



Wylie City Council

Minutes

Regular Meeting

January 12, 2021 – 6:00 p.m.

Wylie Municipal Complex – Council Chambers

300 Country Club Road, Bldg. 100

Wylie, TX 75098

CALL TO ORDER

Mayor Matthew Porter called the regular meeting to order at 6:00 p.m. The following City Council members were present: Councilman David R. Duke, Councilman Dave Strang, Mayor *pro tem* Jeff Forrester, Councilwoman Candy Arrington, Councilman Timothy T. Wallis, and Councilman Garrett Mize.

Staff present included: City Manager Chris Holsted; Assistant City Manager Brent Parker; Assistant City Manager Renae Ollie; Police Chief Anthony Henderson; Fire Chief Brandon Blythe; Public Information Officer Craig Kelly; Finance Director Melissa Beard; Planning Manager Jasen Haskins; Project Engineer Wes Lawson; Public Works Director Tim Porter; WEDC Executive Director Jason Greiner; City Secretary Stephanie Storm, and various support staff.

INVOCATION & PLEDGE OF ALLEGIANCE

Keith Spurgin, New Hope Christian Church, led the invocation and Councilwoman Arrington led the Pledge of Allegiance.

PRESENTATIONS

PS1. Sarah Fuller Day.

Mayor Porter and Matt Atkins, WISD School Board President, presented a proclamation proclaiming January 12, 2021 as Sarah Fuller Day in Wylie, Texas. Ms. Sarah Fuller was present to accept the Proclamation.

PS2. Wylie Way Shining Star Students.

Mayor Porter and Matt Atkins, WISD School Board President, presented medallions to students demonstrating “Shining the Wylie Way.” Each nine weeks one student from each WISD campus is chosen as the “Wylie Way Student.”

CITIZEN COMMENTS ON NON-AGENDA ITEMS

There were no citizens present wishing to address Council.

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- A. Consider, and act upon, approval of the Minutes of December 8, 2020 Regular Meeting and Work Session and December 21, 2020 Special Called Meeting of the Wylie City Council.**
- B. Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of November 30, 2020.**
- C. Consider, and act upon, the authorization of an Interlocal Agreement between Collin County, Texas and the Rita and Truett Smith Public Library for library services in the amount of \$6,868.00 for Fiscal Year 2020-2021, and authorizing the City Manager to execute any and all necessary documents.**
- D. Consider, and act upon, a preliminary plat for Muddy Creek Wastewater Treatment Plant Addition, to create one lot on 50.38 acres, located at 5401 Pleasant Valley Road.**
- E. Consider, and act upon, a final plat for Muddy Creek Wastewater Treatment Plant Addition, to establish one lot on 50.38 acres, located at 5401 Pleasant Valley Road.**
- F. Consider, and act upon, a final plat for Liberty Private School Addition, being a replat of Lot 1, Block A, to establish two ETJ lots, property located at 1435 East FM 544, in the City of Wylie's Extra Territorial Jurisdiction.**
- G. Consider, and act upon, Ordinance No. 2021-01, amending Zoning Ordinance (2007-23) Article 2, Section 2.5.C Accessory Structures, as it relates to the development standards of accessory structures and carports. (ZC 2020-14).**
- H. Consider, and act upon, Ordinance No. 2021-02, amending Zoning Ordinance (2006-04) Article 5, Sections 5.1.F Land Use Charts and 5.2.F Listed Uses, as they relate to the Automotive Repair, Minor use (ZC 2020-15).**
- I. Consider, and place on file, the City of Wylie Monthly Revenue and Expenditure Report for November 30, 2020.**
- J. Consider, and place on file, the City of Wylie Monthly Investment Report for November 30, 2020.**
- K. Consider, and act upon, the award of RFP #W2021-3-A for an Electronic Bill Presentment and Payment Provider for Utility Billing Department (EBPP); to Invoice Cloud Inc. in the estimated annual amount of \$160,000.00, and authorizing the City Manager to execute any and all necessary documents.**
- L. Consider, and act upon, the approval of the purchase of Tahoe SSV vehicles and in the estimated amount of \$74,092.00 through an inter-local purchasing agreement with The Sheriffs' Association of Texas, and authorizing the City Manager to execute any necessary documents.**
- M. Consider, and act upon, the approval of a Clinical Education Affiliation Agreement between City of Wylie EMS and Wylie Independent School District, and authorizing the City Manager to execute any necessary documents.**
- N. Consider, and act upon, the approval of the purchase of vehicle safety equipment and services in an estimated annual amount of \$100,000.00 from Pursuit Safety Inc. and Priority Public Safety; through a cooperative purchasing agreement with the Collin County Governmental Purchasing Forum/City of Allen; and authorizing the City Manager to execute any necessary documents.**

