

# Wylie City Council Minutes

August 10, 2021 – 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 6:00 p.m. The following City Council members were present: Councilman David R. Duke, Councilman Dave Strang, Councilman Scott Williams, Councilman Timothy T. Wallis, and Councilman Garrett Mize. Mayor *pro tem* Jeff Forrester was absent.

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; Finance Director Melissa Beard; Human Resources Director Lety Yanez; Parks and Recreation Director Rob Diaz; Public Works Director Tim Porter; Senior Planner Kevin Molina; Project Engineer Jenneen Elkhaid; Digital Media Specialist Amber Hamilton; City Secretary Stephanie Storm, and various support staff.

## INVOCATION & PLEDGE OF ALLEGIANCE

Councilman Williams led the invocation and Mayor Porter led the Pledge of Allegiance.

## PRESENTATIONS & RECOGNITIONS

### **PR1. Recognition of employees celebrating milestone years of service to the City of Wylie.**

Mayor Porter and City Manager Holsted, presented milestone years of service awards to the following employees: Kevin England, Brian Ritter, and Mary Bradley.

## CITIZEN COMMENTS ON NON-AGENDA ITEMS

No citizens were 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 July 27, 2021 Regular City Council Meeting minutes.**
- B. Consider, and act upon, Resolution No. 2021-20(R) of the City Council of the City of Wylie, Collin, Dallas and Rockwall counties, Texas, ordering a Bond Election to be held on November 2, 2021, in the city of Wylie, Texas, making provisions for the conduct of the election and resolving other matters incident and related to such election.**
- C. Consider, and act upon, Resolution No. 2021-21(R), of the City Council of the City of Wylie, Texas, approving a negotiated settlement between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division regarding the Company’s 2021 Rate Review Mechanism filing; declaring existing rates to be unreasonable; adopting Tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and**

reasonable and in the public interest; approving an attached exhibit establishing a benchmark for pensions and retiree medical benefits; approving an attached exhibit regarding amortization of regulatory liability; requiring the company to reimburse ACSC's reasonable ratemaking expenses; determining that this Resolution was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this Resolution to the Company and the ACSC's legal counsel.

- D. Consider, and act upon, the acceptance of the resignation of the Historic Review Commission member Jesse Hale and appointment of Allison Stowe to fill the unexpired term of August 2021 to June 2022.
- E. Consider, and act upon, Ordinance No. 2021-37 for a change of zoning from Commercial Corridor District (CC) to Commercial Corridor Special Use Permit (CC-SUP), to allow for a restaurant with drive-through on 1.022 acres, property located at 2817 FM 544. (ZC2021-18)
- F. Consider, and act upon, Ordinance No. 2021-38 for a change of zoning from Commercial Corridor District (CC) to Commercial Corridor Special Use Permit (CC-SUP), to allow for a restaurant with drive-through on 1.37 acres, property located at 499 S State Highway 78. (ZC2021-16).
- G. Consider, and act upon, Ordinance No. 2021-39 for a change of zoning from Agricultural District (AG/30) to Planned Development - Single Family (PD-SF), to allow for a single-family development on 4.6 acres, located at 601 & 595 Parker Road. (ZC2021-14).
- H. Consider, and act upon, the award of a professional services project order (PSPO) #W2021-59-E for the Wylie Downtown Traffic Impact Analysis (TIA) to Lee Engineering, LLC in the amount of \$149,100.00 and authorizing the City Manager to execute any necessary documents.
- I. Consider, and act upon, the approval of the purchase of a Closed-Circuit Television (CCTV) security system from Schneider Electric Buildings Americas, Inc. in the amount of \$57,473.00 through a cooperative purchasing contract with Omnia Partners, and authorizing the City Manager to execute any necessary documents.
- J. Consider, and act upon, the award of Bid #W2021-61-B for the Sale of Real Property located at 802 W. Kirby Street, Wylie, Texas in the amount of \$3,000,000.00 to the Wylie Economic Development Corporation, and authorizing the City Manager to execute any necessary documents.
- K. Consider, and act upon, the approval of the renewal of an interlocal agreement for Jail Services for Class "C" Misdemeanors with Collin County Detention Facility, Collin County, Texas, in the estimated annual amount of \$1,000.00 through an interlocal agreement, and authorizing the City Manager to execute any necessary documents.
- L. Consider, and act upon, Ordinance No. 2021-40 amending Ordinance No. 2020-44, which established the budget for fiscal year 2020-2021; providing for repealing, savings and severability clauses; and providing for an effective date of this ordinance.

