

Wylie City Council Regular Meeting Minutes

May 30, 2023 – 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 6:01 p.m. The following City Council members were present: Junior Mayor Jace Williams, Councilman David R. Duke, Councilman Dave Strang (6:45), Mayor *pro tem* Jeff Forrester, Councilman Scott Williams, Councilman Sid Hoover, and Councilman Gino Mulliqi.

Staff present included: City Manager Brent Parker; Deputy City Manager Renae Ollie; Assistant City Manager Lety Yanez; Fire Chief Brandon Blythe; Police Chief Anthony Henderson; Finance Director Melissa Brown; Public Information Officer Craig Kelly; City Secretary Stephanie Storm; Parks and Recreation Director Carmen Powlen; Purchasing Manager Glenna Hayes; City Engineer Tim Porter; Engineering Project Manager Jenneen Elkhaid; Community Services Director Jasen Haskins; Fire Marshal Cory Claborn; Library Director Ofilia Barrera; Public Works Director Tommy Weir; Wylie Economic Development Executive Director Jason Greiner; and various support staff.

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor *pro tem* Forrester led the invocation, and Junior Mayor Jace Williams led the Pledge of Allegiance.

PRESENTATIONS & RECOGNITIONS

PR1. Presentation of appreciation to outgoing Councilmember Timothy "Toby" Wallis.

Mayor Porter and the Wylie City Council presented outgoing Councilmember Timothy "Toby" Wallis with a plaque of appreciation for his dedication and support to the City of Wylie during his tenure as Councilmember Place 5.

Councilman Strang took his seat at the dais at 6:45 p.m.

PR2. Shining the Wylie Way Students Term 4: Grades Kinder - 12th.

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."

PR3. Wylie East Lady Raider Soccer Team.

Mayor Porter recognized the Wylie East Lady Raider Soccer Team for an amazing season.

PR4. Military Appreciation Month.

Mayor Porter presented a proclamation proclaiming May 2023 as Military Appreciation Month in Wylie, Texas. Members of the American Legion Post 315, Council members, and staff were present to accept the Proclamation.

PR5. Asian Americans and Pacific Islanders Month.

Mayor Porter recognized May 2023 as Asian Americans and Pacific Islanders Month in Wylie, Texas.

PR6. Junior Mayor Jace A. Williams.

Mayor Porter introduced Junior Mayor Jace Williams, administered the oath of office, and presented a proclamation for “Mayor of the Day.”

Mayor Porter recessed the Council into a break at 6:51 p.m.

Mayor Porter reconvened the Council into Regular Session at 7:00 p.m.

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.

There were no persons present wishing to address the 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 May 9, 2023 Regular City Council Meeting minutes.**
- B. Consider, and act upon, the City of Wylie Monthly Revenue and Expenditure Report for April 30, 2023.**
- C. Consider, and place on file, the City of Wylie Monthly Investment Report for April 30, 2023.**
- D. Consider, and act upon, approving the updated bylaws for the Library Advisory Board.**
- E. Consider, and act upon, a Preliminary Plat of Lots 1-2, Block A of Stealth BTS Addition, establishing two Light Industrial lots on 14.030 acres, located at 2200 W. Alanis Drive.**
- F. Consider, and act upon, approval of the Non-Profit Park Event Application from Wylie Independent School District (WISD) Council of PTAs representative Becky Welch, to hold the “Back the Future” event at Olde City Park on Saturday, September 23, 2023, from 5:00 p.m. to 7:00 p.m.**
- G. Consider, and act upon, approval of the Non-Profit Park Event Application from Connection Point Church, representative Megan Williams, to hold the “Run for the Fatherless 5K and Fun Run” event at Founders Park on Saturday, November 18, 2023, from 8:00 a.m. to 12:00 p.m.**
- H. Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of April 30, 2023.**
- I. Consider, and act upon, the approval of the purchase of NeoGov Human Resources Software from Carasoft Technology Corporation in the estimated annual amount of \$52,220.17 through a cooperative contract with Omnia Partners, and authorizing the City Manager to execute any and all necessary documents.**

- J. Consider, and act upon, the award of bid #W2023-64-B for Ballard Ave. 1.5MG Elevated Storage Tank to Landmark Structures I, LP in the amount of \$8,188,400.00, and authorizing the City Manager to execute any and all necessary documents.
- K. Consider, and act upon, the award of bid #W2023-51-B for the construction of the Wylie Dog Park to RLM Earth Company in the amount of \$817,147.13, and authorizing the City Manager to execute any and all necessary documents.
- L. Consider, and act upon, Ordinance No. 2023-20 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.
- M. Consider, and act upon, authorizing the City Manager to execute a Memorandum of Understanding (MOU) between the City of Wylie, the City of Sachse, and the City of Murphy to continue the regional trail system that begins in Richardson at Breckenridge Park.