- O. **Consider, and act upon, the approval of the purchase of a Rosenbauer Commander Fire Apparatus from Daco Fire Equipment in the estimated amount of \$1,082,137.00 through a cooperative purchasing contract with Houston Galveston Area Council (HGAC), and authorizing the City Manager to execute any necessary documents.**

Mayor *pro tem* Forrester requested Items D and E be pulled from Consent Agenda and considered individually.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilwoman Arrington, to approve Consent Agenda Items A-C and F-O as presented. A vote was taken and motion passed 7-0.

REGULAR AGENDA

- D. **Consider, and act upon, a preliminary plat for Muddy Creek Wastewater Treatment Plant Addition, to create one lot on 50.38 acres, located at 5401 Pleasant Valley Road.**

Council Comments

Mayor *pro tem* Forrester asked if there was a reason for the quick turnaround since discussing this at the last Council meeting, and to confirm that there was no issue with the proposed preliminary or final plats listed on the agenda.

Staff Comments

Planning Manager Haskins addressed Council stating the subdivision regulations do allow a preliminary and final plat be placed on the same agenda as separate items.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Duke, to approve Consent Agenda Item D as presented. A vote was taken and motion passed 7-0.

- E. **Consider, and act upon, a final plat for Muddy Creek Wastewater Treatment Plant Addition, to establish one lot on 50.38 acres, located at 5401 Pleasant Valley Road.**

Council Comments

Mayor *pro tem* Forrester stated he had no additional questions, as the question was answered in the discussion for Item D.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Duke, to approve Consent Agenda Item E as presented. A vote was taken and motion passed 7-0.

1. **Consider, and act upon, authorizing the City Manager to sign a Development Agreement, between the City of Wylie and Skoburg Company regarding the use of building materials for the development of a single family planned development generally located on Woodbridge Parkway across from Raymond Cooper Junior High School.**

Staff Comments

Planning Manager Haskins addressed Council stating the applicant has requested to enter into a Development Agreement with the City of Wylie regarding the use of building materials for the development of a single family planned development. The proposed development agreement, signed by the applicant, states that the developer will voluntarily abide by the building materials standards of the City of Wylie Zoning Ordinance, with the exception of the developer's intent to use masonry materials on a minimum of 85% of the exterior of residential homes on the property, with cementitious fiberboard on the remaining 15%. For reference, the

Zoning Ordinance requires 100% exterior masonry with a minimum of 20% of the masonry material being stone. Approval of this authorization is not an approval of any requested zoning change.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Duke, to approve authorizing the City Manager to sign a Development Agreement, between the City of Wylie and Skorburg Company regarding the use of building materials for the development of a single family planned development generally located on Woodbridge Parkway across from Raymond Cooper Junior High School. A vote was taken and motion passed 6-1 with Councilman Wallis voting against.

- 2. Hold a Public Hearing to consider, and act upon, a recommendation to City Council regarding a change of zoning from Agricultural (AG) to Planned Development - Single Family (PD-SF), to allow for single family development on 13 acres located on Woodbridge Parkway across from Raymond Cooper Junior High School. (ZC 2020-13)**

Staff Comments

Planning Manager Haskins addressed Council stating the applicant is requesting to rezone 13 acres located on Woodbridge Parkway across from Raymond Cooper Junior High School. The property is currently zoned Agricultural and contains a single-family residence. The proposal is for a planned development for single family detached use. The property is bordered by Woodbridge Villas townhomes to the north and west, city limits to the south, and Cooper/Draper schools to the east. Haskins stated the proposal is generally in line with the Comprehensive Plan which calls for commercial and/or high density residential.