Mayor Porter requested Items B, D, F, and J and Councilman Strang requested Item L be pulled from the Consent Agenda and considered individually.

#### **Council Action**

A motion was made by Mayor Porter, seconded by Councilman Duke, to approve Consent Agenda Items A, C, E, G, H, I, and K as presented. A vote was taken and motion passed 6-0 with Mayor *pro tem* Forrester absent.

## **REGULAR AGENDA**

- B. Consider, and act upon, Resolution No. 2021-20(R) of the City Council of the City of Wylie, Collin, Dallas and Rockwall counties, Texas, ordering a Bond Election to be held on November 2, 2021, in the city of Wylie, Texas, making provisions for the conduct of the election and resolving other matters incident and related to such election.**

### **Staff Comments**

City Secretary Storm addressed Council stating there was a small change made to Exhibit C-1 where the verbiage “as of the date the election was ordered” was added to the statement “estimated combined principal and interest required to pay on time and in full all outstanding debt obligations amortized over 20 years.”

### **Council Comments**

Mayor Porter asked about the Wylie polling locations. Storm replied the counties were still securing the polling locations but as of now, the proposed polling locations for City of Wylie Collin County residents would be located at Collin College Wylie Campus and Senior Recreation Center.

### **Council Action**

A motion was made by Councilman Mize, seconded by Councilman Duke, to approve Item B with the proposed modification, authorizing staff to make the change, and the Mayor to execute the document. A vote was taken and the motion passed 6-0 with Mayor *pro tem* Forrester absent.

- D. Consider, and act upon, the acceptance of the resignation of the Historic Review Commission member Jesse Hale and appointment of Allison Stowe to fill the unexpired term of August 2021 to June 2022.**

### **Council Comments**

Mayor Porter confirmed with staff Ms. Stowe was designated as Replacement 1 by Council during the board and commission appointments.

### **Council Action**

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

- F. Consider, and act upon, Ordinance No. 2021-38 for a change of zoning from Commercial Corridor District (CC) to Commercial Corridor Special Use Permit (CC-SUP), to allow for a restaurant with drive-through on 1.37 acres, property located at 499 S State Highway 78. (ZC2021-16).**

### **Council Comments**

Mayor Porter stated he filed a conflict of interest form with the City Secretary prior to the meeting and stepped out of the Council Chambers at 6:28 p.m.

### **Council Action**

A motion was made by Councilman Williams, seconded by Councilman Strang, to approve Item F as presented. A vote was taken and the motion passed 5-0 with Mayor Porter abstaining and Mayor *pro tem* Forrester absent.

Mayor Porter returned to his seat at the dais at 6:30 p.m.

- J. Consider, and act upon, the award of Bid #W2021-61-B for the Sale of Real Property located at 802 W. Kirby Street, Wylie, Texas in the amount of \$3,000,000.00 to the Wylie Economic Development Corporation, and authorizing the City Manager to execute any necessary documents.**

### **Council Comments**

Mayor Porter confirmed that this item went out for a bid, was open to all potential bidders, and met or exceeded the appraised value, and clarified himself and Mr. Holsted recused themselves from any bid discussion during the EDC meetings while serving as ex-officio members.

### **Council Action**

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

- L. Consider, and act upon, Ordinance No. 2021-40 amending Ordinance No. 2020-44, which established the budget for fiscal year 2020-2021; providing for repealing, savings and severability clauses; and providing for an effective date of this ordinance.**

### **Council Comments**

Councilman Strang asked for additional information on the ancillary charges for electricity and the NTMWD Wastewater Treatment Plant at Muddy Creek cost. Holsted clarified the City contracts through Texas Coalition for Affordable Power to procure electricity for City buildings under a flat rate; however, during the winter storm, due to the extra power being purchased on the grid, it fell under the ancillary charges, and the increase for the City buildings is a little over \$230,000. Holsted stated regarding the Wastewater Treatment Plant the treatment plant cost is split between Wylie and Murphy and the increase is for additional electric costs during the winter storm. Strang confirmed there was nothing the City could do currently, or going forward, about the fees charged. Councilman Williams asked if the City could utilize any disaster recovery funds not related to Covid, or any federal funds, to offset the additional costs since it was declared a disaster. Holsted stated he is not aware of any reimbursements available.