Council Action

A motion was made by Councilman Mulliqi, seconded by Councilman Williams, to approve the Consent Agenda as presented. A vote was taken and the motion passed 7-0.

REGULAR AGENDA

- 1. Consider, and act upon, Ordinance No. 2023-21 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.

Staff Comments

Finance Director Brown addressed Council stating the amendment before Council is a budget-neutral amendment for the Taste of Wylie proceeds just to show the receipt of the revenue and the expense for the donation to the food pantries.

Council Comments

Mayor Porter confirmed the budget amendment is for \$7,513.27 and that is for the ticket and t-shirt sales for the event, but there were additional sponsorships for a final total of \$23,880 which will be presented tonight to the local food pantries. Mayor Porter and Mayor *pro tem* Forrester thanked all the volunteers and City staff who put this event on.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Williams, to approve Item 1 as presented. A vote was taken and the motion passed 7-0.

Members and volunteers from Hope for the Cities, Five Loaves Food Pantry, Amazing Grace Food Pantry, Wylie Christian Care Center, Wylie EDC, and the City of Wylie were present to accept the donation.

- 2. Interview applicants for Board of Review vacancies for a term to begin July 1, 2023 and end June 30, 2025.

Council Comments

The Council interviewed the following individuals: William Crowe, James Koch, Mary Nitschke, and Navin Kumar Thirukottiyur Vijayakumar.

Applicants not present included: Kevin Hughes and Joe Webb.

Council Action

There was no action taken on this Item.

- 3. Hold a Public Hearing, consider, and act upon, the writing of an Ordinance to amend the City of Wylie Zoning Ordinance, Articles 5.1 Land Use Charts, 5.2 Listed Uses, 7.0 General Development Regulations, as they relate to Smoke Shops, Smoking Establishments and Alcohol uses.**

Staff Comments

Community Services Director Haskins addressed Council stating in February this year the Planning and Zoning Commission (Commission) held a work session to discuss smoke shops, smoking establishments, and alcohol uses. We have had several uses including distilleries and breweries approved recently through special use permits (SUP), and have received several requests, phone calls, and questions at the staff level about smoking establishments such as cigar and hookah lounges, and the prevalence of smoke shops or vape cigarette type shops. The Commission requested staff to draft an Ordinance amending the Zoning Ordinance. The Commission voted 7-0 to recommend the Ordinance that is before you. This Ordinance is to establish smoke shops, smoking establishments, wineries, breweries, and distilleries as uses within the City. Currently, smoke shops are considered general retail so they are allowed anywhere by right and this Ordinance proposes to make them SUPs within LI and CC districts. Currently, a smoking establishment can only open if a restaurant is created and it contains a smoking section due to laws passed by Council several years ago. Wineries, breweries, and distilleries are allowed by right and defined by Texas state law; however, when these items have come before Council the applicant sometimes has an additional use, such as a food truck park or event center; therefore, staff is recommending that these uses are allowed by right in certain areas and SUPs are required when there are additional uses. Currently, in the Zoning Ordinance the alcohol requirements are the same but are located under individual uses in four to five different sections; therefore, to avoid any confusion or clerical errors, staff consolidated all the sections into one section and did establish a formal procedure for variance requests to the distance requirements.

Council Comments

Mayor *pro tem* Forrester clarified Smoke Shops (29.b(1)) references that a SUP is required in a CC district but does not state it is required in an LI district. Haskins replied that was a clerical error as it was added to the table above but 29.b(1) should be removed as everywhere they are allowed it requires a SUP so it is not an additional provision. Forrester asked if the same would be true with Smoking Establishments (30.b(1)) where it says that a SUP shall be required in all permitted districts except LI districts. Haskins replied the Commission is recommending that a smoking establishment, such as a cigar or hookah lounge, be allowed by right in LI districts, but the other areas would require a SUP. Councilman Mulliqi requested staff explain the variance that was approved for the distillery and make that a permanent requirement. Haskins replied at the time that the distillery went in, there was a church in the strip mall, which was within 300 feet. The church was contacted, as well as anyone within 200 feet, and they did not have an issue with it; therefore, a variance came before Council and was approved which is allowed by state law. Mulliqi asked the way the proposed Ordinance is written, would those variances still come before Council. Haskins replied in compliance with state law it would still come before Council but are just officially adding a procedure; however, one proposed change is staff would not notify property owners within 200 feet but would reach out to anyone subject to the exception such as schools, daycares, and/or churches.