Proposed access to this development is provided from Woodbridge Parkway to the east and an extension of Casey Court to the north. An additional fire and safety vehicle access point is provided from an alleyway connecting to the northern Woodbridge townhome development. The Commission asked the applicant for a full second entrance to the site instead of just an emergency entrance. The applicant responded by offering an extension of Casey Court.

The applicant also provided an HOA owned pocket park at the Commission's request. The development will provide two open space lots at the main entrance of the site and a neighborhood pocket park, all to be owned and maintained by the homeowner's association.

With the above changes, the Commission voted 5-0 to recommend approval and three notifications were mailed; with no response received in favor or opposition of the request.

Applicant Comments

Bryan Holland, representing Skorburg Company, addressed Council and gave a brief presentation including: Skorburg Company background, Skorburg Company projects in Wylie, representative Skorburg Company infill projects, property location information, proposed zoning request, property features, representative product,

Public Hearing

Mayor Porter opened the public hearing on Item 2 at 6:43 p.m. asking anyone present wishing to address Council to come forward.

No one came forward for the public hearing.

Mayor Porter closed the public hearing at 6:43 p.m.

Council Comments

Councilman Duke asked if WISD approved this development and if a traffic study was completed. Haskins responded that WISD was notified of this development and did not submit any comments for/against. Holland

responded that a traffic study was not needed for this development. Councilman Mize asked where on the home would the alternative building material be used. Holland responded the alternate building material would be used above the roof line. Mayor *pro tem* Forrester asked what the timeline was for the park to be completed and who would maintain the park. Holland reported the park would be completed before the first building permit is issued and the HOA will maintain the park and front entrance area. Councilmen Strang and Wallis confirmed drainage would not be an issue in the new development. Holland explained the storm sewer system and stated there would not be drainage issues. Mayor Porter and Councilmen Mize and Wallis asked if any thought was given to installing a playground in the park. Holland responded that due to the size of the park, the discussion with the Commissioners resulted in pocket/passage park with a trail, gazebo, and benches; however, they would be open to adding one. Porter stated he understood the intent of the pavers; however, he has concerns was the long-term maintenance. Holland said they could do stamped concrete instead of the pavers. Holsted responded he recommended stamped and colored concrete instead of the pavers.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Mize, to approve a change of zoning from Agricultural (AG) to Planned Development - Single Family (PD-SF), to allow for single family development on 13 acres located on Woodbridge Parkway across from Raymond Cooper Junior High School (ZC 2020-13) with the following amendments: the 10 foot brick paver crosswalk be made of stamped concrete with multiple colors for visibility in lieu of pavers, that the park structure be changed to add a playground with a walking path and an area for parents to observe their children and those to be completed prior to the issuance of a building permit, and that all shared spaces be maintained by an HOA. A vote was taken and motion passed 6-1 with Councilman Duke voting against.

- 3. Consider, and act upon, authorizing the City Manager to sign a Development Agreement, between the City of Wylie and Boussel Honrobia (Applicant) regarding the use of building materials for the development of a Light Industrial property located at 32 Steel Road.**

Staff Comments

Planning Manager Haskins addressed Council stating the applicant has requested to enter into a development agreement with the City of Wylie while requesting to rezone the property located at 32 Steel Road. This Development Agreement states that the property owner, now or future, will voluntarily abide by the building standards of the City of Wylie Zoning Ordinance now, or as amended.

Council Action

A motion was made by Councilman Mize, seconded by Councilman Duke, to approve authorizing the City Manager to sign a Development Agreement, between the City of Wylie and Boussel Honrobia (Applicant) regarding the use of building materials for the development of a Light Industrial property located at 32 Steel Road. A vote was taken and motion passed 7-0.