### **Council Action**

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

- 1. Hold a Public Hearing, consider, and act upon, a request for a change of zoning from Neighborhood Services (NS) to Planned Development (PD), amending PD 2015-17, to allow for commercial development on 2.00 acres, located east of and adjacent to 650 Country Club Road. (ZC2021-17)**

### **Staff Comments**

Senior Planner Kevin Molina addressed Council stating this item is a request to amend Planned Development 2015-17 by adding two acres of land that is currently zoned Neighborhood Services. The applicant is proposing to develop three additional carports measuring a combined 35,206 square feet, two drive up self-storage buildings measuring 4,400 square feet, and 25 uncovered RV parking stalls. Molina added all RV/vehicle storage areas over 6,000 square feet will be sprinkled. The site is to be accessed via a 24-foot access drive connecting to the existing self-storage development, and a masonry wall will surround the two-acre northern tract with a minimum height of 8 feet. The proposed zoning and use are compatible with the existing development surrounding the subject property. Twelve notifications were mailed with one response returned in favor and the Commission voted 6-0 to recommend approval.

### **Public Hearing**

Mayor Porter opened the public hearing on Item 1 at 6:40 p.m. asking anyone present wishing to address Council to come forward.

No citizens were present wishing to address the Council.

Mayor Porter closed the public hearing at 6:41 p.m.

### **Council Action**

A motion was made by Councilman Williams, seconded by Councilman Duke, to approve Item 1 as presented. A vote was taken and the motion passed 6-0 with Mayor *pro tem* Forrester absent.

- 2. Hold a Public Hearing, consider, and act upon, a request for a change of zoning from Agricultural District (AG/30) to Planned Development - Single Family (PD-SF), to allow for single family development on 1.83 acres generally located at the southwest corner of Brown Street and WA Allen Boulevard. (ZC2021-19)**

### **Staff Comments**

Senior Planner Kevin Molina addressed Council stating the applicant is requesting to rezone 1.83 acres located on the southwest corner of Brown Street and W.A. Allen Blvd. which is currently zoned Agricultural. The reason for the requested rezoning to a Planned Development is to allow for seven single-family lots that generally continue the existing and adjacent single-family zoning along W.A. Allen. The Planned Development keeps the 10,000 square foot required minimum, but allows for a minimum lot width of 50 feet and increased rear setbacks of 50 feet, due to the depth of the property. Additionally, the applicant is proposing to increase the dwelling unit minimum square footage to 2,800 square feet in lieu of the 2,400 requirements in the zoning ordinance. Twenty-three notifications were mailed with one response received in favor of the request and the Commission voted 6-0 to recommend approval.

### **Public Hearing**

Mayor Porter opened the public hearing on Item 2 at 6:44 p.m. asking anyone present wishing to address Council to come forward.

No citizens were present wishing to address the Council.

Mayor Porter closed the public hearing at 6:44 p.m.

### **Council Action**

A motion was made by Councilman Strang, seconded by Councilman Williams, to approve Item 2 as presented. A vote was taken and the motion passed 6-0 with Mayor *pro tem* Forrester absent.

- 3. Hold a public hearing, consider, and act upon, a request for a variance to the distance requirement for alcohol establishments from a church or house of worship to allow for a distillery, property located at 702 N SH 78 (VC2021-01).**

### **Staff Comments**

Senior Planner Kevin Molina addressed Council stating the applicants are the owners of Herman Marshall Distillery, currently located in Garland, Texas. The distillery owners want to move the business to Wylie as two of them are Wylie residents. The applicant's preferred site for the distillery, located at 702 SH 78, meets the zoning requirements for the use with the exception of the distance from a church/house of worship. The distance from the church to the distillery is about 200 feet, while the zoning ordinance calls for 300 feet of separation. Texas Alcohol Beverage Code allows for a municipality that has enacted the allowed distance requirements to grant a variance to that requirement. The applicant is requesting a variance. The applicant has stated the business hours will be Monday through Friday from 8 a.m. to 5 p.m., open to the public on Saturday from 10 a.m. to 6 p.m., there will be approximately 15 employees, and approximately one delivery truck per day. The EDC has had contact with the church leadership and reported they are not opposed to the variance.

