237 800-998-8392 405-831-2429 F	<a href="mailto:rick@gobaker.com">rick@gobaker.com</a>
Vining Sparks IBG, LP. 775 Ridge Lake Blvd, 2 <sup>nd</sup> Floor Memphis, TN 38120	Anthony Nelson, SVP Mark Stahl, SVP	800-357-0256 206-443-7299 F	<a href="mailto:anelson@viningsparks.com">anelson@viningsparks.com</a> <a href="mailto:mstahl@viningsparks.com">mstahl@viningsparks.com</a>
Wells Fargo Brokerage Services, LLC 1445 Ross Avenue Suite 210 Dallas, TX 75202	Susan T Ward Huey Scott	Dallas 800-937-0998 Susan 214-740-1586 214-740-9990 F Huey 214-777-4033	<a href="mailto:wardst@wellsfargo.com">wardst@wellsfargo.com</a> <a href="mailto:Huey.H.Scott@wellsfargo.com">Huey.H.Scott@wellsfargo.com</a>

<b>CITY COUNCIL AGENDA COMMUNICATION</b>
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**AGENDA DATE:**

October 12, 2021

**SUBJECT:**

Adopt a Resolution and Authorize the City Manager to Accept, Reject, Alter or Terminate a Grant Through the Small Business Administration's Shuttered Venue Operators Grant Program for Payroll and Utility Assistance during the COVID 19 Pandemic.

**STAFF RESOURCE:**

Kate Meacham, Director of Parks and Recreation

**ACTION PROPOSED:**

Adopt a Resolution and Authorize the City Manager to Accept, Reject, Alter or Terminate a Grant Through the Small Business Administration's Shuttered Venue Operators Grant Program for Payroll and Utility Assistance during the COVID 19 Pandemic.

**BACKGROUND**

The Shuttered Venue Operators Grant (SVOG) program was established in Section 324 of the Economic Aid to Hard-Hit Small Businesses, Nonprofits and Venues Act (Economic Aid Act) signed into law on Dec. 27, 2020, as part of H.R. 133 Consolidated Appropriations Act, 2021 (Public Law No: 116- 260). Section 324 of the Economic Aid Act was amended by Section 5005 of the American Rescue Plan Act (Public Law No.: 117-2) signed into law on March 11, 2021.

The SVOG awarded 50% of the amount of actual revenue the Allen Event Center received for Concerts and Shows in 2019 versus 2020. The awarded funds are able to be spent until September 6, 2022 for expenses incurred for payroll and utilities. The City will be required to have an audit of these funds and must be accounted for separately from the operating budget.

**BUDGETARY IMPACT**

The SVOG grant in the amount of \$1,787,197.41 has been awarded as a result of lost revenue during the COVID 19 pandemic. Awarded funds are to be applied to payroll and utility expenses. No matching funds are required.

**STAFF RECOMMENDATION**

Staff recommends the the City Council Adopt a Resolution and Authorize the City Manager to Accept, Reject, Alter or Terminate a Grant Through the Small Business Administration's Shuttered Venue Operators Grant Program for Payroll and Utility Assistance during the COVID 19 Pandemic.

**MOTION**

***I make a motion to adopt Resolution No. \_\_\_\_\_ authorizing the City Manager to Accept, Reject, Alter or Terminate a Grant Through the Small Business Administration's Shuttered Venue Operators Grant Program for Payroll and Utility Assistance during the COVID 19 Pandemic.***

**ATTACHMENTS:**

Resolution

Notice of Grant Award

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, HEREINAFTER REFERRED TO AS “APPLICANT,” DESIGNATING CERTAIN OFFICIALS AS BEING RESPONSIBLE FOR, ACTING FOR, AND ON BEHALF OF THE “APPLICANT” IN DEALING WITH THE SMALL BUSINESS ADMINISTRATION, HERINAFTER REFERRED TO AS “GRANTOR,” OR THE PURPOSE OF PARTICIPATING IN THE SHUTTERED VENUE OPERATORS GRANT PROGRAM, HEREINAFTER REFERRED TO AS THE “PROGRAM; CERTIFYING THAT THE “APPLICANT” IS ELIGIBLE TO RECEIVE PROGRAM ASSISTANCE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the “Applicant” is fully eligible to receive assistance under the “Program”; and,

**WHEREAS**, the “Applicant” is desirous of authorizing an official to represent and act for the “Applicant” in dealing with the “Grantor” concerning the “Program.”

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, THAT:**

**SECTION 1.** The “Applicant” hereby certifies that it is eligible to receive assistance under the “Program.”

**SECTION 2.** The “Applicant” hereby authorizes and directs its City Manager to act for the “Applicant” in dealing with the “Grantor” for the purpose of the “Program,” and Eric Ellwanger is hereby officially designated as the representative in this regard.

**SECTION 3.** This Resolution shall become effective immediately from and after its passage.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 12<sup>TH</sup> DAY OF OCTOBER 2021.**

**APPROVED:**

\_\_\_\_\_  
**Kenneth M. Fulk, MAYOR**

**ATTEST:**

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

OMB Approval No.: 3245-0140  
Expiration Date 5/31/2015



# NOTICE OF AWARD

<b>1. AUTHORIZATION</b> (Legislation/Regulation) Section 324 of division N of the Consolidated Appropriations Act, 2021 (Pub. L. 116-260)		<b>2. Grant/Cooperative Agreement No.:</b>  SBAHQ21SV016674																																																																		
<b>3. RECIPIENT:</b> (Name, Organizational Unit, Address) City of Allen 756004912                      788275956-0000 305 CENTURY PARKWAY ALLEN TX 75013 United States		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: center;"><b>4. PROJECT PERIOD</b> (Mo./Day/Yr.)</th> </tr> <tr> <td style="padding: 5px;">From 09/07/2021</td> <td style="padding: 5px;">Through 12/31/2021</td> </tr> <tr> <th colspan="2" style="text-align: center;"><b>5. BUDGET PERIOD</b> (Mo./Day/Yr.)</th> </tr> <tr> <td style="padding: 5px;">From 09/07/2021</td> <td style="padding: 5px;">Through 09/06/2022</td> </tr> <tr> <th colspan="2"><b>6. FEDERAL CATALOG NO.</b></th> </tr> <tr> <td colspan="2" style="text-align: center; padding: 5px;">59.075</td> </tr> <tr> <th colspan="2"><b>7. ADMINISTRATIVE CODES</b></th> </tr> <tr> <td colspan="2" style="height: 40px;"></td> </tr> </table>		<b>4. PROJECT PERIOD</b> (Mo./Day/Yr.)		From 09/07/2021	Through 12/31/2021	<b>5. BUDGET PERIOD</b> (Mo./Day/Yr.)		From 09/07/2021	Through 09/06/2022	<b>6. FEDERAL CATALOG NO.</b>		59.075		<b>7. ADMINISTRATIVE CODES</b>																																																				
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<b>10. DIRECTOR OF PROJECT</b> (Program or Center Director, Coordinator or Principal Investigator)  <table style="width: 100%;"> <tr> <td style="width: 33%;">NAME Gillard</td> <td style="width: 33%;">Kim</td> <td style="width: 33%;"></td> </tr> <tr> <td style="text-align: center;">Last</td> <td style="text-align: center;">First</td> <td style="text-align: center;">Initial</td> </tr> </table> ADDRESS: 305 CENTURY PARKWAY ALLEN TX 75013 United States		NAME Gillard	Kim		Last	First	Initial	<b>11. RECOMMENDED FUTURE SUPPORT</b> (Subject to the availability of funds and satisfactory progress of the project)  <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>BUDGET YEAR</th> <th>TOTAL DIRECT COST</th> <th>BUDGET YEAR</th> <th>TOTAL DIRECT COST</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">a. N/A</td> <td style="text-align: center;">N/A</td> <td style="text-align: center;">b. N/A</td> <td style="text-align: center;">N/A</td> </tr> </tbody> </table>		BUDGET YEAR	TOTAL DIRECT COST	BUDGET YEAR	TOTAL DIRECT COST	a. N/A	N/A	b. N/A	N/A																																																			
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a. N/A	N/A	b. N/A	N/A																																																																	
<b>12. Approved Budget</b> (Excludes SBA Direct Assistance) <input checked="" type="checkbox"/> SBA Funds Only <input type="checkbox"/> Total project costs including all other financial participation.		<b>13. REMARKS</b> (Other Terms & Conditions Attached) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No See attachment																																																																		
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Note: The estimated burden completing this form is 80 hours per response. You will not be required to respond to any collection of information unless it displays a currently valid OMB approval number. Comments on the burden should be sent to U.S. Small Business Administration, Chief, AIB, 409, 3rd St., S.W., Washington, D.C. 20416 and Desk Office for Small Business Administration, Office of Management and Budget, New Executive Office Building, room 10202 Washington, D.C. 20503. OMB Approval (3245-0140).  
PLEASE DO NOT SEND FORMS TO OMB.

## CITY COUNCIL AGENDA COMMUNICATION

<b>AGENDA DATE:</b>	October 12, 2021
<b>SUBJECT:</b>	Authorize the City Manager to Execute a Contract with Stantec Consulting Services, Inc., for Consultant Services for Preparation of a Downtown Plan in the Amount of \$125,000.
<b>STAFF RESOURCE:</b>	Marc Kurbansade, Community Development Director
<b>ACTION PROPOSED:</b>	Authorize the City Manager to Execute a Contract with Stantec Consulting Services, Inc., for Consultant Services for Preparation of a Downtown Plan in the Amount of \$125,000.

### **BACKGROUND**

On June 8, 2021, City Council confirmed appointments to the Downtown Steering Committee (DSC) to embark on the initial phases of adopting a Downtown Plan. The 12-member citizen-lead committee commenced with their first meeting on June 30, 2021. During these initial meetings, the DSC requested consultant services that would supplement and facilitate planning efforts needed to produce the Downtown Plan. This is the impetus for the consideration of this item.

The Downtown area, which is currently referred to as the Central Business District, encompasses approximately 206 acres and is generally located at the northeast quadrant of McDermott Road and US Highway 75. The last comprehensive planning effort for the Downtown was completed approximately 20 years ago.

The scope of the entire Downtown Plan is expected to occur in three phases as follows:

- Phase 1 - Information Gathering
- Phase 2 - Visioning and Community Engagement
- Phase 3 - Executing the Vision (Note: Not included in the scope of this contract)

The DSC has completed most of Phase 1, and is relying upon the use of consultant services to supplement their data collection efforts and produce a summary report for City Council in order to conclude this initial phase. It is expected that Phase 1 will conclude by December 2021. The majority of the services provided by the consultant will occur in Phase 2 efforts, which is expected to conclude by July 2022. It should be noted that Phase 3 efforts are not included in the scope of this contract, and are mentioned previously only to provide context to the overall efforts of the Downtown Plan.

The primary focus of the Phase 2 efforts will be community engagement. Since the viability of any plan is greatly tied to the stakeholder ownership of that plan, it will be critical to engage with multiple facets of our community. Both the number of events and the varied platforms used to reach our residents will ensure that we obtain balanced input representative of numerous groups.

The secondary focus of Phase 2 will be the development of three concept plan options that are grounded with high-level economic impact analysis. It should be clear that these concept plan options will be the result of a



collaborative effort by all stakeholders in the community. The consultant will serve primarily in the capacity of a facilitator to ensure that this will be the City of Allen's vision. The deliverable for the conclusion of Phase 2 will be three concept plan options that include a high-level economic impact analysis that will be used to inform the direction to occur in Phase 3.

On August 5, 2021, the City issued a Request for Proposal (RFP) inviting teams to submit responses. On August 19, 2021, a Pre-Proposal meeting was conducted and a total of 22 attendees were present representing approximately 12 different firms. On August 26, 2021, the City received a total of six responses to the RFP:

1. Catalyst Commercial, Inc.
2. Future iQ, Inc.
3. Gensler
4. JHP Architecture
5. Kimley-Horn and Associates, Inc.
6. Stantec

An initial evaluation of these six respondents was conducted by an 8-member team consisting of members of the DSC as well as City staff. These evaluations were conducted independently using criteria outlined in the RFP, and resulted in a group of finalists to be further interviewed. Of these initial six respondents, four teams were invited to participate in an interview:

1. Catalyst Commercial, Inc.
2. Gensler
3. Kimley-Horn and Associates, Inc.
4. Stantec

This interview panel consisted of the initial 8-member team as well as an additional two members of the DSC. Each interview team was independently evaluated by the team. Ultimately, Stantec Consulting Services was selected as the highest scoring team.

## **BUDGETARY IMPACT**

Funds are available in the Strategic Planning line item of the Administration operating budget for this Strategic Initiative.

## **STAFF RECOMMENDATION**

Staff recommends that City Council authorize the City Manager to execute a contract with Stantec Consulting Services, Inc., for consultant services for preparation of a Downtown Plan in the amount of \$125,000.

## **MOTION**

***I make a motion to authorize the City Manager to execute a contract with Stantec Consulting Services, Inc., for consultant services for preparation of a Downtown Plan in the amount of \$125,000.***

## **ATTACHMENTS:**

Professional Services Agreement

STATE OF TEXAS           §  
  §  
COUNTY OF COLLIN       §

**AGREEMENT FOR PROFESSIONAL SERVICES**

This agreement (“Agreement”) is made by and between the City of Allen, Texas (“City”) and Stantec Consulting Services, Inc., a \_\_\_\_\_, (“Professional”) (each a “Party” and collectively the “Parties”), acting by and through their authorized representatives.

**RECITALS:**

**WHEREAS** the City desires to engage the services of the Professional as an independent contractor, and not as an employee, to provide the services described in Exhibit “A” (the “Scope of Services”) to Downtown Redevelopment Community Engagement and Visioning (the “Project”) on the terms and conditions set forth in this Agreement; and

**WHEREAS** the Professional desires to render services for the City on the terms and conditions set forth in this Agreement.

**NOW THEREFORE**, in consideration of the mutual covenants set forth herein, and other valuable consideration, the sufficiency and receipt of which are hereby acknowledged, the Parties agree as follows:

**Article I**  
**Term**

1.1 This Agreement shall commence on the last date of execution hereof (“Effective Date”) and continue until completion of the services, unless sooner terminated as provided herein.

1.2 Either Party may terminate this Agreement by giving thirty (30) days prior written notice to the other Party. In the event of such termination the Professional shall deliver to City all finished and unfinished documents, data, studies, surveys, drawings, maps, models, reports, photographs or other items prepared by the Professional in connection with this Agreement. Professional shall be entitled to compensation for any services completed to the reasonable satisfaction of the City in accordance with this Agreement prior to such termination.

**Article II**  
**Scope of Service**

2.1 The Professional shall perform the services in connection with the Project as set forth in the Scope of Services. The Professional shall perform the services: (i) with the professional skill and care ordinarily provided by competent engineers or architects, as the case may be, practicing in the same or similar locality and under the same or similar circumstances and professional license; and (ii) as expeditiously as is prudent considering the ordinary professional skill and care of a competent engineer or architect, as the case may be. If the Professional is not a licensed engineer or registered architect, the Professional shall perform the services: (i) with the

skill and care ordinarily provided by similar consultants practicing in the same or similar locality and under the same circumstances and applicable licenses or certifications; and (ii) as expeditiously as is prudent considering the ordinary skill and care of similar competent consultants.

2.2 The City shall, prior to commencement of services, provide the Professional with the information set forth in the Scope of Services, if any.

2.3 Licenses. Professional represents to City that Professional possesses any and all licenses which may be required by the State of Texas or any other governmental entity having jurisdiction as may be necessary for the performance of Professional's services pursuant to this Agreement.

2.4 The Parties acknowledge and agree that any and all opinions provided by the Professional in connection with the Scope of Services represent the professional judgment of the Professional, in accordance with the standard of care applicable by law to the services performed hereunder.