- 4. Hold a Public Hearing, consider, and act upon, a request regarding a change of zoning from Planned Development Ordinance No. 2018-30 (PD 2018-30) to Light Industrial (LI), to allow for light industrial development on 2.9068 located at 32 Steel Road. (ZC2020-16).**

Staff Comments

Planning Manager Haskins addressed Council stating the applicant is requesting to rezone the property located at 32 Steel Road from Planned Development (PD) to Light Industrial (LI). Prior to 2018 the property was zoned LI; however, in October 2018 the land was rezoned to PD 2018-30 for a business park with commercial and LI uses. The applicant is requesting to rezone the land back to LI as the envisioned development stemming from the PD request did not materialize.

Haskins reported in accordance with State Law, eleven notifications were mailed to property owners within 200 feet of the subject property. Two responses were received in favor of the rezoning at the time of this posting and the Commission voted 5-0 to recommend approval.

Public Hearing

Mayor Porter opened the public hearing on Item 4 at 7:10 p.m. asking anyone present wishing to address Council to come forward.

No one came forward for the public hearing.

Mayor Porter closed the public hearing at 7:11 p.m.

Council Action

A motion was made by Councilman Duke, seconded by Councilman Mize, to approve a request regarding a change of zoning from Planned Development Ordinance No. 2018-30 (PD 2018-30) to Light Industrial (LI), to allow for light industrial development on 2.9068 located at 32 Steel Road (ZC2020-16). A vote was taken and motion passed 7-0.

5. **Hold a Public Hearing, consider, and take action on Resolution No. 2021-01(R) authorizing the use of eminent domain to condemn and determining a public necessity exists to acquire certain property for public use by eminent domain (in fee simple) for the construction, expansion, access, repair, maintenance and replacement of the Ballard Avenue Elevated Water Storage Tank and all appurtenances related thereto; giving notice of an official determination to acquire certain property for public use by eminent domain (in fee simple) for the construction, expansion, access, repair, maintenance and replacement of the Ballard Avenue Elevated Water Storage Tank and all appurtenances related thereto; authorizing the City Manager of the City of Wylie, Texas, to establish procedures for acquiring the property (in fee simple), to offer to acquire said property rights, voluntarily, from the landowner(s) through the making of bona fide offers; appropriating funds; providing for repealing, savings and severability clauses; and providing for an effective date.**

Staff Comments

City Manager Holsted addressed Council stating this item has been discussed previously and to continue design of the Ballard Avenue Elevated Water Tank project, a property parcel is required. Approval of the Resolution authorizes the City Manager to proceed with making a final offer to the property owner and proceed with condemnation if necessary.

Council Comments

Mayor *pro tem* Forrester confirmed this would authorize staff to make a final offer before proceeding with condemnation on the property. Holsted confirmed that is correct. Forrester clarified multiple attempts have been made to reach a mutual agreement with the property owner in which an agreement has not been reached. Holsted replied that was correct.

Public Hearing

Mayor Porter opened the public hearing on Item 5 at 7:16 p.m. asking anyone present wishing to address Council to come forward.

No one came forward for the public hearing.

Mayor Porter closed the public hearing at 7:16 p.m.

Council Comments

Mayor Porter stated multiple attempts have been made to reach an agreement and there is a need to replace the water tank, which is an essential service provided to the citizens. Porter stated the Council did not arrive at considering eminent domain lightly but do have to look out for the public good of the citizens of Wylie.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang, I move that the City Council of the City of Wylie, Texas authorize the use of the power of eminent domain to acquire property in fee simple located in the area described and depicted in Exhibit A to the resolution under consideration by the City Council, for the purpose of the construction, expansion, access, repair, maintenance and replacement of the Ballard Avenue Elevated Water Storage Tank and all appurtenances related thereto. A vote was taken and motion passed 7-0 with Mayor Porter, Councilman Duke, Councilman Strang, Mayor *pro tem* Forrester, Councilwoman Arrington, Councilman Wallis, and Councilman Mize voting for the Item.

Mayor Porter convened the Council into a break at 7:19 p.m.

Mayor Porter reconvened the Council into Work Session at 7:26 p.m.

