

Wylie City Council Regular Meeting Minutes

October 25, 2022 – 6:00 PM

Council Chambers - 300 Country Club Road, Building #100, Wylie, Texas 75098



CALL TO ORDER

Mayor Matthew Porter called the regular meeting to order at 6:05 p.m. The following City Council members were present: Councilman David R. Duke, Councilman Dave Strang (7:01), Mayor *pro tem* Jeff Forrester, Councilman Timothy T. Wallis (6:07), and Councilman Garrett Mize. Councilman Scott Williams was absent.

Deputy City Manager Renae Ollie; Assistant City Manager Lety Yanez; Police Chief Anthony Henderson; Finance Director Melissa Beard; Fire Chief Brandon Blythe; Public Information Officer Craig Kelly; Public Works Director Tommy Weir; City Engineer Tim Porter; City Secretary Stephanie Storm; Parks and Recreation Director Carmen Powlen; Municipal Court Administrator Lisa Mangham; Community Services Director Jasen Haskins; Wylie Economic Development Executive Director Jason Greiner; and various support staff.

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor *pro tem* Forrester led the invocation and Councilman Duke led the Pledge of Allegiance.

PRESENTATIONS & RECOGNITIONS

PR1. Arbor Day.

Councilman Wallis took his seat at the dais at 6:07 p.m.

Mayor Porter proclaimed November 4, 2022, as Arbor Day in Wylie, Texas. Members of the Parks and Recreation Department were present to accept the proclamation.

PR2. Municipal Court Week.

Mayor Porter proclaimed the week of November 7-11, 2022 as Municipal Court Week in Wylie, Texas. Members of the Wylie Municipal Court department were present to accept the proclamation.

PR3. Hunger and Homelessness Awareness Week.

Mayor Porter proclaimed the week of November 12-20, 2022 as Hunger and Homelessness Awareness Week in Wylie, Texas. Members from St. Vincent de Paul Society, Community Resources Group, Hope for the Cities, Wylie Christian Care Center, Collin County Homeless Coalition, Rock the Socks, Amazing Grace Food Pantry, and 5 Loaves Food Pantry were present to accept the proclamation.

PR4. Term 1 Shining the Wylie Way Students (K-12).

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

Mayor Porter recessed the Council into a break at 7:01 p.m.

Councilman Strang took his seat at the dais at 7:01 p.m.

Mayor Porter reconvened the Council into Regular Session at 7:07 p.m.

PR5. Woman Owned Business Month.

Mayor Porter recognized the month of October 2022 as Woman-Owned Business Month in Wylie, Texas.

COMMENTS ON NON-AGENDA ITEMS

Any member of the public may address Council regarding an item that is not listed on the Agenda. Members of the public must fill out a form prior to the meeting in order to speak. Council requests that comments be limited to three minutes for an individual, six minutes for a group. In addition, Council is not allowed to converse, deliberate or take action on any matter presented during citizen participation.

Cherie Privett, representing Rock the Socks, addressed the Council inviting the public to join them the first Saturday of the month from 8:30 a.m. to 10:00 a.m. at Napoli's to help make hope bags. Privett encouraged attendees to bring packages of men's white crew socks, small snacks, and travel-size hygiene items. Privett also spoke about an upcoming event, Rockout Homelessness 5K Fun Run on Saturday, November 12th at New Hope Church.

Phil Gilbert addressed Council with concerns regarding soliciting throughout the City and requested enforcement and an application/permit process.

Lon Ricker addressed the Council inviting the public to a fundraising event on Monday, November 21 honoring Pastor Jeff Denton and his wife Deana which will include a dinner and comedy show featuring a "roast" of Pastor Jeff Denton to be held at The Cross Church. Ricker stated additional information will come out shortly.