2.5 Upon execution of this Agreement the City has the right to use the Professional's instruments of service, including but not limited to reports, maps, cost estimates, recommendations or other deliverables for the Project, provided that the City substantially performs its obligations, including prompt payment of all sums when due, under this Agreement. The City's employees, agents, contractors and subcontractors may reproduce applicable portions of the instruments of service for use in performing services or construction for the Project. Upon payment of all amounts due Professional hereunder, all deliverables, materials and reports prepared by the Professional in connection with this Agreement shall become the property of the City. The City shall have the right to publish, disclose, distribute and otherwise use such deliverables, materials and reports only for those purposes for which they were intended. Subject to the foregoing, Professional shall, upon completion of the services, or earlier termination, provide the City with the deliverables, drawings, reports, maps, and materials prepared by Professional as set forth in the Scope of Services.

### **Article III Schedule of Work**

The Professional agrees to complete the required services in accordance with the Project Schedule outlined in the Scope of Services.

### **Article IV Compensation and Method of Payment**

4.1 Professional will be compensated in an amount not to exceed One Hundred Twenty-Five Thousand (\$125,000), in accordance with the payment schedule and amounts set forth in the Scope of Services. Unless otherwise provided herein, payment to the Professional shall be monthly based on the Professional's monthly progress report and detailed monthly itemized statement for services that shows the names of the Professional's employees, agents,

contractors performing the services, the time worked, the actual services performed, the rates charges for such service, reimbursable expenses, and the amount due and payable as of the current statement, in a form reasonably acceptable to the City. Monthly statements shall include authorized non-salary expenses with supporting itemized invoices and documentation. The City shall pay such monthly statements within thirty (30) days after receipt and City verification of the services and expenses unless otherwise provided herein. The final payment of the compensation shall be made after satisfactory completion of the services following the City acceptance of the study, report, recommendation, or other work set forth in the Scope of Services.

4.2 Unless otherwise provided in the Scope of Services the Professional shall be responsible for all expenses related to the services provided pursuant to this Agreement including, but not limited to, travel, copying and facsimile charges, telephone, internet and email charges.

4.3 The hourly rates set forth in the Scope of Services, if any shall remain in effect during the term of this Agreement. Any changes to established hourly rates shall require the prior written consent of the City.

## **Article V**

### **Devotion of Time; Personnel; and Equipment**

5.1 The Professional shall devote such time as reasonably necessary for the satisfactory performance of the services under this Agreement. Should the City require additional services not included under this Agreement, the Professional shall make reasonable effort to provide such additional services within the time schedule without decreasing the effectiveness of the performance of services required under this Agreement, and shall be compensated for such additional services on a time and materials basis, in accordance with Professional's standard hourly rate schedule, or as otherwise agreed between the Parties.

5.2 To the extent reasonably necessary for the Professional to perform the services under this Agreement, the Professional shall be authorized to engage the services of any agents, assistants, persons, or corporations that the Professional may deem proper to aid or assist in the performance of the services under this Agreement. The Professional shall provide written notice to and obtain written approval from the City prior to engaging services not referenced in the Scope of Services. The cost of such personnel and assistance shall be included as part of the total compensation to be paid Professional hereunder and shall not otherwise be reimbursed by the City unless otherwise provided herein.

5.3 The Professional shall furnish the facilities, equipment and personnel necessary to perform the services required under this Agreement unless otherwise provided herein.

5.4 The Professional shall submit monthly progress reports and attend monthly progress meetings scheduled by the City or more frequently as may be required by the City from time to time based upon Project demands. Each progress report shall detail the work accomplished and special problems or delays experienced on the Project during the previous report period, and the planned work activities and special problems or delays anticipated for the next report period.

## **Article VI Miscellaneous**

6.1 Entire Agreement. This Agreement constitutes the sole and only agreement between the Parties and supersedes any prior understandings written or oral agreements between the Parties with respect to this subject matter.

6.2 Assignment. The Professional may not assign this Agreement without the prior written consent of City. In the event of an assignment by the Professional to which the City has consented, the assignee shall agree in writing with the City to personally assume, perform, and be bound by all the covenants, and obligations contained in this Agreement.

6.3 Successors and Assigns. Subject to the provisions regarding assignment, this Agreement shall be binding on and inure to the benefit of the Parties to it and their respective heirs, executors, administrators, legal representatives, successors and assigns.

6.4 Governing Law. The laws of the State of Texas shall govern this Agreement without regard to any conflict of law rules; and venue for any action concerning this Agreement shall be in the State District Court of Collin County, Texas. The Parties agree to submit to the personal and subject matter jurisdiction of said court.

6.5 Amendments. This Agreement may be amended by the mutual written agreement of the Parties.

6.6 Severability. In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions, and the Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained in it.

6.7 Independent Contractor. It is understood and agreed by and between the Parties that the Professional, in satisfying the conditions of this Agreement, is acting independently, and that the City assumes no responsibility or liabilities to any third party in connection with these actions. All services to be performed by Professional pursuant to this Agreement shall be in the capacity of an independent contractor, and not as an agent or employee of the City. Professional shall supervise the performance of its services and shall be entitled to control the manner and means by which its services are to be performed, subject to the terms of this Agreement.

6.8 Right-of-Access. The Professional shall not enter onto private property without lawful right-of-access to perform the required surveys, or other necessary investigations. The Professional will take reasonable precautions to minimize damage to the private and public property in the performance of such surveys and investigations. Any right-of-access to public or private property shall be obtained in accordance with the Scope of Services.

6.9 Notice. Any notice required or permitted to be delivered hereunder may be sent by first class mail, courier or by confirmed telefax or facsimile to the address specified below, or to such other Party or address as either Party may designate in writing, and shall be deemed received three (3) days after delivery or on the day actually received if sent by courier or otherwise hand delivered:

If intended for City:

Eric Ellwanger  
City Manager  
City of Allen, Texas  
3rd Floor, Allen City Hall  
305 Century Parkway  
Allen, Texas 75013  
214.509.4110 - telephone  
214.509.4118 - fax

With a copy to:

Peter G. Smith  
Nichols, Jackson, Dillard, Hager & Smith, L.L.P.  
1800 Ross Tower  
500 North Akard Street  
Dallas, Texas 75201  
214.965.9900 – telephone  
214.965.0010 - fax

If intended for Professional:

Attn:

6.10 Insurance.

- (a) Professional shall during the term hereof maintain in full force and effect the following insurance: (i) a commercial general liability policy of insurance for bodily injury, death and property damage including the property of the City, its council, officers, contractors, agents and employees (collectively referred to as the “City”) insuring against all claims, demands or actions relating to the work and services provided by the Professional pursuant to this Agreement with a minimum limit per occurrence for injury to persons (including death), and for property damage and \$2,000,000.00 aggregate including products and completed operations; (ii) automobile liability insurance covering all vehicles owned, non-owned and hired and/or operated by Professional, its officers, agents, independent contractors and employees, and used in the performance of this Agreement with policy limits of not less than \$1,000,000.00 combined single limit for bodily injury, death and property damage; (iii) statutory Worker’s Compensation and Employers Liability covering all of Professional’s employees involved in the provision of services under this Agreement with policy limit of not less than \$1,000,000.00; and (iv) Professional Liability with policy limit of not less than \$1,000,000.00 per claim and \$2,000,000.00 in the aggregate, covering negligent acts, errors and omissions by Professional, its contractors, sub-contractors, consultants and employees in the performance of services pursuant to this Agreement. Such professional liability

insurance shall be annually renewed and remain in effect for not less than twenty-four (24) months after substantial completion of the services.

- (b) All insurance shall be endorsed to provide the following provisions: (1) name the City, its council, officers, and employees as additional insureds as to all applicable coverage with the exception of Workers Compensation Insurance and Professional Liability; (2) provide for a waiver of subrogation against the City for injuries, including death, property damage, or any other loss to the extent the same is covered by the proceeds of insurance, except for Professional Liability Insurance. A specific endorsement needs to be added to all policies, with a copy of the endorsement provided to the City that indicates the insurance company will provide to the City at least a thirty (30) day prior written notice for cancellation, non-renewal, and/or material changes of the policy. In the event the companies providing the required insurance are prohibited by law to provide any such specific endorsements, the Consultant shall provide at least thirty (30) days prior written notice to the City of any cancellation, non-renewal and/or material changes to any of the policies of insurance. All policies must be written on a primary basis, non-contributory with any insurance coverage and/or self-insurance maintained by the City
- (c) All insurance companies providing the required insurance shall be authorized to transact business in Texas and rated at least "A" by AM Best or other equivalent rating service.
- (d) A certificate of insurance and copies of policy endorsements evidencing the required insurance shall be submitted to the City prior to commencement of services. On every date of renewal of the required insurance policies, the Professional shall cause a certificate of insurance and policy endorsements to be issued evidencing the required insurance herein and delivered to the City. In addition, the Professional shall within ten (10) business days after written request provide the City with certificates of insurance and policy endorsements for the insurance required herein.

6.11 Debarment and Suspension.

- (a) In accordance with 2 CFR section 180.300, the principal of this contract as described in 2 CFR section 180.995 being duly sworn or under penalty of perjury under the laws of the United States, certifies that neither this company nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any federal department or agency, the State of Texas or any of its departments or agencies.
- (b) If during the contract period the principal becomes debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation, the principal shall immediately inform the City of Allen.

- (c) For contracts that are financed by Federal or State grants, the principal agrees that this section will be enforced on each of its subcontractors and will inform the City of Allen of any violations of this section by subcontractors to the contract.
- (d) The certification in this section is a material representation of fact relied upon by the City in entering into this contract.

6.12 Indemnification. PROFESSIONAL DOES HEREBY COVENANT AND CONTRACT TO WAIVE ANY AND ALL CLAIMS, RELEASE, DEFEND, INDEMNIFY, AND HOLD HARMLESS THE CITY, ITS CITY COUNCIL, OFFICERS, EMPLOYEES, AND AGENTS, FROM AND AGAINST ALL LIABILITY, CAUSES OF ACTION, CITATIONS, CLAIMS, COSTS, DAMAGES, DEMANDS, EXPENSES, FINES, JUDGMENTS, LOSSES, PENALTIES OR SUITS, TO THE EXTENT CAUSED BY OR RESULTING FROM THE NEGLIGENCE, INTENTIONAL TORT, INTELLECTUAL PROPERTY INFRINGEMENT, OR FAILURE TO PAY A SUBCONTRACTOR OR SUPPLIER COMMITTED BY THE PROFESSIONAL, ITS AGENT, ITS CONSULTANT UNDER CONTRACT, OR ANY OTHER ENTITY OVER WHICH THE PROFESSIONAL EXERCISES CONTROL SUBJECT TO THE LIMITATIONS IN TEXAS LOCAL GOVERNMENT CODE § 271.904 AND TEXAS CIVIL PRACTICE AND REMEDIES CODE, § 130.002 (B).

INDEMNIFIED ITEMS SHALL INCLUDE REASONABLE ATTORNEYS' FEES AND COSTS, COURT COSTS, AND SETTLEMENT COSTS.

THE PROFESSIONAL'S OBLIGATIONS UNDER THIS SECTION SHALL NOT BE LIMITED TO THE LIMITS OF COVERAGE OF INSURANCE MAINTAINED OR REQUIRED TO BE MAINTAINED BY PROFESSIONAL UNDER THIS AGREEMENT. THIS PROVISION SHALL SURVIVE THE TERMINATION OF THIS AGREEMENT.

6.13 Counterparts. This Agreement may be executed by the Parties hereto in separate counterparts, each of which when so executed and delivered shall be an original, but all such counterparts shall together constitute one and the same instrument. Each counterpart may consist of any number of copies hereof each signed by less than all, but together signed by all of the Parties hereto.

6.14 Exhibits. The exhibits attached hereto are incorporated herein and made a part hereof for all purposes.

6.15 Boycott Energy Companies; and Prohibition of Discrimination against Firearm Entities and Firearm Trade Associations.

(a) Professional verifies that it does not Boycott Israel and agrees that during the term of the Agreement will not Boycott Israel as that term is defined in Texas Government Code Section 808.001, as amended.



(b) Professional verifies that it does not Boycott Energy Companies and agrees that during the term of this Agreement will not Boycott Energy Companies as that term is defined in Texas Government Code Section 809.001, as amended.

(c) Professional verifies that it does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association as those terms are defined in Texas Government Code Section 2274.001, as amended; and (ii) will not discriminate during the term of this Agreement against a firearm entity or firearm trade association

(d) This section does not apply if Professional is a sole proprietor, a non-profit entity, or a governmental entity; and only applies if: (i) Professional has ten (10) or more fulltime employees and (ii) this Agreement has a value of \$100,000.00 or more to be paid under the terms of this Agreement.

***(Signature Page to Follow)***

**EXECUTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**CITY OF ALLEN, TEXAS**

By: \_\_\_\_\_  
Eric Ellwanger, City Manager

**ATTEST:**

By: \_\_\_\_\_  
Shelley B. George, City Secretary

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Peter G. Smith, City Attorney

**EXECUTED** this 7th day of October, 2021.

By: \_\_\_\_\_  
Name: Shai Roos, AICP  
Title: Senior Associate, Stantec Consulting  
Services, Inc.

## **Exhibit “A”**

### **Scope of Services**

The City’s Downtown Redevelopment Community Engagement and Vision project will be accomplished in the three phases as described below:

#### **PHASE I: DISCOVERY**

This will include two main tasks – reconnaissance and community engagement.

**Scheduled time – 4.5 months.**

**Budget - \$56,000**

##### **Task 1. Reconnaissance**

The goal of this task will be to understand - How did the downtown come to look as it does? What is the history of land use, zoning regulations, and development patterns in downtown? What are the de jure and de facto class and racial issues and how did these occur? What shaped the look and function of the infrastructure? How has the natural environment changed? What is the relationship and history behind the relationship between the natural and built environment? Understanding these questions - and more - will frame the discussions to follow. The work in this task will begin with a kickoff meeting with the DSC and is intended to provide the factual and analytical basis for the planning effort. It will cover understanding the opportunities and constraints of the major physical systems comprising the downtown.

The City will provide all information collected by the Downtown Steering Committee (DSC) in the earlier phase of the Downtown Project and also provide existing GIS data, data related to CIP and other projects ongoing and planned in downtown.

##### **Task 2. Community Engagement**

The Professional will work with the DSC and city staff to identify outreach goals and develop a data-driven engagement plan using the strategies from our community engagement approach. The engagement plan will outline community participation methods, tools, communications strategies, and performance measures.

The DSC will function as champions for the planning process and assist with public outreach and input gathering and help us reach traditionally underserved groups.

The Professional shall provide sign-in sheets for each event with minimum Name, email address, phone number, affiliation/relationship to City, and notification “opt-in” for future City Community Engagement efforts.

**DSC Monthly Status Meetings.** The Professional will conduct monthly meetings with the DSC, commencing with the initial Kickoff Meeting in October 2021, and concluding with the final adoption in June/July 2021.

**Boards and Commissions Meetings.** The Professional will conduct a minimum of seven (7) interviews with City Boards and Commissions. Some of these could be combined. The DSC will identify the Boards and Commissions to be interviewed. The Professional will provide training to the DSC so that they may assist and/or conduct some of these meetings.

**Stakeholder Meetings.** The Professional will lead initial meetings with the mayor, city staff (6 meetings) and conduct virtual deep dive conversations with ten (10) stakeholders to understand issues to be addressed, pitfalls to avoid, and recommendations for best approaches to input and outreach.

**Outreach.** The Professional will draft social media language and create flyers for distribution by the City and the Champions. The Professional will also conduct one training session and work with city staff to provide materials for the DSC to conduct 20 outreach sessions and four (4) visioning workshops. The Professional will work with DSC and city staff to conduct/lead additional six (6) visioning workshops, one (1) with high school students and five (5) workshops targeted towards HOAs and/or neighborhoods in yet to be determined five (5) zones of the City.