### **Council Comments**

Mayor Porter asked if staff had reached out to the owners of the building as the church is currently leasing the space. Assistant City Manager Ollie stated staff did receive a letter from both the building owner and the pastor of the church in favor of the variance.

### **Public Hearing**

Mayor Porter opened the public hearing on Item 3 at 6:48 p.m. asking anyone present wishing to address Council to come forward.

No citizens were present wishing to address the Council.

Mayor Porter closed the public hearing at 6:48 p.m.

### **Council Action**

A motion was made by Councilman Williams, seconded by Councilman Strang, to approve Item 3 as presented. A vote was taken and the motion passed 6-0 with Mayor *pro tem* Forrester absent.

- 4. Consider, and act upon, Resolution No. 2021-22(R) of the City Council of the City of Wylie, Texas, accepting the proposed property tax rate for fiscal year 2021-2022, accepting the calculation of the no new revenue tax rate and the voter approval tax rate, establishing the date for a public hearing and vote on the proposed property tax rate, and providing for the publication as provided by the Texas Property Tax Code Sec. 26.06.**

### **Staff Comments**

Finance Director Beard addressed Council stating the City is required by law to follow certain meeting and notice (publication) guidelines identified in the "Truth in Taxation" Tax Codes. In accordance with the laws of the State of Texas, the no new revenue tax rate, the voter approval tax rate and other information must be published and a public hearing must be held. This year's no new revenue rate is \$0.643751 and the voter approval tax rate is \$0.660365. The proposed 2021-22 budget is based on the no new revenue tax rate. The proposed rate is the no new revenue tax rate and is \$0.028228 less than the current rate. This rate reduction continues a ten-year trend of reducing the tax rate cumulatively by \$0.255 or 27.6 percent. The proposed budget was placed on file with the City Secretary's office on August 5. Any changes in the proposed tax rate will require revision of the proposed budget. The City Council is required to vote on the proposed tax rate tonight. The notice of public hearing will include how each council member voted. If a tax rate is not adopted on August 24, a special called meeting must be held within seven days (August 31) to adopt a rate.

### **Council Comments**

Mayor Porter stated that the no new revenue tax rate used to be referred to as the effective rate.

### **Council Action**

A motion was made by Mayor Porter, seconded by Councilman Duke, to approve Item 4 as presented. A vote was taken and the motion passed 6-0 with Mayor *pro tem* Forrester absent.

- 5. Establish a date, time, and place to hold a Public Hearing on the fiscal year 2021-2022 Proposed Budget so that all interested persons may be heard, either for or against any item in the proposed budget before final approval. The date, time and place for the hearing and the final vote will be published in the City's official newspaper, as provided by the Texas Local Government Code, Section 102.006.**

### **Staff Comments**

Finance Director Beard addressed Council stating the hearing date must be at least 15 days after the proposed budget was filed with the City Secretary which was on August 5th and the notice must be published at least five days before the hearing. Staff recommends August 24, 2021 at 6:00 p.m. in the Council Chambers of the Municipal Complex as the Public Hearing.

### **Council Action**

A motion was made by Councilman Mize, seconded by Councilman Williams, establishing August 24, 2021 at 6:00 p.m. in the Council Chambers of the Wylie Municipal Complex, 300 Country Club Road, Wylie, Texas as the date,

time, and place at which the Public Hearing will occur and Council will vote on the final budget. A vote was taken and the motion passed 6-0 with Mayor *pro tem* Forrester absent.

Mayor Porter convened the Council into a break at 6:56 p.m.

Mayor Porter reconvened the Council into Work Sessions at 7:03 p.m.