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 October 11, 2022, Regular City Council Meeting minutes.**
- B. Consider, and act upon, an agreement authorizing the appointment of Ashley McSwain as Associate Municipal Court Judge for the City of Wylie effective December 1, 2022, setting terms and stipend of service.**
- C. Consider, and act upon, an agreement authorizing the appointment of Art Maldonado as Presiding Municipal Court Judge for the City of Wylie effective November 1, 2022, setting terms and stipend of service.**
- D. Consider, and act upon, a Final Plat for Woodlake Village, Lots 3-6, Block A, being a Replat of Lot 1, of Woodlake Village, establishing four commercial lots on 7.788 acres, generally located on State Highway 78 being 1000' east of Eubanks Lane.**
- E. Consider, and act upon, the City of Wylie Monthly Revenue and Expenditure Report for September 30, 2022.**
- F. Consider, and place on file, the City of Wylie Monthly Investment Report for September 30, 2022.**
- G. Consider, and act upon, Ordinance No. 2022-67 amending Ordinance No. 2022-56, which established the budget for fiscal year 2022-2023; providing for repealing, savings, and severability clauses; and providing for an effective date of this ordinance.**
- H. Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of September 30, 2022.**

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang, to approve the Consent Agenda as presented. A vote was taken and the motion passed 6-0 with Councilman Williams absent.

REGULAR AGENDA

- 1. Hold a Public Hearing, consider, and act upon, a change in zoning from Agricultural District (AG/30) to Planned Development - Single Family (PD-SF) to allow for a single-family residential development with three open space lots and a commercial tract on 32.288 acres, generally located on Country Club Road approximately 2000' south of Parker Road (ZC 2022-14).**

Staff Comments

Community Services Director Jasen Haskins addressed the Council stating the applicant is requesting to rezone 32.288 acres from AG/30 to a Planned Development (PD) with 78 single-family lots, three open space lots, and one commercial tract. As presented, the requested PD allows for 78 single-family homes on a minimum of 10,000 square foot lots with home sizes of a minimum of 2,400 square feet which match the density requirements of the SF 10/24 zoning district. The applicant has presented variance requests primarily regarding setbacks and lot coverage within the PD. The HOA will be responsible for maintaining the open space areas, and Haskins reported the Monroe Farms property owner has decided to not include the land where an existing pond is currently located due to the complex difficulties of impoundment water rights by the City of Dallas. The four-acre commercial tract shall comply with the design and use standards of the Neighborhood Service District as regulated in the Zoning Ordinance, and a site plan shall be required for the commercial tract development. The surrounding properties to the north, east, and west are a mix of residential and commercial uses both in and outside of City limits whereas properties to the south consist of an elementary school and church. Six notifications were mailed per state law with one response returned in favor and none in opposition to the request. The Commissioners, after some discussion regarding the details of the developer's agreement with the school, the plans for the commercial property, and various PD Conditions, voted 6-0 to recommend approval with the condition that the repetition of elevations be at least six.

Applicant Comments

John Arnold, representing Skorburg Company, addressed Council giving a presentation on Monroe Farms including the subject property location; zoning history; old zoning plan; City Council work session and feedback; the new zoning plan including 78 10,000+ square foot lots with the breakdown of eight (10,000 – 10,100 square feet), 10 (10,100 – 10,800 square feet), 31 (10,800 – 11,250 square feet), and 29 (11,250+ square feet); how City Council's feedback was addressed; and representative product renderings.

Public Hearing

Mayor Porter opened the public hearing on Item 1 at 7:33 p.m. asking anyone present wishing to address Council to come forward.

Aleksandra Rolfson addressed the Council speaking against the proposed Monroe Farms as it does not complement the surrounding neighborhoods, contains no amenities, has property in the flood zone, contains only one access point in and out of the neighborhood, and expressed concerns with traffic and parking.

Kelly Hankey addressed the Council with concerns regarding security and access concerning the fencing and the adjacent properties to the north, flooding, and increased traffic.

Mayor Porter closed the public hearing at 7:40 p.m.

Council Comments

Mayor Porter asked if the PD addressed the fencing between the green space lot and the Monroe Property, and asked what is the applicant's plan for drainage to prevent flooding on neighboring properties. Haskins replied there is nothing in the PD regarding the fence as they have not requested any variances from what the Zoning Ordinance requires, which is wrought iron or wood fencing. Arnold replied they can add verbiage in the PD about the fence