**Online Engagement.** The Professional will use their Social Pinpoint subscription to develop and maintain a project website for 12 months which will serve as the conduit for digital engagement. To lower barriers to participation (e.g., access) the website will be mobile-friendly. The digital engagement will include:

- Surveys – these will have a wide range of question types, from multiple choice to open comment, to visual preference. These surveys will help gather feedback from residents and stakeholders who are unable to attend a meeting in person or live virtually. To ensure inclusion these surveys can be printed out for manual completion or presented on kiosks/tablets at public meetings. Paper comment forms can be housed and completed at neighborhood gathering spaces such as schools, community centers and libraries.
- Mapping and GIS Integrations – these will include interactive elements such as location pinning with comments for discussing place-based issues and ideas.
- Informational Content about the process and the plan – this will keep the community informed and involved throughout the process.

#### **Pop-up Events.**

The Professional will meet residents where they already are, rather than relying on large public workshops and online engagement twice in this phase. Pop-up events will be welcoming, eye-catching, informative and allow for conversation-based feedback. These events will focus on maximizing public participation and dialogue. The Professional will invite passers-by to join the space or at least participate in some of the interactive activities The Professional will have set up to gather key ideas and issues. These can include visual preference surveys, thought bubbles that pose questions to participants, and video interviews. The Professional will conduct three pop up events two on December 4<sup>th</sup> at the 10K Run and Holly Jolly Christmas event and another yet to be determined City sponsored event in early February.

Language interpretation and translation of materials can be provided at additional cost to ensure equitable access for limited English proficiency residents.

#### **Phase I deliverables:**

- 1) Project Website
- 2) Project Logo & Brand (colors and fonts)
- 3) Summary of results from community engagement activities
- 4) Existing Conditions Memo/Report Chapter – this will be a short opportunities and constraints analysis.

## **PHASE II: PLAN DEVELOPMENT**

This phase involves the following two main tasks - development of recommendations including three (3) overall scenarios and community feedback and validation of the developed work.

**Scheduled time – 3.5 months.**

**Budget - \$ 52,000**

### **Task 3. Planning and Design Charrette.**

The Professional will conduct a three-day in-person design charrette, to be held starting Friday morning and concluding Sunday evening. During this timeframe, the Professional will conduct a minimum of three virtual sessions (one each day), whereby the Professional will use a combination of the Zoom meeting platform as well as their subscription to MURAL or MIRO software which allows anyone to interact in a virtual studio at the same time. With the goal of having the “Pin Up” sessions available both in-person and virtual, the Professional will use MURAL to walk through the designs every day at 5PM for our “Pin Up” sessions, where people can discuss the designs and ideas and the Professional team can make real-time edits. The Professional will use photo-simulations showing before and after scenarios, illustrations, and parcel-level design plans for catalyst sites, maps, and reference images to understand and convey the community’s vision in an extremely tangible way.

### **Task 4. Feedback and Validation.**

**Stakeholder Meetings.** The Professional will lead one-on-one conversations with up to five (5) strategic property owners in downtown and get their feedback regarding the recommendations including three (3) overall scenarios that emerge from the Planning and Design Charrette in Task 3. Each option should identify high level overview of zoning revisions that would need to occur if that option was acted upon. This shall not include actual zoning amendment language recommendations.

**Online Feedback.** The Professional will use the project website developed in Discovery Phase to get feedback for the recommendations including three (3) overall scenarios developed during the Planning and Design Charrette in Task 3.

- Surveys – these will have a wide range of question types, from multiple choice to open comment, to visual preference. These surveys will help gather feedback from residents and stakeholders who are unable to attend the online Planning and Design Charrette in Task 3. To ensure inclusion these surveys can be printed out for manual completion or presented on kiosks/tablets at public meetings. Paper comment forms can be housed and completed at neighborhood gathering spaces such as schools, community centers and libraries.
- Mapping and GIS Integrations – these will include interactive elements such as location pinning with comments for discussing place-based issues and ideas.

**Outreach and Feedback Open Houses.** The Professional will draft social media language and create flyers for distribution by the City and the champions. The Professional will also conduct one training session and work with city staff to provide materials for the DSC to conduct 20 outreach sessions and seven (7) feedback open houses. The Professional will work with DSC and city staff to conduct/lead one (1) additional feedback open house with the business community.

### **Pop-up Events.**

The Professional will meet residents where they already are, rather than relying on large public workshops and online engagement twice in this phase. Pop-up events will be welcoming, eye-catching, informative and allow for conversation-based feedback. These events will focus on maximizing public participation and dialogue related to the recommendations including three (3) overall scenarios developed during the Planning and Design Charrette in Task 3. The Professional will conduct two pop up events – in April and in June. The Professional will provide materials for the DSC to host a pop-up event in May.

Language interpretation and translation of materials can be provided at additional cost to ensure equitable access for limited English proficiency residents.

### Phase II deliverables:

- 1) Three (3) scenarios and other recommendations and strategies presented with photo-simulations showing before and after scenarios, illustrations, and parcel-level design plans for catalyst sites, maps, and reference images.
- 2) Summary Report of all scenario planning variables used in each of the three scenarios. This shall be a high-level analysis and will not include detailed quantitative cost/benefit impact analysis to include at a minimum the following:
  - Comparison of Property Tax and Sales Tax Impact versus cost of City Services. City Services shall include those services typically allocated in the City's General Fund as well as those services captured in the Utility Fund.
  - Impact to Allen ISD in terms of student yields
  - Impact to demand on public safety
  - Impact to Infrastructure (e.g., water, sanitary sewer, storm sewer, roads)
  - Analysis of the "developability" of certain scenarios using variables such as the cost basis of the land to determine the feasibility.
- 3) Summary of results from community engagement activities
- 4) Sign-In Sheets for all participants who opted-in to participate in future City Community Engagement efforts.

### PHASE III: DELIVERY

This final phase of the project will result in development of a final report documenting the community vision, recommendations and three (3) scenarios, and related zoning and other policy changes needed to implement the recommended scenarios. The final document will be largely graphic and easy to understand for multiple and diverse audiences and stakeholders. A funding matrix will be provided as a separate spreadsheet.

**Scheduled time – 1.5 months.**

**Budget - \$ 10,000**

#### Task 5. Final Report

Informed by the outline discussed in the Kickoff meeting, the Professional team will prepare a first draft of the complete document for DSC and City review. In addition to being comprehensive in scope the document will be visual in presentation, readable, concise, succinct, eye-catching, engaging, and implementable. The Professional will make one set of edits to the first draft based on review comments by the DSC and city staff PM team and provide the 2<sup>nd</sup> draft report for one more set of comments from the entire DSC. The Professional will prepare revisions based on feedback from the DSC. All requested edits shall be in the form of one consolidated set as redlines, Adobe Acrobat notes, or similar method.

### Phase III deliverables:

- 1) Final draft report with 2 sets of edits.
- 2) Excel Spreadsheet summarizing funding sources.
- 3) Electronic files of the report and all graphic and map data.
- 4) Electronic print version of the report.

### Direct Costs:

**Budget - \$7,000** for team travel costs, open house board printing, materials needed for charette and workshops, website hosting costs.

## Assumptions:

- 1) The City shall be responsible for the following:
  - Printing all materials required for the community engagement activities – maps, surveys, comment cards and so on; the Professional will provide these materials in an electronic format.
  - The costs of translation of outreach materials; the Professional will assist City in finding the translation services.
  - Preparing presentations and updates for the City Council; the Professional will provide monthly status reports.
  - Downloading website reports of the online engagement bi-weekly and providing an excel spreadsheet of the results to the Professional.
  - All facility rentals and furniture for all community meetings and the setup of the booths/tents during pop-up events.
  - Contracting with local artists to participate in the community engagement events.
  - Food and drinks for meetings and community engagement events.
  - Providing all existing and available data related to downtown planning that will need to be analyzed by the Professional in a timely manner.
  - The DSC and the city staff will provide staffing to assist the Professional in facilitating meetings, workshops, open houses, and pop-up events.
  - Posting social media content to city channels, ISD channels, Chamber of commerce and other neighborhood channels; the Professional will provide the content.
  - Posting outreach flyers at identified city facilities and retail/restaurant establishments in City per the community engagement schedule; the Professional will provide the content.
- 2) The Professional can assist with and provide any of these services for an additional, mutually agreed upon costs in the form of an approved change order.
- 3) The estimated adoption by City Council is expected in Late June 2022/early July 2022 based on no major interruptions or scheduling issues for the community engagement events.

<b>CITY COUNCIL AGENDA COMMUNICATION</b>
--

**AGENDA DATE:** October 12, 2021

**SUBJECT:** Authorize the City Manager to Approve Annual Beverage Purchases from Andrews Distributing for Parks and Recreation Used for Resale at Allen Event Center and The Courses at Watters Creek in the Amount of \$130,000.

**STAFF RESOURCE:** Kate Meacham, Director, Parks and Recreation

**PREVIOUS COUNCIL ACTION:** Funding approved with Adoption of FY22 Budget.

**ACTION PROPOSED:** Authorize the City Manager to Approve Annual Beverage Purchases from Andrews Distributing for Parks and Recreation Used for Resale at Allen Event Center and The Courses at Watters Creek in the Amount of \$130,000.

**BACKGROUND**

This is to authorize the City to purchase alcohol beverage products for Allen Event Center and The Courses at Watters Creek through Andrews Distributing. With this, there is no contractual obligation for purchase and will only be purchased on an as-needed basis to ensure competitive pricing.

Through our Texas Alcoholic Beverage Commission (TABC) license, we currently are able to sell alcohol at both City of Allen locations of Allen Event Center and at The Courses at Watters Creek. As a revenue source for both locations, we traditionally have maintained 15 - 20% cost of goods sold in our pricing strategy on alcohol.

**BUDGETARY IMPACT**

The Projected General Fund Expense of \$130,000 contributes to the overall projected alcohol beverage revenue of \$935,575 within a twelve (12) month period. The purchase expense is recovered by alcoholic beverage resale at both facilities. Revenue and expenses are budgeted for and approved in the FY22 Budget.

**STAFF RECOMMENDATION**

Staff recommends that the City Council Authorize the City Manager to Approve Annual Beverage Purchases from Andrews Distributing for Parks and Recreation Used for Resale at Allen Event Center and The Courses at Watters Creek in the Amount of \$130,000.

**MOTION**



***I make a motion Authorizing the City Manager to Approve Annual Beverage Purchases from Andrews Distributing for Parks and Recreation Used for Resale at Allen Event Center and The Courses at Watters Creek in the Amount of \$130,000.***

<b>CITY COUNCIL AGENDA COMMUNICATION</b>
--

**AGENDA DATE:** October 12, 2021

**SUBJECT:** Authorize the City Manager to Approve Annual Alcoholic Beverage Purchases Through FinTech.net for Parks and Recreation for Retail Sale at Allen Event Center and The Courses at Watters Creek in the Amount of \$206,312.

**STAFF RESOURCE:** Kate Meacham, Director, Parks and Recreation

**PREVIOUS COUNCIL ACTION:** Funding approved with adoption of FY22 Budget.

**ACTION PROPOSED:** Authorize the City Manager to Approve Annual Alcoholic Beverage Purchases Through FinTech.net for Parks and Recreation for Retail Sale at Allen Event Center and The Courses at Watters Creek in the Amount of \$206,312.

**BACKGROUND**

Fintech Alcohol Management (Fintech.net) is a payment processing service used by Allen Event Center and The Courses at Watters Creek for all alcohol purchases.

State Law requires payment for alcohol at time of delivery. With our agreement with Fintech, alcohol vendors are able to deliver alcohol to both the Allen Event Center and The Courses at Watters Creek and through Fintech immediately receive payment for their deliveries. Fintech.net has been the sole payment processor for the City's alcohol payments and has not experienced any issues. If audited by the Texas Alcoholic Beverage Commission (TABC) we must produce evidence of payments at time of delivery, which Fintech is able to do.

After payment is made by Fintech to the alcohol vendor, the City then issues payment to Fintech.

**BUDGETARY IMPACT**

The Projected General Fund Expense of \$206,312 contributes to the overall projected alcohol beverage revenue of \$935,575 within a twelve (12) month period. The purchase expense is recovered through alcoholic beverage resale at both facilities. Revenue and expenses are budgeted for and approved in the FY22 Budget.

**STAFF RECOMMENDATION**

Staff recommends that City Council Authorize the City Manager to Approve Annual Alcoholic Beverage Purchases Through FinTech.net for Parks and Recreation for Retail Sale at Allen Event Center and The Courses at Watters Creek in the Amount of \$206,312.

**MOTION**

***I make a motion Authorizing the City Manager to Approve Annual Alcoholic Beverage Purchases Through FinTech.net for Parks and Recreation for Retail Sale at Allen Event Center and The Courses at Watters Creek in the Amount of \$206,312.***

<b>CITY COUNCIL AGENDA COMMUNICATION</b>
--

**AGENDA DATE:**

October 12, 2021

**SUBJECT:**

Authorize the City Manager to Approve Annual Food & Beverage Purchases from Ben E. Keith for Parks & Recreation Used for Resale at Allen Event Center and The Courses at Watters Creek in the Amount of \$245,000.

**STAFF RESOURCE:**

Kate Meacham, Parks and Recreation Director

**ACTION PROPOSED:**

Authorize the City Manager to Approve Annual Food & Beverage Purchases from Ben E. Keith for Parks & Recreation Used for Resale at Allen Event Center and The Courses at Watters Creek in the Amount of \$245,000.

**BACKGROUND**

This is to authorize the City to purchase Food & Beverage products for Allen Event Center and The Courses at Watters Creek through Ben E. Keith. With this, there is no contractual obligation for purchase and will only be purchased on an as-needed basis to ensure competitive pricing.

Products purchased are generally Bakery, Dairy, Meat, Produce, Consumables, Beverages, and Paper Goods. As a revenue source for both locations, we traditionally have maintained 30 - 35% cost of goods sold in our pricing strategy on Food & Beverage.

**BUDGETARY IMPACT**

The Projected General Fund Expense of \$245,000 contributes to the overall projected Food & Beverage revenue of \$1,347,232 within a Twelve (12) month period. The purchase expense is recovered by food and non-alcoholic beverage resale at both facilities. Revenue and expenses are budgeted for and approved by the Allen City Council for the FY22 Adopted Budget.

**STAFF RECOMMENDATION**

Staff recommends that the City Council Authorize the City Manager to Approve Annual Food & Beverage Purchases from Ben E. Keith for Parks & Recreation Used for Resale at Allen Event Center and The Courses at Watters Creek in the Amount of \$245,000.

**MOTION**

*I make a motion to Authorize the City Manager to Approve Annual Food & Beverage Purchases from*

***Ben E. Keith for Parks & Recreation Used for Resale at Allen Event Center and The Courses at Watters Creek in the Amount of \$245,000.***

<b>CITY COUNCIL AGENDA COMMUNICATION</b>
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**AGENDA DATE:**

October 12, 2021

**SUBJECT:**

Approve the Coordinating Committee's Recommendations for a Joint Radio System Expenditure for System Changes, Upgrades, Additional Use and Any Other Aspects of the Joint Radio System Pursuant to the Joint Radio System Agreement with the City of Plano to Purchase a Replacement of the Microwave Network that Connects the Various Towers in the Amount of \$1,748,353 and Allowing the City of Plano to Retain the City of Allen Annual Disbursements in the Amount of \$582,784 from the Subscriber Revenue Fund Under the Joint Radio System Agreement to Fund the City of Allen's One-Third Cost Share of Such Improvements.

**STAFF RESOURCE:**

Eric Matthews, Information Technology Director

**PREVIOUS COUNCIL ACTION:**

On September 11, 2018, City Council adopted Resolution number 3603-9-18(R) authorizing an updated Interlocal Agreement between Allen and Plano to operate a Joint Radio Communications System.

On December 8 2009, Council authorized the City Manager to execute a contract with Alcatel-Lucent to fund Allen's portion of a microwave radio network that created the private communication backbone for the Joint Radio System.