## **WORK SESSIONS**

### **WS1. Discuss potential partnership with DFW YMCA.**

Brandy Perryman, representing YMCA of Metropolitan Dallas, addressed Council giving a presentation on a potential partnership with DFW YMCA including: the current YMCA landscape, statistics on a sustainable YMCA, defining and demonstrating the value proposition, examples of other partnerships, ownership and operational subsidy, partnership costs including the ideal scenario, start-up scenario, and pool scenario, typical contract duration, vision of current recreation center, Wylie aquatic future, YMCA member benefits, pricing comparison for the Wylie Recreation Center and the Plano YMCA, and next steps and timeline.

Perryman and Parks and Recreation Director Diaz answered questions from the Council. Council requested additional information from the YMCA in order to more accurately compare the YMCA rates with the City's rates including rates for annual plans, rates for Senior citizens, rates not including aquatic facilities, and services and programs offered. Council also requested information on the benefits offered to YMCA staff members, a staffing model, and scholarships available for users.

City Manager Holsted reported staff is currently working with a rate consultant on a study and will be bringing back additional information at a future meeting.

Consensus of Council was to explore the option of a partnership with the DFW YMCA further. Councilman Mize stated he did not feel at this time the City needed to enter into a partnership with the YMCA for the Recreation Center but would be open to future partnership opportunities for aquatic facilities.

### **WS2. Overview of General Purchasing Methods Utilized by the City of Wylie.**

Purchasing Manager Hayes addressed Council giving a presentation of the general purchasing methods utilized by the City including: the City policy, low bid process, best value bid, request for proposals, request for qualifications, and construction. Hayes answered questions from the Council.

### **WS3. Discuss the Police Department recruiting, hiring, retention, and attrition.**

Police Chief Henderson addressed Council giving a presentation addressing the Police Department's recruiting, hiring, retention, and attrition including the following: the mission statement, core values, sworn personnel attrition from FY2018 to current statistics, reasons for attrition, years of service for sworn personnel, internal survey results for sworn personnel which included retirement eligibility and timeline for retirement, departmental overview, and timelines of non-certified and certified with experience. Henderson requested direction from Council on the consideration of funding additional sworn positions above the current allotted number which would help address attrition, reduce the amount of time it takes to replace an officer, ensure shifts remain above minimum, and reduce overtime and officer burnout associated with backfill shifts.

Consensus of Council was in support of Chief Henderson's proposal on funding additional sworn positions, and to also look at adding a couple additional permanent positions for future planning purposes.

### **WS4. Discuss Wylie Emergency Medical Services.**

Fire Chief Blythe addressed Council giving a presentation on future options for providing Emergency Medical Services including: the mission statement, the purpose, an overview of the next three years, background information

and history on the Southeast Collin County EMS Coalition and current agreement, 2021 subsidy breakdown, the current system and growing demand, WFR Ambulance call volumes, and four EMS options which included establishing a fire department based ambulance service utilizing firefighter/paramedics (Option 1), initiate a request for proposals process with the goal of maintaining the current system with a private vendor (Option 2), establish a city of Wylie EMS division (Option 3), or become part of a larger system (Option 4).

Consensus of Council was to continue the City's current model by initiating a request for proposals process with the goal of maintaining the current system with a private vendor. Councilman Mize stated he preferred options three and one as they would allow the City to have complete control and flexibility over the services provided to the citizens. Councilman Duke stated if for some reason Option 2 does not work out, he would consider Option 1.

## **RECONVENE INTO REGULAR SESSION**

Mayor Porter reconvened the Council into Regular Session at 9:46 p.m. Mayor Porter stated the Executive Sessions listed on the agenda would be moved to a later date.

## **EXECUTIVE SESSION**

### **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 FM 544/Cooper, Jackson/Oak, Regency/Steel, 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: 2017-10a, 2020-11b, 2021-4a, 2021-4b, 2021-6a, and 2021-8a.**

## **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 captions to Ordinance Nos. 2021-37, 2021-38, 2021-39, and 2021-40 into the official record.

## **ADJOURNMENT**

A motion was made by Councilman Williams, seconded by Councilman Strang, to adjourn the meeting at 9:49 p.m. A vote was taken and motion passed 6-0 with Mayor *pro tem* Forrester absent.



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**Matthew Porter, Mayor**

**ATTEST:**

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**Stephanie Storm, City Secretary**