along the Monroe's property as they have to re-fence it to separate the two properties. Arnold added they were planning on installing a livestock-type fence separating the two properties in the open space area, and the backyards of the homes that face the green space will have a wrought iron style fence. Haskins replied to the drainage concern, that Engineering did a review and that the stormwater system near this property is capable of handling the stormwater, and added there are state law requirements that the applicant would have to meet as well. Arnold replied they have done preliminary studies and will have a flood study done at a later date that FEMA has to approve, and added they are not allowed to increase the flow but if the study shows that they will, they will add a detention pond. Porter confirmed they had no current plans for the commercial property. Arnold replied they have a commercial investor that they have previously worked with that is currently looking at purchasing it and potentially developing it as soon as the infrastructure is in and rooftops are started. Porter asked for additional information regarding the desirable design standards listed in the variances. Haskins replied they are required to pick a certain number of desirables for each home that allows for architectural and floor plan variations. In this particular situation, they are requesting the garage desirable which the standard is 500 square feet to 600 square feet with at least 200 square feet determined as storage. The applicant does not want their homebuilders to have to designate the 200 square feet of storage space on the floor plan; therefore, they are proposing 600 square feet garages. Councilman Mize stated he was sad to see the access to the pond go, and asked what the access to the elementary school would look like. Arnold replied that Street B will connect to the school but will be for emergency access only but it will allow for open walking access. He added they will perform sidewalk and crosswalk improvements for the school at that location, they will replace the fence along the property line with a wrought iron type fence, and will make a donation for improvements and maintenance to the school playground as well as add fencing around that area. Porter stated they are requesting several variances but do not see any amenities being offered to the residents. Arnold replied they are offering a playground at Smith Elementary through an agreement with the ISD and playgrounds are what typically are included in neighborhoods of this size but if Council would like a playground installed in the neighborhood they can do that. Porter asked what existing structures are to the north of the four yellow lots. Haskins replied they are zoned commercial but do not currently contain any structure. Porter expressed concern with putting the four lots abutting commercial to the front and back yard. Arnold replied those are designated as residential lots as they are too small for commercial use, and added that they will be deep lots. Councilman Strang asked what the target size of homes was. Arnold replied about 3,200 to 3,600 square feet consisting of one-story homes too with the larger one-story homes needing the wider setbacks. Strang confirmed that is why they are requesting larger setbacks, and Arnold replied that was correct. Strang expressed concerns about having a location to store lawn equipment without the designated storage, and added regarding the commercial property, residents would like to see a good restaurant and not another strip center. Arnold replied the commercial will have to come before the Council, and at this time he does not know what will go there. Strang asked where the stormwater would drain to, and Arnold replied it will drain south to the City drainage easement. Strang expressed concerns about traffic and asked how far the subdivision entrance is from the entrance to the school and church. Arnold replied there are about 600 feet of frontage on their property so the entrances are about 400 feet apart. Strang asked if they had any stacking concerns and Arnold replied no. Strang expressed on-street parking concerns and asked if there was any way to mitigate that. Haskins replied the plan does meet the criteria for a fire truck to get through, and added with the proposed size lots he does not think there will be as much on-street parking. Arnold added the house would set back about 34 feet and allow room for two cars and if there is a three-car garage there would be room for up to six vehicles.

Council Action

A motion was made by Councilman Mize, to approve Item 1 as presented. With no second received, the motion died for the lack of a second.

Arnold requested Council provide feedback if there is something additional they are looking for and to allow them to come back with those changes without denying it.

A motion was made by Councilman Wallis, to table Item 1 to the December 13, 2022, City Council meeting. With no second received, the motion died for the lack of a second.

Arnold asked if there were issues, and if so, requested they be voiced. Porter replied he had issues with variances not listed such as starting work without a CLOMR. Arnold replied they can remove that variance and wait six months. Forrester stated he was not satisfied with the reply regarding drainage and traffic concerns as the residents

would not be able to turn left, but would have to instead turn right which will create a traffic issue. Arnold replied they can put an opening there so that residents can turn left, and regarding the drainage, they will not increase flow to the nearby residents and will create a pond if needed. Wallis stated he wished it was one to two-acre lots but did appreciate the work put in to meet the SF 10-24, and added his main concern is the commercial sites not developing and asked if there is a way to tie the residential development to the occupancy of the commercial buildings. Arnold replied they have received feedback for 10-24 lots thus far, and with a subdivision of this size they cannot tie the commercial development with the building of residential homes. Wallis added there is no designated park or green space, and added in the visible areas where barriers have to be made along the Monroe's property he recommended installing a steel pipe fence instead of a barbed wire fence. Arnold replied with larger lots residents typically have their own amenities in their backyards and stated they can install a park and trail if requested, can install a pipe fence instead of barbed wire, and requested that Council provide a list of wants.