On December 8, 2009, City Council adopted Resolution No. 2877-12-09(R) authorizing an Interlocal Agreement between Allen, Plano, Wylie and Murphy for a Joint Radio Communication System.

On May 12, 2009, City Council adopted Resolution No. 2822-5-09(R) authorizing an Interlocal Agreement between Allen and Plano for a Joint Radio Communications System for Municipal Services.

On August 14, 2007, City Council approved the issuance of General Obligation Bonds, Series 2007.

**ACTION PROPOSED:**

Approve the Coordinating Committee's Recommendations for a Joint Radio System Expenditure for System Changes, Upgrades, Additional Use and Any Other Aspects of the Joint Radio System Pursuant to the Joint Radio System

Agreement with the City of Plano to Purchase a Replacement of the Microwave Network that Connects the Various Towers in the Amount of \$1,748,353 and Allowing the City of Plano to Retain the City of Allen Annual Disbursements in the Amount of \$582,784 from the Subscriber Revenue Fund Under the Joint Radio System Agreement to Fund the City of Allen's One-Third Cost Share of Such Improvements.

## **BACKGROUND**

The Joint Radio System, co-owned by the City of Allen, will purchase microwave radios, installation services and five years of maintenance with support from Nokia to support communication on the public safety radio system. An award to Nokia, utilizing the H-GAC cooperative contract HGAC RA-05-21, will be in the estimated amount of \$1,748,353. This purchase, if approved, will be funded completely with subscriber revenue from the Joint Radio System. The Cities of Allen and Plano representatives comprise the Joint Radio System's Coordinating Committee, and this committee has reviewed and recommends the proposal from Nokia to replace the microwave radio network.

The microwave system acts as a Motorola radio system backbone, interconnecting radio towers around Collin County to ensure continued access to the radio system as our radio users traverse the service area. The microwave provides high-speed wireless transmission of radio data between towers and also ensures an outage at one tower re-routes traffic to other towers around the interconnected microwave ring in case of power outage or other site-specific outage.

This purchase will provide equipment, installation services and maintenance with support to replace the microwave backbone that provides radio communication for The City of Allen's public safety radios, general government radios, and its Joint Radio System subscribers. This recommendation, if approved, will replace technology that is over 10 years old and will no longer be supported by the manufacturer. In 2009, the City of Allen entered into an agreement with the Cities of Plano, Wylie and Murphy to form the PAWM radio system, which was later renamed to The Joint Radio System, with the City of Plano (2/3rds) and the City of Allen (1/3rd) sharing ownership due to their contributions the project. This Joint Radio System provided public safety radio to these Cities and would later include other neighboring agencies who all contribute monthly subscriber fees that are used to pay expenses associated with operation of the Joint Radio System. This purchase that we are recommending will replace communications equipment that was installed as a part of the original project in 2009.

In accordance to the Interlocal Agreement between the City of Plano and the City of Allen for a Joint Radio Communication System for Municipal Services we are proposing this purchase to both of the governing bodies of the respective Cities. As the City of Allen owns one third of the Join Radio System they will contribute that same one third share of the purchase price from their annually distributed subscriber fee revenue in the approximate amount of \$582,784. As the City of Plano owns two thirds of the Joint Radio System the remaining two thirds for the purchase price, an approximate \$1,165,569, will be paid for from our subscriber fee revenue. If the Joint Radio System does not purchase the microwave radios, installation services and five years maintenance with support, the Joint Radio System would not be able to ensure the continuity of the public safety and general government radio system operation for the City of Allen and all subscribing agencies' first responders.

This microwave communications backbone for the Joint Radio System is separate from the City of Allen microwave network that connects facilities and traffic signals that was replaced in 2017.

### **BUDGETARY IMPACT**

The City of Plano will retain Allen's normal share of annual subscriber revenues from the Joint Radio System until the approximate payback of Allen's 1/3 project cost of \$582,784.38 is withheld. Allen receives approximately \$200,000 each year from the Joint System's subscriber revenues, so it is expected to take around three years of retained payments to complete Allen's obligation.

### **STAFF RECOMMENDATION**

Staff recommends that the City Council approve the Coordinating Committee's recommendations for a Joint Radio System Expenditure for system changes, upgrades, additional use and any other aspects of the Joint Radio System pursuant to the Joint Radio System Agreement with the City of Plano to purchase a replacement of the microwave network that connects the various towers in the amount of \$1,748,353 and allowing the City of Plano to retain the City of Allen annual disbursements in the amount of \$582,784 from the Subscriber Revenue Fund under the Joint Radio System Agreement to fund the City of Allen's one-third cost share of such improvements.

### **MOTION**

*I make a motion to approve the Coordinating Committee's recommendations for a Joint Radio System Expenditure for system changes, upgrades, additional use and any other aspects of the Joint Radio System pursuant to the Joint Radio System Agreement with the City of Plano to purchase a replacement of the microwave network that connects the various towers in the amount of \$1,748,353 and allowing the City of Plano to retain the City of Allen annual disbursements in the amount of \$582,784 from the Subscriber Revenue Fund under the Joint Radio System Agreement to fund the City of Allen's one-third cost share of such improvements.*



## CITY COUNCIL AGENDA COMMUNICATION

**AGENDA DATE:** October 12, 2021

**SUBJECT:** Award Bid and Authorize the City Manager to Execute a Contract with SYB Construction Co., Inc., for the Windridge Estates Phase 2 Water & Sanitary Sewer Replacement Project in the Amount of \$4,234,900.

**STAFF RESOURCE:** Chris Flanigan, Director of Engineering

**PREVIOUS COUNCIL ACTION:** Award Bid and Authorize the City Manager to Execute a Contract with SYB Construction Co., Inc., for the Windridge Estates Phase 2 Water & Sanitary Sewer Replacement Project in the Amount of \$4,234,900.

**ACTION PROPOSED:** Award Bid and Authorize the City Manager to Execute a Contract with SYB Construction Co., Inc., for the Windridge Estates Phase 2 Water & Sanitary Sewer Replacement Project in the Amount of \$4,234,900.

### **BACKGROUND**

Repair and replacement of existing water and sanitary sewer lines are essential to ongoing efforts to maintain our utility infrastructure. In the Windridge Estates neighborhood, the existing water and sanitary sewer pipes are of substandard type and condition (i.e. clay tile, asbestos cement, cracked or broken) by today's industry standard. As a result, and due to the age of the neighborhood, these pipes are in need of replacement. Phase 2 of this project involves the replacement of water pipe along streets named Hawthorne Drive, Windsor Drive, Windsor Place, Fairhaven Drive, Hanover Drive, Ridgemont Drive, Bell Drive, Cambridge Drive, and Harrison Drive (see attached location map). The project will also be installing a section of 12" waterline along Greenville Ave just South of Hightrail to complete a needed loop to maintain water service. Phase 2 also includes sewer pipe replacement, from Hawthorne Drive to Cambridge Drive, along the streets named Hawthorne Drive, Windsor Drive, Fairhaven Drive, and Hanover Drive. The existing streets are concrete pavement. Most of the pavement for Phase 2 is in good condition and pavement will be restored using trench repairs due to the existing streets being concrete. More extensive concrete repairs will be made in the neighborhood in accordance with the construction plans and design recommendations.

On July 22, 2021, six (6) bids were received. The three (3) lowest and responsive bids are below:

#### **Bid 2021-5-79**

<b>Contractor</b>	<b>Calendar Days</b>	<b>Bid Amount</b>
SYB Construction Co., Inc	365	\$ 3,849,903.22
Quality Excavation, Ltd	420	\$ 4,055,344.50
A&M Construction and Utilities	350	\$ 4,501,377.00

## **BUDGETARY IMPACT**

This expense is within the budget anticipated for this phase, documented on Page U-14 of the most recent and adopted Capital Improvement Program. The total budget and proposed funding sources are as follows, below:

<b>WA1901 - Windridge Estates Phase 2 Water &amp; Sanitary Sewer Replacement Project Award Itemization</b>	
Bid Amount	\$ 3,849,903.22
Bid Contingency (10%)	\$ 384,996.78
<b>TOTAL AWARD AMOUNT</b>	<b>\$ 4,234,900.00</b>

<b>WA1901 - Windridge Estates Phase 2 Water &amp; Sanitary Sewer Replacement Project Funding Source</b>	
<b>Funding Source</b>	<b>Proposed</b>
REVENUE BOND (FY2019/FY2020)	\$ 4,234,900
<b>TOTAL</b>	<b>\$ 4,234,900</b>

## **STAFF RECOMMENDATION**

Staff recommends that Council Award Bid and Authorize the City Manager to Execute a Contract with SYB Construction Co., Inc., for the Windridge Estates Phase 2 Water & Sanitary Sewer Replacement Project in the Amount of \$4,234,900.

## **MOTION**

*I make a motion to authorize the City Manager to award bid and execute a Contract with SYB Construction Co., Inc., for the Windridge Estates Phase 2 Water & Sanitary Sewer Replacement Project in the Amount of \$4,234,900.*

## **ATTACHMENTS:**

Standard Form of Agreement

Proposal

Location Map

**EXHIBIT 9  
STANDARD FORM OF AGREEMENT**

STATE OF TEXAS }  
COUNTY OF COLLIN }

**THIS AGREEMENT**, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, of 2021, by and between The City of Allen, Texas, a municipal corporation, of the County of Collin and State of Texas, acting through its City Manager \_\_\_\_\_ thereunto duly authorized so to do, Party of the First Part, hereinafter termed OWNER, and

SYB Construction Co., Inc  
of the City of Irving, County of Dallas and State of Texas, Party of the Second Part, hereinafter termed CONTRACTOR.

**WITNESSETH:** That for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the Party of the First Part (OWNER), and under the conditions expressed in the bond bearing even date herewith, the said Party of the Second Part (CONTRACTOR), hereby agrees with the said Party of the First Part (OWNER) to commence and complete the construction of certain improvements described as follows:

**WINDRIDGE PHASE 2 WATER AND SANITARY SEWER REPLACEMENT, Bid No, 2021-5-79**

and all extra work in connection therewith, under the terms as stated in the General Conditions of the Agreement and at his (or their) own proper cost and expense to furnish all the materials, supplies, machinery, equipment, tools, superintendence, labor, insurance, and other accessories and services necessary to complete the said construction, in accordance with the conditions and prices stated in the Proposal attached hereto, and in accordance with the Notice to Contractors, General and Special Conditions of Agreement, Plans and other drawings and printed or written explanatory matter thereof, and the Specifications and addenda together with the CONTRACTOR'S written Proposal, the General Conditions of the Agreement, and the Performance and Payment Bonds hereto attached; all of which are made a part hereof and collectively evidence and constitute the entire contract.

The CONTRACTOR hereby agrees to commence work within ten (10) days after the date written notice to do so shall have been given to him, and to substantially complete the same within three hundred sixty five (365) calendar days after the date of the written notice to commence work, subject to such extensions of time as are provided by the General and Special Conditions.

THE OWNER agrees to pay the CONTRACTOR in current funds the price or prices shown in the proposal, which forms a part of this contract, such payments to be subject to the General and Special Conditions of the contract.

**IN WITNESS WHEREOF**, the parties to these presents have executed this Agreement in the year and day first above written.

CITY OF ALLEN, TEXAS  
Party of the First Part (OWNER)

By \_\_\_\_\_  
Eric Ellwanger, City Manager

Attest \_\_\_\_\_  
Shelley B. George, City Secretary

SYB Construction Co., Inc  
Party of the Second Part (CONTRACTOR)

By Brian Wood  
Brian Wood, Vice-President

Attest Walter R. Bennett  
Walter R. Bennett, VP/Sec

**WINDRIDGE WATER AND SEWER REHAB PHASE II**

**BID# 2021-5-79 CIP# WA2103**

**MISCELLANEOUS**

<b>ITEM NO.</b>	<b>EST QNTY</b>	<b>UNIT</b>	<b>DESCRIPTION AND PRICE IN WORDS</b>	<b>UNIT PRICE IN FIGURES</b>	<b>EXTENDED AMOUNT</b>
1.01	1	LS	Mobilization, not to exceed 5% of the total bid for the Lump Sum of  <b><u>ONE HUNDRED FIVE THOUSAND</u></b> Dollars & <b><u>ZERO</u></b> Cents	\$ 105,000.00	\$ 105,000.00
1.02	1	LS	Implement traffic control, signing and barricading and all other incidentals necessary for the Lump Sum of  <b><u>FORTY TWO THOUSAND</u></b> Dollars & <b><u>ZERO</u></b> Cents	\$ 42,000.00	\$ 42,000.00
1.03	21	EA	Remove and replace traffic signs, including all incidentals for the sum of  <b><u>SEVEN HUNDRED EIGHTY FIVE</u></b> Dollars & <b><u>ZERO</u></b> Cents per Each	\$ 785.00	\$ 16,485.00
1.04	1	LS	Prepare and implement Storm Water Prevention Plan (SWPPP), including all incidentals, for the Lump Sum of  <b><u>FORTY FOUR THOUSAND ONE HUNDRED</u></b> Dollars & <b><u>ZERO</u></b> Cents	\$ 44,100.00	\$ 44,100.00
1.05	2	EA	Clear, grub, and dispose of all trees larger than 12 inches, including all incidentals, for the sum of  <b><u>TWENTY THREE HUNRED</u></b> Dollars & <b><u>ZERO</u></b> Cents per Each	\$ 2,300.00	\$ 4,600.00
1.06	4	EA	Clear, grub, and dispose of all trees 12 inches or smaller, including all incidentals, for the sum of  <b><u>SEVENTEEN HUNDRED TWENTY FIVE</u></b> Dollars & <b><u>ZERO</u></b> Cents per Each	\$ 1,725.00	\$ 6,900.00
1.07	18	EA	Remove Ex. Shrubs, bushes and trees less than 3" (remove all Crepe Myrtles), including all incidentals for the sum of  <b><u>THREE HUNRED TEN</u></b> Dollars & <b><u>ZERO</u></b> Cents per Each	\$ 310.00	\$ 5,580.00
1.08	14	EA	Install and maintain tree protection, including all incidentals for the sum of  <b><u>TWO HUNDRED EIGHTY EIGHT</u></b> Dollars & <b><u>ZERO</u></b> Cents per Each	\$ 288.00	\$ 4,032.00



ITEM NO	EST QNTY	UNIT	DESCRIPTION AND PRICE IN WORDS	UNIT PRICE IN FIGURES	EXTENDED AMOUNT
1.09	4	EA	Furnish and install 3" Caliper Trees (Oak), including all incidentals for the sum of <u>NINE HUNDRED FIFTY FIVE</u> Dollars & <u>ZERO</u> Cents per Each	\$ 955.00	\$ 3,820.00
1.10	18	EA	Furnish and install shrubs and bushes, including all incidentals for the sum of <u>ONE HUNDRED SEVENTY</u> Dollars & <u>ZERO</u> Cents per Each	\$ 170.00	\$ 3,060.00
1.11	1	LS	Remove and replace landscape hardscaping, complete and in place, including all incidentals for Lump Sum of <u>THIRTY ONE HUNDRED ELEVEN</u> Dollars & <u>ZERO</u> Cents	\$ 3,111.00	\$ 3,111.00
1.12	2	EA	Furnish and install Capital Improvement signs, complete and in place, including all incidentals for the sum of <u>SIX HUNDRED</u> Dollars & <u>ZERO</u> Cents per Each	\$ 600.00	\$ 1,200.00
1.13	21	EA	Provide temporary mail boxes with individual address, including all incidentals for the sum of <u>THREE HUNDRED</u> Dollars & <u>ZERO</u> Cents per Each	\$ 300.00	\$ 6,300.00
1.14	21	EA	Remove and reuse existing mailboxes, including all incidentals for the sum of <u>ONE HUNDRED THIRTY</u> Dollars & <u>ZERO</u> Cents per Each	\$ 130.00	\$ 2,730.00
1.15	1	EA	Remove and replace existing mailboxes, including all incidentals for the sum of <u>SIX HUNDRED</u> Dollars & <u>ZERO</u> Cents per Each	\$ 600.00	\$ 600.00