Public Hearing

Mayor Porter opened the public hearing on Item 3 at 7:39 p.m. asking anyone present wishing to address Council to come forward.

No person was present wishing to address the Council.

Mayor Porter closed the public hearing at 7:39 p.m.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang, to direct staff to prepare an ordinance approving the zoning change requested and bring it back for final consideration at a subsequent meeting with the following change: strike section 29.b(1). A vote was taken and the motion passed 7-0.

4. **Tabled from 04-11-2023**
Remove from table and consider

Council Action

A motion was made by Councilman Mulliqi, seconded by Councilman Duke, to remove Item 4 from the table to consider. A vote was taken and the motion passed 7-0.

Consider, and act upon, amendments to the Bylaws of the Wylie Economic Development Corporation.

Staff Comments

City Manager Parker addressed the Council stating on April 11th Jason Greiner and members of the EDC presented bylaw changes. There were some questions from the Council regarding if the EDC staff are employees of the City. There have been discussions with the City Attorney's Office and Mr. Greiner and that question is not clear as the City Charter or state law does not authorize Council's authority so the recommendation would be to identify, with the City Attorney, the desire of Council regarding the WEDC board of directors. Council could choose to take no action on this item or could table it for three additional meetings to allow for a discussion between Council, the City Attorney, and the WEDC board to define the desired path forward.

Council Comments

Mayor *pro tem* Forrester stated regarding the questions about the employment status of EDC, after the discussions between the City Manager and the City Attorney's Office, and researching the foundation of the EDC, it is a corporation that was founded apart from the City but has oversight from the City to select board members. Forrester added the EDC is its own organization and he was satisfied with the changes to the bylaws that were brought before Council by the EDC Board. Mayor Porter replied he agreed with Mayor *pro tem* Forrester, where the Council does not have direct authority to get involved it does not need to get involved, and the best course of action is to follow it as written and follow the process that has been working. Porter stated there were some concerns from the Council about ethics or term limits but those are things that the board has to self-impose as the Council does not have the authority to enforce those changes, and can only approve or disapprove changes to the bylaws. Porter requested the EDC board be open to putting some of those things into place, especially an ethics component. Councilman Mulliqi stated he did think it is necessary to establish a protocol on the EDC's role and responsibility as it would be helpful to the citizens, and added Council should give clear direction to Jason and the EDC on the things Council would like to see implemented.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang, to table Item 4 until the June 27, 2023, City Council meeting. A vote was taken and the motion passed 7-0.

5. **Consider, and act upon, Ordinance No. 2023-22 to disannex approximately 4,000 acres of Lavon Lake and surrounding land, situated in the W. W. Bell Survey, Abs A0037; M. I. Geminez Survey, Abs A0338; William Johnson Survey, Abs A0476; John D Kirby Survey, Abs A0515; Madison Walker Survey, Abs A1022; Alex Russell Survey, Abs A0736; B. M. Carr Survey, Abs A0175; James King Survey, Abs A0508; and Thomas Chambers Survey, Abs A1049, Collin County, Texas.**

Staff Comments

Deputy City Manager Ollie addressed Council stating in March Council held a work session with Mr. Joe Helmberger with Kimley-Horn, who represents Princeton, to review the area which is the northern peninsula of Lake Lavon. The area is owned by the Corps of Engineers and is roughly 4,000 acres of unimproved and nontaxable area of which 80 percent is water and 20 percent is land. It does not fall within Wylie's CCN, and the City provides no services including sewer or water. The City of Princeton paid for the survey, and our GIS department reviewed it. The proposed Ordinance is to disannex that area and if it is approved Princeton will immediately start working on annexing it.

Council Action

A motion was made by Councilman Strang, seconded by Councilman Duke, to approve Item 5 as presented. A vote was taken and the motion passed 7-0.

6. Consider, and act upon, the recommendation to reject all bids for W2023-50-B East Meadow Trail Splash Pad and Community Park Splash Pad.

Staff Comments

Purchasing Manager Hayes addressed Council stating the City put out a competitive sealed bid for this particular project, which included two different locations for the splash pads. The City only received one bid. Staff did reach out to vendors that had been invited to bid to find out why they did not submit bids. The feedback included the project was too small, the project was too big, and/or they wanted their own manufactured equipment. The City's design firm went through the one bid that was received and it was over budget for both of the projects by about \$36,000 with none of the alternates, which is where the parking was. The department has reviewed all of this information and the staff's recommendation is to reject this bid as it does not represent a fair and reasonable cost or in the City's best financial interest to proceed with this. The department is working on plans to move forward with the projects in a different fashion, and rejecting this bid does not kill this project.