WORK SESSION

WS1. Discuss an update to the Comprehensive Development Plan - Joint with WEDC and Planning and Zoning Commission.

Planning Manager Haskins addressed Council stating the City of Wylie's Comprehensive Master Plan was last updated in 2012 and after almost a decade, it is time to consider an update to reflect the future of Wylie for the next decade and beyond. Haskins pointed out an updated comp plan may need to address continued commercial development, residential redevelopment, affordable housing, aging infrastructure, and other opportunities and challenges of a maturing community, along with incorporating updated plans for city parks and the downtown area. Haskins stated staff is seeking direction on the focus and extent of the update.

Planning and Zoning Commissioners present included: Chair Plunk, Commissioner Riner, Commissioner Rogers, Commissioner McCrossin, Commissioner Norris, and Commissioner Newsom.

WEDC board members present included: President Dawkins, Board member Mulliqi, Board member Whitehead, Board member Yeager, Board member Gilchrist, and staff members Jason Greiner, Angel Wygant, and Rachael Hermes.

Staff received comments and feedback from the Council, Planning and Zoning Commissioners, and WEDC board members. Based on the feedback, Holsted recommended hiring a third-party consultant to prepare the new Comp Plan, which would include; gathering input from citizens, Council, and board/commission members. Staff will manage content and general plan direction. The direction from Council was to proceed with a third-party consultant.

WS2. Discuss various allowed uses and the applicability of Special Use Permits - Joint with WEDC and Planning and Zoning Commission.

Planning Manager Haskins addressed Council stating the Zoning Ordinance allows for, and in some cases requires, a Special Use Permit "for developing certain uses in a manner in which the proposed use will be compatible with adjacent property and consistent with the character of the neighborhood. Special use permits are required where site specific impacts may exist that require additional review to ensure compatibility between uses." In more general terms, a SUP may be required when a use may adversely affect the health, safety, or welfare of the City or its citizens. Haskins reported as commercial development continues with Wylie nearing build out, reclassifying certain current 'by-right' uses as 'special use permit' may be beneficial to the City. Haskins stated staff is seeking direction on the application of Special Use Permits within the Zoning Ordinance.

Planning and Zoning Commissioners present included: Chair Plunk, Commissioner Riner, Commissioner Rogers, Commissioner McCrossin, Commissioner Norris, and Commissioner Newsom.

WEDC board members present included: President Dawkins, Board member Mulliqi, Board member Whitehead, Board member Yeager, Board member Gilchrist, and staff members Jason Greiner, Angel Wygant, and Rachael Hermes.

Staff received feedback from Council.

Direction from Council was for staff to create a list of proposed changes and present to Council, Planning and Zoning, and WEDC at a future meeting.

WS3. Discuss Sewer Rates at Senior Living Communities.

City Manager Holsted addressed Council stating at a previous Council meeting we had citizens and the Manager at the Mansions of Wylie speak regarding a senior sewer rate for general multi-family developments and properties. Holsted said currently a flat sewer rate is billed to the development. Holsted stated he felt if this option is given to one development, it should be offered to all. Holsted reported he had sent an email to the City Attorney to ensure this was allowable under state law and has not received a response back yet. Porter responded if this was to happen, a partnership/agreement would have to be reached between the development and the City to ensure the City is notified of the number of residents that qualify for billing purposes and to ensure the residents that qualify get the discount passed down to them.

Justin Tubb, Manager at Mansions of Wylie, was present and addressed Council clarifying how their billing is currently conducted and gave statistics regarding ages of residents at their property.

Direction from Council was for staff to bring back additional information at a future meeting regarding this topic.

RECONVENE INTO REGULAR SESSION

Mayor Porter convened the Council into Regular Session at 9:20 p.m.

READING OF ORDINANCES

City Secretary Storm read the captions to Ordinance Nos. 2021-01 and 2021-02 into the official record.

ADJOURNMENT

A motion was made by Councilman Strang, seconded by Councilman Mize, to adjourn the meeting at 9:22 p.m. A vote was taken and motion passed 7-0.

Matthew Porter, Mayor

ATTEST:

Stephanie Storm, City Secretary