TOTAL MISCELLANEOUS: \$ 249,518.00

**WATER**

<b>ITEM NO.</b>	<b>EST QNTY</b>	<b>UNIT</b>	<b>DESCRIPTION AND PRICE IN WORDS</b>	<b>UNIT PRICE IN FIGURES</b>	<b>EXTENDED AMOUNT</b>
2.01	1	LS	Abandon Existing waterlines in place (Project), including all incidentals for the Lump Sum of  <u>ONE</u> Dollars & <u>ZERO</u> Cents	\$ 1.00	\$ 1.00
2.02	291	EA	Remove and dispose of existing water meter box, including all incidentals for the sum of  <u>ONE</u> Dollars & <u>ZERO</u> Cents per Each	\$ 1.00	\$ 291.00
2.03	10	EA	Cut and plug ex. 8" water line, including all incidentals for the sum of  <u>FIVE HUNDRED</u> Dollars & <u>ZERO</u> Cents per Each	\$ 500.00	\$ 5,000.00
2.04	9	EA	Remove ex. fire hydrant and return to the City, including all incidentals for the sum of  <u>FIVE HUNDRED</u> Dollars & <u>ZERO</u> Cents per Each	\$ 500.00	\$ 4,500.00
2.05	16	EA	Close ex. water valve, remove stack and bury valve, including all incidentals for the sum of  <u>ONE HUNDRED</u> Dollars & <u>ZERO</u> Cents per Each	\$ 100.00	\$ 1,600.00
2.06	12,322	LF	Provide trench safety system for water installation, including all incidentals for the sum of  <u>ZERO</u> Dollars & <u>TWENTY FIVE</u> Cents Per Linear Foot	\$ 0.25	\$ 3,080.50
2.07	12,322	LF	Furnish and install 8" PVC, AWWA C900, DR-18 Water Pipe, including trench, bends, fittings, bedding and backfill, including all incidentals for the sum of  <u>SIXTY SIX</u> Dollars & <u>ZERO</u> Cents Per Linear Foot	\$ 66.00	\$ 813,252.00
2.08	30	EA	Furnish and install fire hydrant with 6" gate valve and lead, including all incidentals for the sum of  <u>FORTY NINE HUNDRED TWENTY FIVE</u> Dollars & <u>ZERO</u> Cents per Each	\$ 4,925.00	\$ 147,750.00

ITEM NO	EST QNTY	UNIT	DESCRIPTION AND PRICE IN WORDS	UNIT PRICE IN FIGURES	EXTENDED AMOUNT
2.09	58	EA	Furnish and install 8" gate valve, including all incidentals for the sum of <b><u>SIXTEEN HUNDRED FIFTY</u></b> Dollars & <b><u>ZERO</u></b> Cents per Each	\$ 1,650.00	\$ 95,700.00
2.10	12	EA	Connect to existing water line, including all incidentals for the sum of <b><u>TWENTY ONE HUNDRED</u></b> Dollars & <b><u>ZERO</u></b> Cents per Each	\$ 2,100.00	\$ 25,200.00
2.11	162	EA	Furnish and install new 3/4" PE service line (long side) to proposed water main by other than open cut including new meter box replacement, including all incidentals for <b><u>EIGHT HUNDRED SEVENTY FIVE</u></b> Dollars & <b><u>ZERO</u></b> Cents per Each	\$ 875.00	\$ 141,750.00
2.12	129	EA	Furnish and install new 3/4" PE service line (short side) to proposed water main including new meter box <b><u>SIX HUNDRED SEVENTY FIVE</u></b> Dollars & <b><u>ZERO</u></b> Cents per Each	\$ 675.00	\$ 87,075.00
2.13	291	EA	Furnish and install new water meter box, including all incidentals for the sum of <b><u>TWO HUNDRED FIFTY</u></b> Dollars & <b><u>ZERO</u></b> Cents per Each	\$ 250.00	\$ 72,750.00
2.14	30	CY	Furnish and install concrete for thrust blocking, including all incidentals for the sum of <b><u>ONE HUNDRED TWENTY FIVE</u></b> Dollars & <b><u>ZERO</u></b> Cents per Cubic Yard	\$ 125.00	\$ 3,750.00
2.15	1	LS	Perform water system pressure testing, including all incidentals for the Lump Sum of <b><u>SEVENTY FIVE HUNDRED</u></b> Dollars & <b><u>ZERO</u></b> Cents	\$ 7,500.00	\$ 7,500.00

**TOTAL WATER:** \$1,409,199.50



**SANITARY SEWER**

ITEM NO.	EST QNTY	UNIT	DESCRIPTION AND PRICE IN WORDS	UNIT PRICE IN FIGURES	EXTENDED AMOUNT
3.01	7	EA	Remove and dispose of Ex. 4' diameter manhole including backfill and compaction, including all incidentals for the sum of <b><u>SEVEN HUNDRED FIFTY</u></b> Dollars & <b><u>ZERO</u></b> Cents per Each	\$ 750.00	\$ 5,250.00
3.02	3,997	LF	Remove and dispose of Ex. Sanitary sewer pipe (6"-10"), including all incidentals for the sum of <b><u>ZERO</u></b> Dollars & <b><u>ONE</u></b> Cents per Linear Foot	\$ 0.01	\$ 39.97
3.03	3	EA	Remove and dispose of existing sanitary sewer cleanout including backfill and compaction, including all incidentals <b><u>TWO HUNDRED FIFTY</u></b> Dollars & <b><u>ZERO</u></b> Cents per Each	\$ 250.00	\$ 750.00
3.04	115	EA	Remove and dispose of existing two-way sanitary sewer cleanout including backfill and compaction, including all <b><u>ONE</u></b> Dollars & <b><u>ZERO</u></b> Cents per Each	\$ 1.00	\$ 115.00
3.05	115	EA	Furnish and install 4" Sanitary Sewer HDPE (DR 11) Pipe for services by other than open cut, including all incidentals for the sum of <b><u>FOURTEEN HUNDRED FIFTY</u></b> Dollars & <b><u>ZERO</u></b> Cents per Each	\$ 1,450.00	\$ 166,750.00
3.06	4,017	LF	Furnish and install 8" Sanitary Sewer PVC (SDR 26-ASTM D-2241) Pipe by open cut, including trench, bedding and <b><u>SEVENTY SEVEN</u></b> Dollars & <b><u>FIFTY</u></b> Cents per Linear Foot	\$ 77.50	\$ 311,317.50
3.07	135	LF	Furnish and install 8" Sanitary Sewer Pressure Rated Pipe by Bore <b><u>SIX HUNDRED FIFTY</u></b> Dollars & <b><u>ZERO</u></b> Cents per Linear Foot	\$ 650.00	\$ 87,750.00
3.08	10	LF	Furnish and install Concrete Pipe Encasement, including all incidentals for the sum of <b><u>ONE HUNDRED</u></b> Dollars & <b><u>ZERO</u></b> Cents per Each	\$ 100.00	\$ 1,000.00
3.09	11	EA	Furnish and install 4' Diameter Standard Precast Manhole, including all incidentals for the sum of <b><u>THIRTY NINE HUNDRED FIFTY</u></b> Dollars & <b><u>ZERO</u></b> Cents per Each	\$ 3,950.00	\$ 43,450.00



ITEM NO	EST QNTY	UNIT	DESCRIPTION AND PRICE IN WORDS	UNIT PRICE IN FIGURES	EXTENDED AMOUNT
3.10	6	EA	Furnish and install 5' Diameter Standard Precast Manhole, including all incidentals for the sum of	\$ 7,600.00	\$ 45,600.00
			<u>SEVENTY SIX HUNDRED</u> Dollars & <u>ZERO</u> Cents per Each		
3.11	1	EA	Furnish and install 5' Diameter Drop Manhole, including all incidentals for the sum of	\$ 11,000.00	\$ 11,000.00
			<u>ELEVEN THOUSAND</u> Dollars & <u>ZERO</u> Cents per Each		
3.12	115	EA	Furnish and install two-way cleanouts, including TV inspection and all incidentals for the sum of  <u>THREE HUNDRED</u> Dollars & <u>ZERO</u> Cents per Each	\$ 300.00	\$ 34,500.00
3.13	1	LS	Furnish and install bypass pumping for the duration of the project, including all incidentals for the Lump Sum of  <u>FIVE THOUSAND</u> Dollars & <u>ZERO</u> Cents	\$ 5,000.00	\$ 5,000.00
3.14	4,132	LF	Post construction TV Inspection and subsequent TV Inspection at 21 months after completion of the project, including all incidentals for the sum of  <u>FIVE</u> Dollars & <u>ZERO</u> Cents per Linear Foot	\$ 5.00	\$ 20,660.00
3.15	17	EA	Manhole testing, including all incidentals for the sum of  <u>TWO HUNDRED</u> Dollars & <u>ZERO</u> Cents per Each	\$ 200.00	\$ 3,400.00
3.16	1	EA	Connect to existing sanitary sewer main or sanitary sewer cleanouts, including all incidentals for the sum of  <u>FIVE HUNDRED</u> Dollars & <u>ZERO</u> Cents per Each	\$ 500.00	\$ 500.00
3.17	4,017	LF	Provide trench safety system for sanitary sewer installation, including all incidentals for the sum of  <u>ONE</u> Dollars & <u>ZERO</u> Cents per Linear Foot	\$ 1.00	\$ 4,017.00

**TOTAL SANITARY SEWER:**

\$

**741,099.47**

**DEMOLITION AND SURFACE RESTORATION**

<b>ITEM NO</b>	<b>EST QNTY</b>	<b>UNIT</b>	<b>DESCRIPTION AND PRICE IN WORDS</b>	<b>UNIT PRICE IN FIGURES</b>	<b>EXTENDED AMOUNT</b>
4.01	60	SY	Remove and dispose of existing HMA Street Pavment (Trench Cut), including all incidentals for the sum of  <u><b>EIGHTEEN</b></u> Dollars & <u><b>FIFTY</b></u> Cents per Square Yard	\$ 18.50	\$ 1,110.00
4.02	14,865	SY	Remove and dispose of concrete pavmement (street, curb, gutter, driveway and sidewalk), including all incidentals for the sum of  <u><b>SEVEN</b></u> Dollars & <u><b>SEVENTY FIVE</b></u> Cents per Square Yard	\$ 7.75	\$ 115,203.75
4.03	10,505	SY	Funish and install 8" 3,600 PSI (Class "C") concrete pavement (street, curb and driveway), including all incidentals for the sum of  <u><b>SEVENTY FOUR</b></u> Dollars & <u><b>TWENTY FIVE</b></u> Cents per Square Yard	\$ 74.25	\$ 779,996.25
4.04	60	SY	Funish and install Asphalt Street Repair (Trench Repair) 2" HMA Type D on 6" Concret Pavement, including all  <u><b>ONE HUNDRED TWENTY SIX</b></u> Dollars & <u><b>TWENTY FIVE</b></u> Cents per Square Yard	\$ 126.25	\$ 7,575.00
4.05	4,191	SY	Funish and install 4" 3,600 (Class "C") concrete pavement (sidewalk), including all incidentals for the sum of  <u><b>SIXTY THREE</b></u> Dollars & <u><b>SEVENTY FIVE</b></u> Cents per Square Yard	\$ 63.75	\$ 267,176.25
4.06	3,181	SY	Furnish, install, maintain and remove 2" thick Type "C" HMA temporary asphalt for utility trench, including all incidentals for the sum of  <u><b>SEVENTEEN</b></u> Dollars & <u><b>ZERO</b></u> Cents per Square Yard	\$ 17.00	\$ 54,077.00
4.07	12	EA	Remove and replace 4" barrier free ramps (Type "G") with truncated bricks, including all incidentals for the sum of  <u><b>THIRTY SEVEN HUNDRED SIXTY ONE</b></u> Dollars & <u><b>ZERO</b></u> Cents per Each	\$ 3,761.00	\$ 45,132.00
4.08	10	EA	Remove and replace 4" barrier free ramps (Type "G1") with truncated bricks, including all incidentals for the sum of  <u><b>THREE THOUSAND</b></u> Dollars & <u><b>ZERO</b></u> Cents per Each	\$ 3,000.00	\$ 30,000.00
4.09	16	EA	Remove and replace 4" barrier free ramps (Type "F") with truncated bricks, including all incidentals for the sum of  <u><b>THIRTY TWO HUNDRED SIXTY SIX</b></u> Dollars & <u><b>ZERO</b></u> Cents per Each	\$ 3,266.00	\$ 52,256.00

4.10	3,468	SY	Furnish and install sod in disturbed areas including 4" acceptable topsoil below the sod, water, fertilizer and all <b><u>THIRTEEN</u></b> Dollars & <b><u>SEVENTY FIVE</u></b> Cents per Square Yard	\$ 13.75	\$ 47,685.00
4.11	1,750	CY	Unclassified Street Excavation including all incidentals for the sum of <b><u>TWENTY EIGHT</u></b> Dollars & <b><u>FIFTY</u></b> Cents per Cubic Yard	\$ 28.50	\$ 49,875.00

**TOTAL DEMOLITION AND SURFACE RESTORATION:**

**\$1,450,086.25**

**PROPOSAL SUMMARY**

TOTAL MISCELLANEOUS: \$249,518.00

TOTAL WATER: \$1,409,199.50

TOTAL SANITARY SEWER: \$741,099.47

TOTAL DEMOLITION AND SURFACE RESTORATION: \$1,450,086.25

**CALENDAR DAYS BID: 365**

**TOTAL BID \$3,849,903.22**



## LOCATION MAP

Windridge Phase 2  
Water & Sanitary Sewer Rehabilitation  
(October 12, 2021)



<b>CITY COUNCIL AGENDA COMMUNICATION</b>
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**AGENDA DATE:**

October 12, 2021

**SUBJECT:**

Conduct a Public Hearing and Adopt an Ordinance to Amend the Development Regulations of District G of Planned Development No. 108 with a Base Zoning of Mixed Use and to Adopt a Zoning Exhibit, Concept Plan, Building Elevations, Open Space Plan, Commercial Area Civic Spaces Plan, Commercial Area Enhanced Paving Exhibit, and Commercial Area Street "G" Cross Section for Approximately 35.740± Acres in the John Fyke Survey, Abstract No. 325, Generally Located at the Northeast Corner of the Intersection of Exchange Parkway and Watters Road. (Twin Creeks Watters)

**STAFF RESOURCE:**

Marc Kurbansade, Director of Community Development

**PREVIOUS COUNCIL ACTION:**

Planned Development No. 54 - Approved May, 1993  
Planned Development No. 108 - Approved October, 2011

**ACTION PROPOSED:**

Conduct a Public Hearing and Adopt an Ordinance to Amend the Development Regulations of District G of Planned Development No. 108 with a Base Zoning of Mixed Use and to Adopt a Zoning Exhibit, Concept Plan, Building Elevations, Open Space Plan, Commercial Area Civic Spaces Plan, Commercial Area Enhanced Paving Exhibit, and Commercial Area Street "G" Cross Section for Approximately 35.740± Acres in the John Fyke Survey, Abstract No. 325, Generally Located at the Northeast Corner of the Intersection of Exchange Parkway and Watters Road. (Twin Creeks Watters)

**BACKGROUND**

The subject property is located at the northeast corner of Exchange Parkway and Watters Road. The properties to the north are zoned Community Facilities and Planned Development No. 108 (PD-108) with a base zoning of Mixed Use (MIX). The properties to the east are zoned PD-108 with a base zoning of MIX. The properties to the south are zoned PD-108 with a base zoning of Office, Planned Development No. 54 with base zoning districts of Industrial Technology, and CF. The properties to the west are zoned PD-108 with a base zoning district of MIX.