Council Comments

Mayor Porter asked what is staff's plan instead of accepting a bid and how this affects the project timeline. Assistant Parks and Recreation Director Stowers replied it will push back the timeline a little bit as construction of a splash pad is about 270 calendar days; however, vendors do not think it will take that long. The new plan would be to let Parks and Recreation take this project as their own. Porter confirmed it would still open in the summer of 2024. Councilman Williams asked with the Parks and Recreation Department taking on this project could the City get some of the options at a lower or no cost to the citizens. Stowers replied they have found significant differences so far, anticipate saving money, and hopefully get some of the alternates. Councilman Mulliqi clarified Parks and Recreation will manage the entire project. Stowers confirmed that was correct; there would be potentially three different vendors for this project. Porter confirmed staff is comfortable with handling and managing the project. Stowers replied staff is very comfortable and does a similar process for playgrounds.

Council Action

A motion was made by Councilman Mulliqi, seconded by Councilman Williams, to approve Item 6 as presented. A vote was taken and the motion passed 7-0.

WORK SESSION

Mayor Porter recessed the Council into a break at 8:04 p.m.

Mayor Porter reconvened the Council into Work Session at 8:14 p.m.

WS1. Discuss a potential change of zoning from Neighborhood Services to Planned Development (PD-Mixed Use) on approximately 14.24 acres, generally located on the southeast corner of Country Club Road and Park Boulevard.

Mayor Porter stated the applicant requested this work session not be held this evening as they were not ready for it.

WS2. Discuss Ethiopian Sports Federation in North America Soccer Tournament.

City Manager Parker addressed Council stating staff has been working with the soccer federation to plan for the July 2nd-8th tournament. The staff has put together a cost for the City's portion of that event with the total for staffing at about \$171,406. This event was not budgeted in the FY 2023 budget and we cannot absorb that amount of money in the current budget; therefore, staff is requesting direction from Council as to how to move forward, whether it be a budget amendment or use of fund balance. Parker stated the Mayor has been in discussions with the soccer federation and he was not sure where the \$100,000 donation that the City is providing them from the hotel-

motel tax fund is being spent or if that is an option. Parker added Chief Blythe and Chief Henderson put together a staffing matrix which is the same matrix used for WISD events held at the stadium.

Abi Norling, representing the Ethiopian Sports Federation in North America, was present to answer questions from the Council.

Questions and comments from Council included what time is the event allowed to be on the property, what are the hours for the opening ceremony, could the beer garden be removed from consideration, are the numbers provided the worst case scenario, create an atmosphere of safety, where does the City come up with the funds, \$100,000 from hotel motel go towards these costs which would result in an estimated shortfall of \$71,000, is the soccer federation okay with the \$100,000 going towards the staffing expenses, did the soccer federation budget for police and fire, clarification on security cost, do vendors have to pull permits and health inspections, how many teams are expected, is the amount budgeted by the soccer federation based on previous events, what type of transportation will be used, if the beer garden was removed what impact would that have on the cost, are there guidelines on amounts or best practices of use of hotel motel funds, how many hotel rooms are booked by the organization, is there a way the organization can cover the \$71,000 difference, what was the cost for the previous college stadium rental, look at what the soccer federation has available to cover the shortfall so that it does not come from the City, and what is the normal procedure for paying for staffing on events, would like to see the event move forward, and it will be a good event for the City to host.

The consensus of the Council was to cover the City cost from the hotel-motel tax fund.

RECONVENE INTO REGULAR SESSION

Mayor Porter reconvened the Council into Regular Session at 9:04 p.m.

EXECUTIVE SESSION

Mayor Porter convened the Council into Executive Session at 9:04 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 544/Cooper, FM 544/Sanden, FM 1378/Parker, Jackson/Oak, Regency/Steel, State Hwy 78/Ballard, 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: 2017-6a, 2021-5a, 2021-6a, 2021-6c, 2021-8a, 2021-9b, 2021-9f, 2022-1c, 2022-7b, 2023-1a, 2023-2d, 2023-3b, 2023-4c, and 2023-5a.

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

Mayor Porter convened the Council into Open Session at 9:42 p.m.

Council Action

A motion was made by Councilman Strang, seconded by Councilman Duke, to authorize the WEDC to enter into a performance agreement with Project 2021-9b in an amount not to exceed \$450,000. A vote was taken and the motion passed 7-0.

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 Nos. 2023-20, 2023-21, and 2023-22 into the official record.

ADJOURNMENT

A motion was made by Councilman Strang, seconded by Councilman Williams, to adjourn the meeting at 9:46 p.m. A vote was taken and the motion passed 7-0.

Matthew Porter, Mayor

ATTEST:

Stephanie Storm, City Secretary