A motion was made by Councilman Duke, seconded by Mayor *pro tem* Forrester, to deny Item 1 as presented. A vote was taken and the motion passed 5-1 with Councilman Mize voting against and Councilman Williams absent.

2. Consider, and act upon, the acceptance of the resignation of Brett Swendig and the appointment of a new board member to the City of Wylie Parks and Recreation Board to fill the term of October 2022 to June 30, 2023.

Staff Comments

City Secretary Storm stated when the 2022 Board and Commission interviews were held, Council approved a designated replacement for the Parks and Recreation Board should a vacancy occur during the year. Staff reached out to the replacement to see if they would still be interested in serving on the board and they replied they no longer had the availability to serve. Staff reached out to the eligible 2022 applicants that expressed interest in the Parks and Recreation Board and five applicants replied that they are still interested and willing to serve. Listed in the agenda report is the preference that they chose for the Parks and Recreation Board on their application, their name, and the board they were appointed to and currently serve on.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang to accept the resignation of Brett Swendig and the appointment of Randall Zabochnik as a new board member to the City of Wylie Parks and Recreation Board to fill the term of October 2022 to June 30, 2023. A vote was taken and the motion passed 6-0 with Councilman Williams absent.

Mayor Porter recessed the Council into a break at 8:35 p.m.

Mayor Porter reconvened the Council into Regular Session at 8:43 p.m.

WORK SESSION

Mayor Porter convened the Council into a Work Session at 8:43 p.m.

WS1. Discuss Voluntary Flag Retirement Program.

Councilman Mize addressed the Council stating he would like to look at options of what the City can provide as a resource or opportunity to help retire flags within the City. In researching other cities, they work with Boy Scouts and provide a donation box which is hosted at a City building to allow residents to place their flags so they know it will be properly retired. Mize added he would like to empower residents with the ability to participate and respectfully retire their flags. Mayor *pro tem* Forrester added as a veteran he appreciated the concern of the flag of our country, and there are events where the flags are properly retired. Forrester added he thought offering a location to collect the flags is an awesome idea and would like to see staff disseminate information to the community so that they know there is a resource and proper way to retire the flags.

The consensus of the Council was to give staff direction to identify public places in the City where donation boxes could be placed and to disseminate information to the public.

RECONVENE INTO REGULAR SESSION

Mayor Porter reconvened the Council into Regular Session at 8:54 p.m.

EXECUTIVE SESSION

Mayor Porter convened the Council into Executive session at 8:56 p.m.

Sec. 551.072. DELIBERATION REGARDING REAL PROPERTY; CLOSED MEETING.

A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on its negotiating position.

ES1. Consider the sale or acquisition of properties located at Ballard/Brown, Brown/Eubanks, FM 1378/Parker, FM 544/Cooper, FM 544/Sanden, Jackson/Oak, Regency/Steel, State Hwy 78/Alanis, and State Hwy 78/Brown.

Sec. 551.087. DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS; CLOSED MEETING.

This chapter does not require a governmental body to conduct an open meeting:

- (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or
- (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

ES2. Deliberation regarding commercial or financial information that the WEDC has received from a business prospect and to discuss the offer of incentives for Projects: 2013-9a, 2017-6a, 2021-2d, 2021-5a, 2021-6a, 2021-6c, 2021-8a, 2021-9a, 2021-9b, 2021-9f, 2021-11a, 2021-12a, 2022-1b, 2022-4d, 2022-7b, 2022-7c, and 2022-9f.

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

Mayor Porter reconvened the Council into Open Session at 9:41 p.m.

Council Action

A motion was made by Councilman Strang, seconded by Mayor *pro tem* Forrester, to authorize Wylie EDC to enter into a Performance Agreement with Project 2021-12a in an amount not to exceed \$1,500,000. A vote was taken and the motion passed 6-0 with Councilman Williams absent.

READING OF ORDINANCES

Title and caption approved by Council as required by Wylie City Charter, Article III, Section 13-D.

City Secretary Storm read the caption to Ordinance No. 2022-67 into the official record.

ADJOURNMENT

A motion was made by Councilman Strang, seconded by Councilman Mize, to adjourn the meeting at 9:42 p.m. A vote was taken and the motion passed 6-0 with Councilman Williams absent.

Matthew Porter, Mayor**ATTEST:**

Stephanie Storm, City Secretary