The subject property is currently zoned PD-108 with a base zoning of MIX. The applicant is requesting to

amend the development regulations and adopt a Zoning Exhibit, Concept Plan, Building Elevations, Open Space Plan, Commercial Area Civic Spaces Plan, Commercial Area Enhanced Paving Exhibit, and Commercial Area Street "G" Cross Section, to allow for a mixed-use development consisting of office, retail, and single-family homes (both detached and attached).

The subject property is comprised of one unplatted tract with a land area of 35.740± acres. The applicant is proposing a mixed-use development comprised of approximately 25.52 acres of residential uses and approximately 10.22 acres of commercial uses. The residential uses depicted on the Concept Plan include 59 single-family detached homes (31-ft x 110-ft typical lot size); 40 single-family attached townhomes (30-ft x 95-ft typical lot size); and 78 single-family attached townhomes (22-ft x 95-ft typical lot size). The commercial part of the development includes approximately 83,200 square feet incorporated into seven buildings.

The development regulations include the following:

- Designation of a Single-Family Area, including a base zoning district of Single-Family R-7, for detached single-family homes, with the minimum lot sizes depicted on the face of the Concept Plan.
- Designation of a Townhome Area, including a base zoning district of Townhomes (TH), for attached single-family homes (townhomes), with the minimum lot sizes for both product types depicted on the face of the Concept Plan.
- Designation of a Commercial Area with a base zoning district of Commercial Corridor.
- Reference to attached Building Elevations, as well as the stipulation of 60-feet or four stories as the maximum building height for non-residential buildings.
- Reference to attached Open Space Plan and Commercial Area Civic Spaces Plan.
- Inclusion of general standards for enhanced paving in the Commercial Area (see Commercial Area Enhanced Paving Exhibit).
- Inclusion of street cross section standards for Street G, which is the primary street separating the Commercial Area and Single Family Area.
- Designation of permitted uses, including the definition of four additional new uses: banquet hall, microbrewery, microdistillery, and winery.
- Lot Design Criteria for the Single Family Area, Townhome Area, and Commercial Area.
- Minor deviations for landscaping adjacent to the Hike & Bike Trail along Bossy Boots Drive.

This request has been reviewed by the Technical Review Committee. The request is in general conformance with the future land use map in the adopted Comprehensive Plan and is compatible with the surrounding uses.

On September 21, 2021, the Planning and Zoning Commission recommended approval of the request.

## **LEGAL NOTICES**

Public Hearing Signs - September 3, 2021

Public Hearing Letters - September 3, 2021

Newspaper Notice - September 23, 2021

## **STAFF RECOMMENDATION**

Staff recommends approval.

## **MOTION**

*I make a motion to adopt Ordinance No. \_\_\_\_\_ to amend the Development Regulations of District G of Planned Development No. 108 with a base zoning of Mixed Use for approximately 35.740± acres of land, subject to the Zoning Exhibit, Concept Plan, Building Elevations, Open Space Plan,*

***Commercial Area Civic Spaces Plan, Commercial Area Enhanced Paving Exhibit, and Commercial Area Street "G" Cross Section.***

**ATTACHMENTS:**

Ordinance

Property Notification Map

Draft P&Z Minutes

**ORDINANCE NO. \_\_\_\_\_**

**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 REGULATIONS RELATING TO THE USE AND DEVELOPMENT OF A 35.740± ACRE TRACT SITUATED IN THE J. FYKE SURVEY, ABSTRACT NO. 325, AND PRESENTLY LOCATED IN AND ZONED AS DISTRICT G OF PLANNED DEVELOPMENT “PD” NO. 108, ADOPTING A ZONING EXHIBIT, CONCEPT PLAN, BUILDING ELEVATIONS, OPEN SPACE PLAN, COMMERCIAL AREA CIVIC SPACES PLAN, COMMERCIAL AREA ENHANCED PAVING EXHIBIT, AND COMMERCIAL AREA STREET “G” CROSS SECTION; 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.**

**WHEREAS**, the Planning and Zoning Commission and the governing body of the City of Allen, Texas, in compliance with the laws of the State of Texas and the ordinances of the City of Allen, Texas, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally and to all persons interested and situated in the affected area, and in the vicinity thereof, and in the exercise of its legislative discretion, have concluded that Allen Land Development Code Zoning Regulations and Zoning Map of the City of Allen, Texas, as previously amended, should be amended.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, THAT:**

**SECTION 1.** The Allen Land Development Code Zoning Regulations and Zoning Map of the City of Allen, Texas, as heretofore amended, be amended by amending the regulations relating to the use and development of a 35.740± acre tract of land situated in the J. Fyke Survey, Abstract No. 325 (“the Property”) described in “Exhibit A,” attached hereto and incorporated herein by reference presently located in and zoned as District G of Planned Development No. 108 as set forth in Section 2 of this Ordinance.

**SECTION 2.** The Property shall be developed and used in accordance with the applicable provisions of the Allen Land Development Code, as amended, (“ALDC”) and the development and use regulations for property located within District G of Planned Development “PD” No. 108 as set forth in Exhibit “B” to Ordinance No. 3044-10-11, as amended, (“the PD 108 Development Regulations”) except to the extent modified by this Section 2:

- A. CONCEPT PLAN:** The Property shall be developed in general conformance with the Concept Plan attached hereto as Exhibit “B” and incorporated herein by reference (the “Concept Plan”). Minor modifications to streets that do not alter the general alignment shown on the Concept Plan may be made at the time of plat approval.



**B. BASE ZONING:**

**(1) Single-Family Area**

- (a) The portion of the Property designated as “Detached Single Family” as shown on the Concept Plan (the “Single-Family Area”) shall be developed in accordance with the development standards of the “R-7” single-family residential district in the ALDC except as modified by this Ordinance.
- (b) The Single-Family Area shall be developed with no more than sixty (60) single-family dwelling units.

**(2) Townhome Area**

- (a) The portion of the Property designated as “Attached Townhomes A” and “Attached Townhomes B” as shown on the Concept Plan (the “Townhome Area”) shall be developed in accordance with the development standards of the “TH” Townhome residential district in the ALDC except as modified by this Ordinance.
- (b) The Townhome Area shall be developed with no more than 120 townhome units.

- (3) Commercial Area.** The portion of the Property designated as “Commercial” as shown on the Concept Plan (the “Commercial Area”) shall be developed in accordance with the development standards of the “CC” Commercial Corridor District except as modified by the PD 108 Development Regulations and this Ordinance.

**C. BUILDING ELEVATIONS:**

- (1) Residential buildings to be constructed on the Property shall be developed in general conformance with the architectural style set forth on the Elevations attached hereto as Exhibit “C” and incorporated herein by reference (the “Single Family and Townhome Residential Representative Elevations”).
- (2) Non-Residential buildings to be constructed on the Property shall be a maximum of four stories or 60 feet.

**D. OPEN SPACE AND CIVIC SPACE:**

- (1) All open spaces within Single Family Area and Townhome Area on the Property shall be developed in general conformance with the Open Space Plan attached hereto as Exhibit “D”;
- (2) Open spaces within the Townhome Area of the Property must be evenly distributed, centrally located, and easily accessible. Open space areas less than 15 feet wide shall not be included in the calculation for determining compliance with required open space area;
- (3) Lots within the Townhome Area of the Property shall not back to an open space;
- (4) All civic spaces within the Commercial Area shall be developed in general conformance with the Commercial Area Civic Spaces Plan attached hereto as Exhibit “E.”

**E. USES WITHIN THE COMMERCIAL AREA:**

- (1) The uses for which the Commercial Area may be developed shall comply with the uses for District G set forth in Table 1 of Section 2 of the PD-108 Development, subject to the following amending except as follows:

(a) Permitted by right:

1. Amusement Commercial Indoor
2. Antique Shop
3. Artisans and Artist Studio
4. Banks and Financial Institutions
5. Banquet Hall (less than 15,000 square feet)
6. Bicycle Shop and Repair Service
7. Book, Card or Novelty Shops
8. Catering
9. Dance and Martial Arts Studio (Less than 5,000 square feet)
10. Drug Store or Pharmacy (Less than 10,000 square feet)
11. Fitness and Health Center (Less than 10,000 square feet)
12. Florist
13. Food Hall or Cafeteria
14. Food Service
15. Food Truck Park in locations noted on Concept Plan
16. Furniture/Appliance Sales
17. Grocery (less than 40,000 square feet)
18. Gymnastics and Sports Training Facility (Less than 10,000 square feet)
19. Hardware Store
20. Laundry Cleaning Plant, Retail with Laundry/Dry Cleaning pickup only
21. Key shop / Locksmith
22. Office
23. Medical or Dental Office

24. Personal Service Business
25. Private Club
26. Public Service Facility/Public Restroom
27. Restaurant (with live music indoors)
28. Restaurant (with live music outdoors)
29. Retail Store
30. Massage establishment
31. Micro-Distillery
32. Micro-Brewery
33. Winery
34. Theatre (Cinema)
35. Theatre (Live)

(b) Permitted following approval of a specific use permit:

1. Daycare facility
2. Garage – Public Parking
3. Seasonal Sales
4. Teen Club
5. Restaurant (Drive-In or Through)

(c) For the purpose of this Ordinance, a “Banquet Hall” means an establishment which is rented by individuals or groups for the purpose of conducting private functions including, but not limited to, a party, banquet, reception, or social event, and shall be inclusive of patio areas, foyers and other entryways, bathrooms, dressing rooms, kitchens and other food preparation areas, and storage areas used on association with the operation of the establishment. A “Banquet Hall” shall be developed with off-street parking spaces equal to not less than one space per 100 square feet of gross floor area of the portion of the building used as the Banquet Hall and the area on the exterior of the building designed and intended for regular use as outdoor eating and event space.

(d) For purposes of this Ordinance:

1. A “Microbrewery” means an establishment holding a “Brewer’s Permit or a Brewer’s Self-Distribution Permit” issued by the Texas Alcoholic Beverage Commission in accordance with the Texas Alcoholic Beverage Code, as amended;

2. A “Microdistillery” means an establishment holding a “Distiller’s and Rectifier’s Permit” issued by the Texas Alcoholic Beverage Commission in accordance with the Texas Alcoholic Beverage Code, as amended; and
  3. A “winery” means an establishment holding a “Winery Permit” issued by the Texas Alcoholic Beverage Commission in accordance with the Texas Alcoholic Beverage Code, as amended.
- (e) Microbreweries, microdistilleries, and wineries are subject to the following development standards:
1. The maximum floor area per each individual occupancy is 15,000 square feet;
  2. All manufacture, blending, distilling, fermentation, processing, and packaging of alcoholic beverages activities shall occur wholly inside a building;
  3. Required off-street parking:
    - a. One space per 2,000 square feet of floor area used for storage
    - b. One space per 200 square feet of floor area used for retail sales and seating; and
    - c. One space per 1,000 square feet of floor area used for all other purposes.
  4. Each microbrewery, microdistillery, and winery use shall comply with all applicable requirements in the Texas Alcoholic Beverage Code;
  5. Retail sales of alcoholic beverages for on premises or off premises consumption and related items and tastings or sampling are allowed in accordance with Texas Alcoholic Beverage Commission regulations;
  6. Brewpubs are allowed to operate in association with the operation of a microbrewery, microdistillery, and winery to the extent the establishment otherwise qualifies for issuance of a Brewpub License under the Texas Alcoholic Beverage Code.
  7. Drive-through facilities are prohibited except as authorized by Sections 6.03.2 and 6.06.5 of the ALDC.
- (f) A retail, restaurant, microdistillery, microbrewery or winery use may provide outside dining, provided the calculation for determining the minimum number of required off-street parking spaces includes the gross area of outside dining areas.
- (g) Temporary uses and special events conducted on the Property shall be conducted in accordance with Section 6.04 of the ALDC, “Temporary Uses and Special Events” subject to the following:
1. Temporary Uses and Special Events shall not be limited by number or duration in a calendar year;

2. Temporary Use and Special Event locations may not obstruct fire lanes/emergency access points; and
3. Temporary Uses and Special Events may not occupy the public recreational trails developed on the Property without prior written permission from the Director of Parks and Recreation.

- F. USES WITHIN THE SINGLE-FAMILY AREA:** The principal uses and accessory uses for which the Single-Family Area may be developed shall comply with Section 4.20.2 “Schedule of Principal Uses” and Section 4.20.3 “Schedule of Accessory Uses” to the extent applicable to the “R-7” Single-Family Residential District.
- G. USES WITH THE TOWNHOME AREA:** The principal uses and accessory uses for which the Townhome Area may be developed shall comply with Section 4.20.2 “Schedule of Principal Uses” and Section 4.20.3 “Schedule of Accessory Uses” to the extent applicable to the “TH” Townhome Residential District.
- H. LOT DESIGN CRITERIA AND BUILDING SETBACKS (SINGLE-FAMILY AND TOWNHOME AREAS):** The design criteria for the lots shown on the Concept Plan within the Single-Family Area and Townhome Area shall be modified as follows:

Product Type	Min. Lot Width	Min. Lot Depth	Min. Front Setback <sup>(4)</sup>	Min. Rear Setback	Min. Side Setback <sup>(1,2)</sup>	Min. Lot Area	Max. Lot Coverage	Max. Building Height
Single Family (Detached)	31 feet	110 feet	10 feet	20 feet	3' & 3' 5' & 1' 6' & 0'	3,410 sf	65%	36 feet
Townhome A (Attached)	30 feet	95 feet	10 feet	20 feet	0' <sup>(3)</sup>	2,850 sf	80%	36 feet
Townhome B (Attached)	22 feet	95 feet	10 feet	20 feet	0' <sup>(3)</sup>	2,090 sf	80%	36 feet

Notes

1. Side setbacks for Single Family lots shall be either 3 feet and 3 feet (center loaded), 5 feet and 1 foot (offset), or 6 feet and 0 feet (zero lot line), with a minimum of 6 feet of separation between dwelling units. If not center loaded, the shorter side setback for each lot shall be designated with platting. All Single Family lots shall have a 3' private maintenance, drainage, access, wall maintenance, and aerial overhang easement on the lot adjacent to the zero-setback property line.
2. Side yards adjacent to street right-of-way shall have 10' side setback.
3. For attached product, there shall be a 10' minimum separation between buildings.
4. Front Porches and Stoops shall be allowed to encroach minimum front setback up to 4'.

- I. TOWNHOME AREA REGULATIONS:** Development of the Townhome Area shall be subject to the following.

- (1) Parallel parking and tree bump-outs shall be provided along all streets according to the street section details on the Concept Plan;
- (2) Trees shall be planted in tree planting areas not less than eight feet wide located between the curb and sidewalk (tree bump-outs) according to the detail shown on the Concept Plan;
- (3) A utility and pedestrian access easement not less than five feet wide must be located between the tree planting area and townhome but no closer than one foot from any structure, including any porches, steps or stoops, extending from the front of the dwelling unit;

- (4) All franchise utilities and telecommunication facilities shall be located in easements with a minimum width of five feet located in the rear (alley side) of the dwelling units. Such utility easements may bump out (i.e., widen) as needed at certain locations to accommodate electrical transformer sizing as may be required by service provider, provided such modification are approved by the Director of Engineering;
- (5) Visitor parking spaces shall be constructed subject to the following:
  - 1. One visitor parking space must be constructed for every two townhome units that are constructed on the Property with a driveway of at least 20-foot in length;
  - 2. One and one-half visitor parking spaces must be constructed for every two townhome units that are constructed on the Property with a driveway of at least six-foot by less than 20-foot in length;
  - 3. No townhome unit shall be located more than 100 feet from a visitor space; and
  - 4. On-street or off-street spaces located within the Townhome area, excluding driveways, may be in the calculation of the minimum number of required visitor parking spaces.
- (6) For lots fronting on a street right-of-way, the pavement width of alleys at the rear of such lots may be reduced to not less than 12 feet and the alley right-of-way width may be reduced to not less than 16 feet upon approval of the Fire Marshall and subject to a finding that hose lay-lengths from the street right-of-way to the rear of the lot as required by the Fire Code can be satisfied; and

**J. COMMERCIAL AREA REGULATIONS:** For the portion of the Property within the Commercial Area:

- (1) The minimum front setback shall be 70 feet along Watters Road, Exchange Parkway and Bossy Boot Drive; and
- (2) The minimum front setback shall be 20 feet along Junction Drive.
- (3) Enhanced Paving Areas within the Commercial Area of the Property as shown on the Concept Plan shall be improved in general conformance with the details shown on the Commercial Area Enhanced Paving Exhibit attached hereto as Exhibit “F”.
- (4) Street G, as designated on the Concept Plan shall be improved in general conformance with the Section at Street G Exhibit attached hereto as Exhibit “G”.

**K. HIKE AND BIKE TRAIL ALIGNMENT:**

- (1) The hike and bike trail along Bossy Boots Drive shall be allowed to be located within the Bossy Boots Drive right-of-way and meander within the 15-foot landscape buffer and the parkway of Bossy Boots Drive.
- (2) Portions of the hike and bike trail shall be permitted to be located immediately adjacent to the back of curb as depicted on the Concept Plan to allow for landscape plantings and screening wall.

- (3) The planting of shade trees and ornamental trees in the landscape buffer behind Block A, Lots 1-14 shall not be required in order to allow for a meandering trail alignment.

**SECTION 3.** To the extent of any irreconcilable conflict with the provisions of this Ordinance and other ordinances of the City of Allen governing the use and development of the Property and which are not expressly amended by this Ordinance, the provisions of this Ordinance shall be controlling.

**SECTION 4.** Should any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance, or of the Allen Land Development Code Zoning Regulations, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Allen Land Development Code Zoning Regulations, as amended hereby, which shall remain in full force and effect.

**SECTION 5.** An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Allen Land Development Code Zoning Regulations, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

**SECTION 6.** Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in Allen Land Development Code Zoning Regulations of the City of Allen, as previously amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense.

**SECTION 7.** This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Allen, and it is accordingly so ordained.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 12<sup>TH</sup> DAY OF OCTOBER 2021.**

**APPROVED:**

\_\_\_\_\_  
**Kenneth M. Fulk, MAYOR**

**APPROVED AS TO FORM:**

**ATTEST:**

\_\_\_\_\_  
**Peter G. Smith, CITY ATTORNEY**  
(kbl:9/14/21:124713)

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



EXHIBIT "B"  
CONCEPT PLAN



DEVELOPMENT TEAM

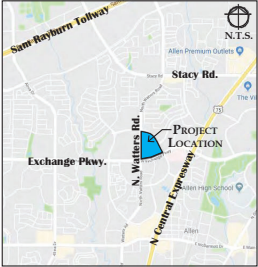
Owner:  
Bossy Boots Holdings, LTD  
c/o Beaird Harris  
12221 Merit Drive, Ste. 750  
Dallas, TX 75251

Owner Representative:  
David Hicks Company  
401 Woodlake Drive  
Allen, TX 75013  
(214) 720-9977  
Contact: David Hicks

Land Planner:  
Knapp Land Solutions  
5381 Moss Glen Drive  
Frisco, TX 75034  
(972) 885-7537  
Contact: James Knapp

Engineer / Surveyor:  
Spiars Engineering  
765 Custer Road, Suite 100  
Plano, TX 75075  
(972) 422-0077  
Contact: Matt Dorsett, PE

LOCATION MAP



ABSTRACT

35,740 gross acre tract situated in the J. Fyke Survey, Abstract No. 325, City of Allen, Collin County, Texas

DATE:

Date Issued: October 09, 2020

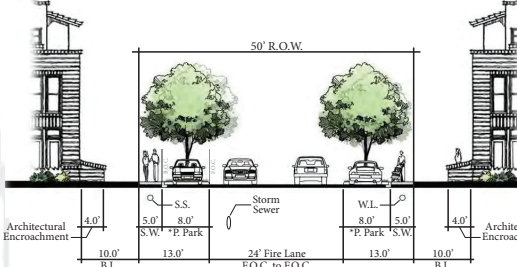
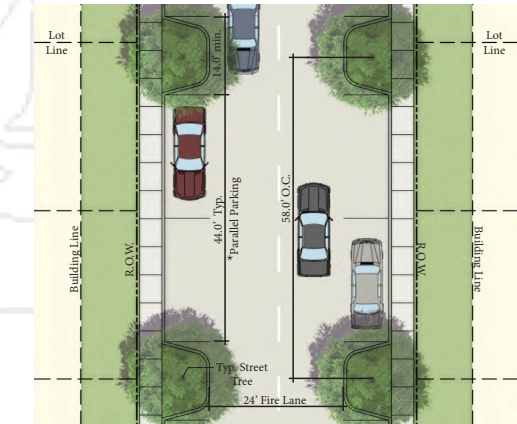
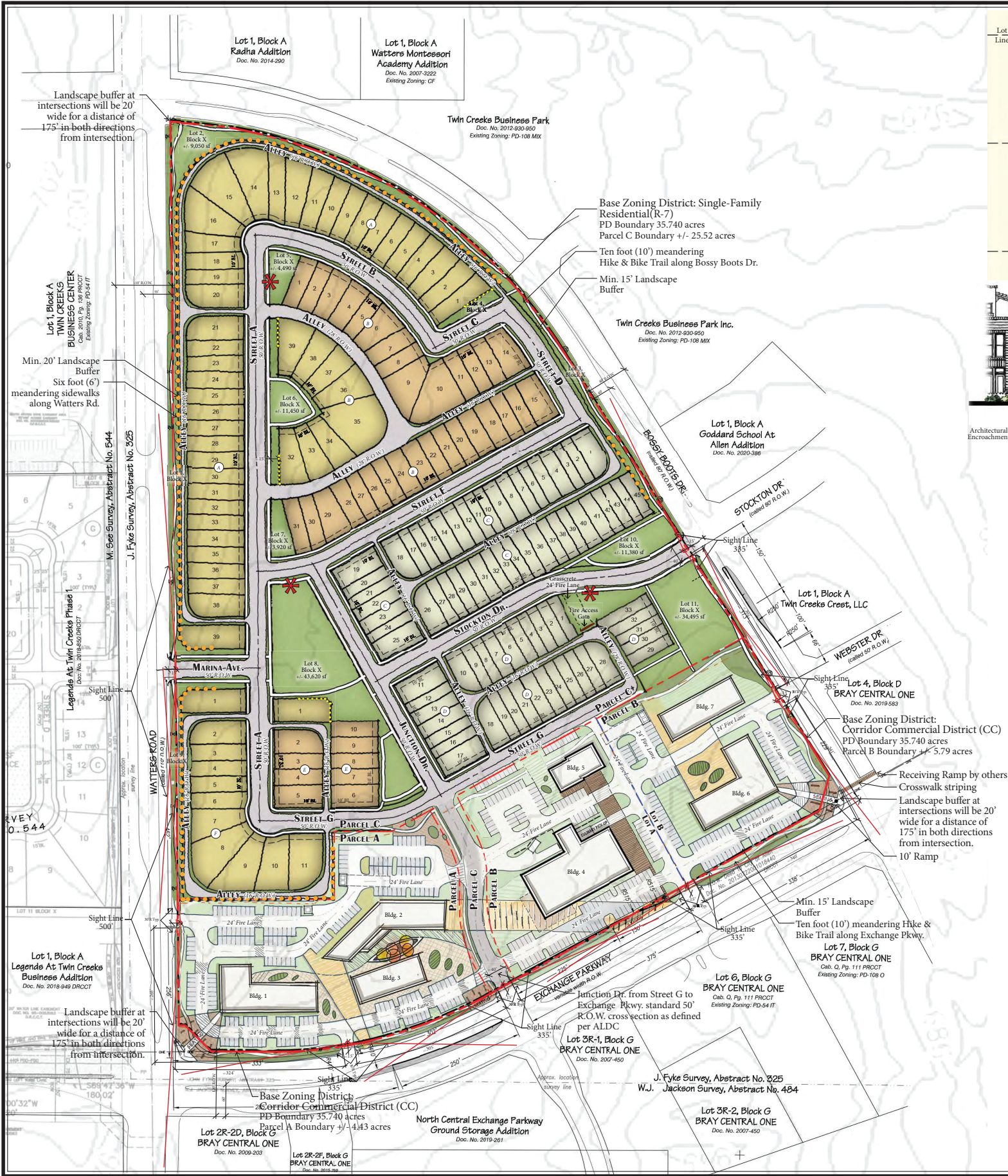
Revisions:  
April 16, 2021 August 16, 2021  
May 21, 2021 September 08, 2021  
June 17, 2021 September 16, 2021  
July 01, 2021  
July 23, 2021

PROJECT

TWIN CREEKS WATTERS  
ATTACHMENT C  
PD AMENDMENT CONCEPT PLAN



Scale 1"=100'  
0' 100' 200'  
This drawing is a pictorial representation for presentation purposes only and is subject to change without notice. Additionally, no warranty is made to the accuracy, completeness, or of the information contained herein.



RESIDENTIAL STREET SECTION

COMMERCIAL/OFFICE SUMMARY (PARCEL A/B):

Parcel A	
Building 1: 11,000 sf. Retail: 4,400 sf. Restaurant: 6,600 sf.	Site   Retail: 13,600 sf. 1/200 sf. = 68 parking req.
Building 2: 15,000 sf. Retail: 6,000 sf. Restaurant: 9,000 sf.	Site   Restaurant: 20,400 sf. 1/100 sf. = 204 parking req.
Building 3: 8,000 sf. Retail: 3,200 sf. Restaurant: 4,800 sf.	Total Parking Required: 272 spots Total Parking Provided: 272 spots
Parcel B - Lot A	
Building 4: 21,000 sf. Retail/Grocery: 21,400 sf.	Site   Medical Office: 5,200 sf. 1/250 sf. = 21 parking req.
Building 5: 5,200 sf. Med. Office: 5,200 sf.	Site   Retail/Grocery: 21,000 sf. 1/200 sf. = 105 parking req.
Total: 26,200 sf.	Total Parking Required: 126 spots Total Parking Provided: 126 spots
Parcel B - Lot B	
Building 6: 14,000 sf. Retail: 8,400 sf. Restaurant: 5,600 sf.	Site   Medical Office: 9,000 sf. 1/250 sf. = 36 parking req.
Building 7: 9,000 sf. Med. Office: 9,000 sf.	Site   Retail: 8,400 sf. 1/200 sf. = 42 parking req.
Total: 23,000 sf.	Site   Restaurant: 5,600 sf. 1/100 sf. = 56 parking req.
	Total Parking Required: 134 spots Total Parking Provided: 134 spots

GENERAL NOTES:

- Existing Zoning: PD-108.
- See Attachment B - PD Amendment Zoning Exhibit for site survey and legal description.
- Contour Interval = two foot (2'). Source data compiled from NCTCOG DFW Maps database.
- No part of subject tract is located in a 100-year floodplain according to FEMA panel 48085C0385J dated 6/2/09.
- The development type boundaries shown on this exhibit are for illustration purposes and do not set the boundary. The boundary is determined at time of final plat.
- Acresages, lot counts, density, plus/minus dimensions and tabulations are subject to change as a result of further engineering and are considered approximate.
- Front, side and rear setbacks on lots will be as shown in the "Typical Lot Detail" diagrams shown herein, for each Product Type.
- Shared / cluster mailboxes will be generally located in the areas identified. Locations are subject to change with detailed design and approval from the United States Postal Service.
- No A/C's in yards less than seven feet (7').
- Gas meters must be located next to the house.
- An eight foot (8') masonry wall will be provided where indicated.
- Ornamental iron fences.
- FY Setback, RY Setback, and SY Setback represent Front Yard Setback, Rear Yard Setback, and Street Side Yard Setback respectively.
- This concept plan is an illustration that does not intend to deviate from requirements of the Allen Land Development Code, unless specifically identified in the Planned Development Regulations.
- Fire apparatus access roads including 24' alleys dedicated as fire lane shall extend to within 150' of all portions of the exterior walls of the first story of the buildings as measured by fire hose lay from a single fire apparatus around the exterior of the building. This hose lay distance may be increased to 250' if buildings are equipped throughout with an approved automatic sprinkler system installed per applicable codes including but not limited to NFPA 13, 13R, or 13D.
- Sight visibility easements will be required and determined at the time of final plat.
- Attached Townhome runs will not exceed max number of units per ALDC.
- Attached Townhome runs will not exceed max number of units per ALDC.
- Applicant shall comply with all irrigation regulations in V.T.C.A. Administrative Code Title 30, Chapter 344 rules established by the State of Texas; and requirements for irrigation design and water conservation set in the Allen Land Development Code Section 7.05.6, and the City of Allen Water Conservation and Drought contingency and Emergency Response Plan.



**EXHIBIT "C"**  
**BUILDING ELEVATIONS**

**Single Family Representative Elevations**



**EXHIBIT "C"**  
**BUILDING ELEVATIONS**



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**EXHIBIT "C"**  
**BUILDING ELEVATIONS**

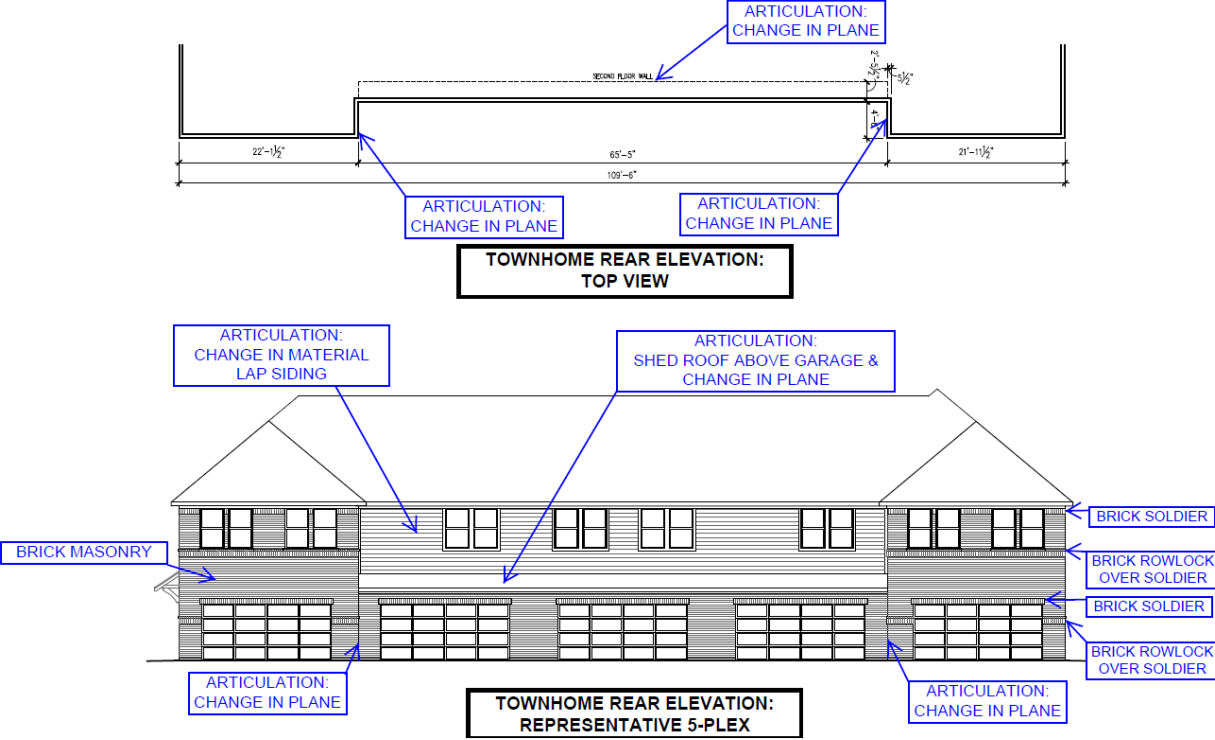
**Townhome Representative Elevations**



**TOWNHOME FRONT RENDERINGS**

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**EXHIBIT "C"**  
**BUILDING ELEVATIONS**



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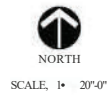




CALLOUTS LEGEND:

- 1'-6" HT. STONE SEAT WALL
- 8'-0" HT. MASONRY WALL
- SHADE TREE. TREE SIZES SHALL BE 3.5" CALIPER FOR STREET TREES AND 3" CALIPER FOR OPEN SPACES.
- 3" CALIPER ORNAMENTAL TREE.
- SHRUBS AND GROUND COVER PLANTING SPECIES SHALL BE CONSISTENT WITH THE RECOMMENDED PLANT LIST WITH THE CITY OF ALLEN
- 10' WIDTH CONCRETE TRAIL
- 6' WIDTH CONCRETE TRAIL
- 5' WIDTH CONCRETE SIDEWALK





TWIN CREEK WATTERS/ CONCEPTUAL OPEN SPACE PLANS

City of Allen, Collin County, Texas

SHEET 2 OF 5  
Submitted 08-09-2021







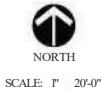
**TWIN CREEK WAITERS/ CONCEPTUAL OPEN SPACE PLANS**

City of Allen, Collin County, Texas

SHEET 3 OF 5  
Submitted 08-09-2021







TWIN CREEK WATTERS/ CONCEPTUAL OPEN SPACE PLANS

City of Allen, Collin County, Texas



SHEET 4 OF 5  
Submittal 08-09-2021





**CALLOUTS LEGEND:**

- 1'-6" HT. STONE SEAT WALL
- 8'-0" HT. MASONRY WALL
- SHADE TREE. TREE SIZES SHALL BE 3.5" CALIPER FOR STREET TREES AND 3" CALIPER FOR OPEN SPACES
- 3" CALIPER ORNAMENTAL TREE
- PLANT LIST WITH THE CITY OF
- DECOMPOSED GRANITE AREA
- 5' WIDTH CONCRETE SIDEWALK
- 10' WIDTH CONCRETE TRAIL



TWIN CREEK WATTERS/ CONCEPTUAL OPEN SPACE PLANS

City of Allen, Collin County, Texas

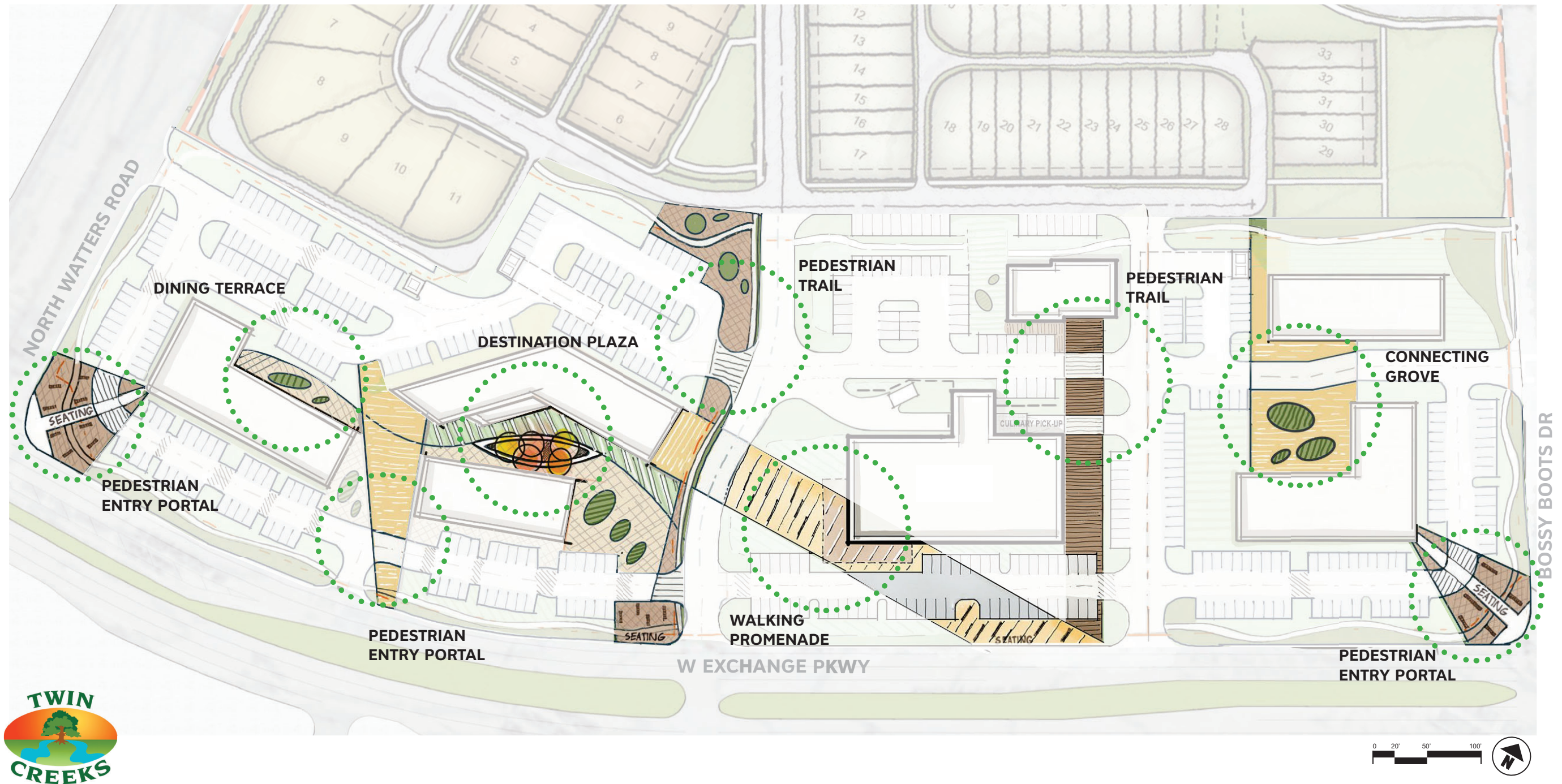
SHEET 5 OF 5  
Submittal 08-09-2021





## CIVIC SPACES EXHIBIT

USE OF ENHANCED PAVING IN ALL CIVIC SPACES.  
REFERENCE ENHANCED PAVING EXHIBIT.



TWIN CREEKS WATERS MASTER PLAN DEVELOPMENT

ALLEN, TEXAS

**modus** architecture

CONCEPTUAL PLANS AND IMAGES ARE FOR INFORMATIVE PURPOSES ONLY. OWNER TO VERIFY SITE PLANNING AND CODE COMPLIANCE WITH LOCAL JURISDICTION. NOT FOR CONSTRUCTION OR PERMITTING.

DATE: 09/07/2021

5



ENHANCED PAVING EXHIBIT

ENHANCED PAVING THROUGHOUT CIVIC SPACES  
(PLAZAS, PROMENADES, TRAILS, ETC.) SHOULD PROMOTE  
WALKABILITY AND PEDESTRIAN FRIENDLY ACTIVITIES  
THROUGHOUT THE DEVELOPMENT.

MATERIAL EXAMPLES, BUT  
NOT LIMITED TO:

- SCORED CONCRETE
- STAINED CONCRETE
- STAMPLED CONCRETE
- PAVERS
- COBBLESTONE
- ORNAMENTAL STONE
- CRUSHED GRAVEL

EXAMPLE IMAGES:



TWIN CREEKS WATERS MASTER PLAN DEVELOPMENT

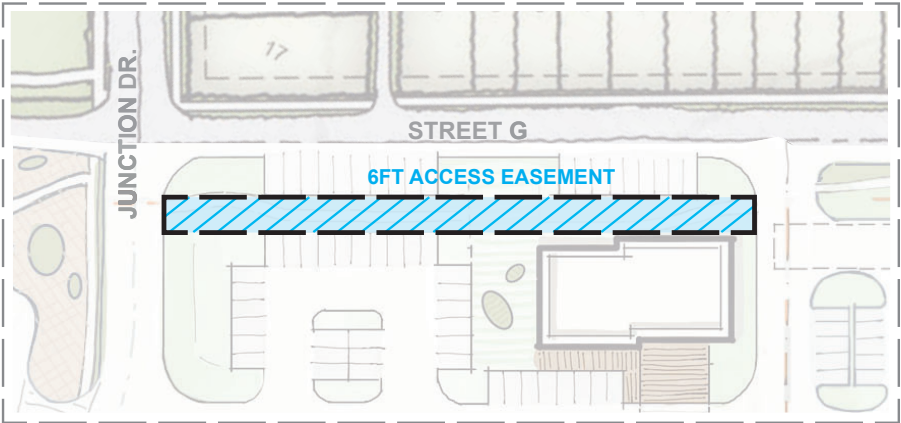
ALLEN, TEXAS

**modus** architecture

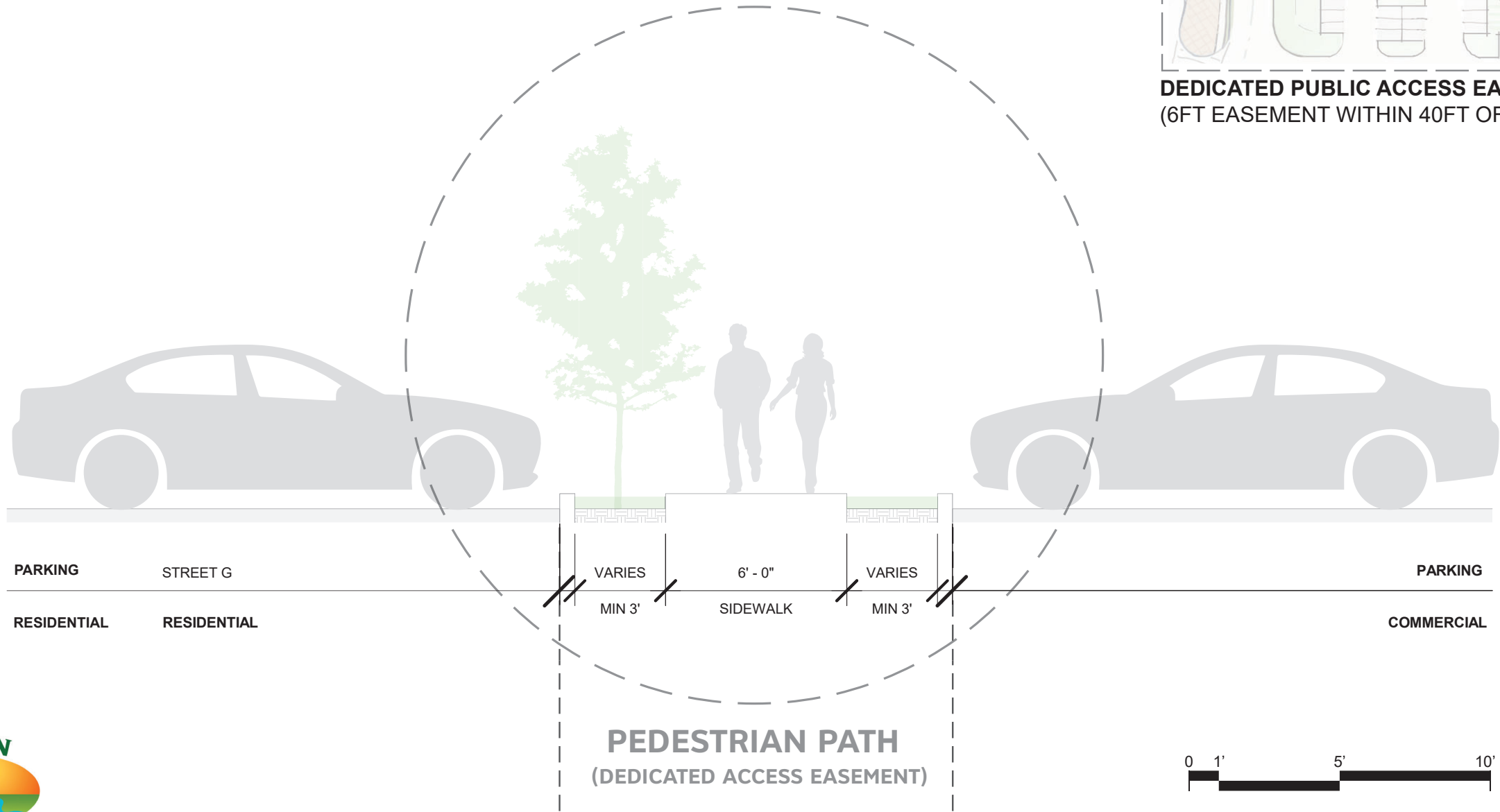
CONCEPTUAL PLANS AND IMAGES ARE FOR INFORMATIVE PURPOSES ONLY. OWNER TO VERIFY SITE PLANNING AND CODE COMPLIANCE WITH LOCAL JURISDICTION. NOT FOR CONSTRUCTION OR PERMITTING.

DATE: 09/07/2021

SECTION AT STREET G EXHIBIT



DEDICATED PUBLIC ACCESS EASEMENT EXHIBIT  
(6FT EASEMENT WITHIN 40FT OF PROPERTY LINE)








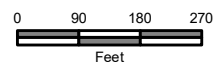


Location Map

Twin Creeks Waters

### Map Legend

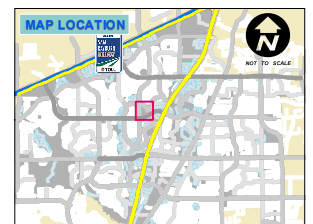
-  Buffer
-  Subject Property
-  CollinCAD Parcels



Community Development - Planning

Date Saved: 8/26/2021

NOTE: This map is only for illustration purpose only, please contact the City of Allen Planning & Development Department for specific rules and regulations.



## **September 21, 2021 Planning and Zoning Commission Meeting Minutes**

Conduct a Public Hearing and Consider a Request to Amend the Development Regulations of District G of Planned Development No. 108 with a Base Zoning of Mixed Use and to Adopt a Zoning Exhibit, Concept Plan, Building Elevations, Open Space Plan, Commercial Area Civic Spaces Plan, Commercial Area Enhanced Paving Exhibit, and Commercial Area Street "G" Cross Section for Approximately 35.740± Acres in the John Fyke Survey, Abstract No. 325, Generally Located at the Northeastern Corner of the Intersection of Exchange Parkway and Watters Road. [ZN-020819-0044] (Twin Creeks Watters)

Mr. Kurbansade, Director of Community Development, presented the item to the Commission.

Mr. Kurbansade noted that staff is in support of the agenda item.

Chair Trahan opened the public hearing.

David Hicks, Applicant, 401 Woodlake Drive, Allen, TX gave a brief overview of the project.

Chair Trahan closed the public hearing.

The following letter was received in support of this item:

- Amir Odeh, 945 Stockton Drive, Allen, TX

The Commission discussed regulations of the provided civic spaces and parking.

**Motion:** Upon a motion by 2<sup>nd</sup> Vice-Chair Metevier, and a second by Commissioner Ogrizovich, the Commission voted 6 IN FAVOR, and 0 OPPOSED to recommend approval of an ordinance to amend the Development Regulations of District G of Planned Development No. 108 with a base zoning of Mixed Use for approximately 35.740± acres of land, subject to the Zoning Exhibit, Concept Plan, Building Elevations, Open Space Plan, Commercial Area Civic Spaces Plan, Commercial Area Enhanced Paving Exhibit, and Commercial Area Street "G" Cross Section, as presented. The motion carried.

### **ATTENDANCE:**

#### **Commissioners Present:**

Ben Trahan, Chair

Stephen Platt, Jr., 1<sup>st</sup> Vice-Chair

Dan Metevier, 2<sup>nd</sup> Vice-Chair

Elias Shaikh

John Ogrizovich

Michael Smiddy