

Wylie City Council Regular Meeting Minutes

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

City Manager Brent Parker; Deputy City Manager Renae Ollie; Assistant Police Chief Tommy Walters; Finance Director Melissa Brown; Fire Chief Brandon Blythe; Digital Media Specialist Kristina Kelly; City Secretary Stephanie Storm; 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 Strang led the Pledge of Allegiance.

PRESENTATIONS & RECOGNITIONS

PR1. Shining the Wylie Way Students.

Mayor Porter, WISD School Board President Stacie Smith, and WISD Superintendent David Vinson 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.”

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.

Robert Heath addressed Council thanking staff, the EDC, and Council for all that they do.

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 December 13, 2022 Regular City Council Meeting minutes.
- B. Consider, and act upon, the City of Wylie Monthly Revenue and Expenditure Report for November 30, 2022.
- C. Consider, and place on file, the City of Wylie Monthly Investment Report for November 30, 2022.

- D. Consider, and act upon, Ordinance No. 2023-01 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.
- E. Consider, and act upon, a Preliminary Plat for City Center, Lot 1, Block A, establishing one commercial lot on 1.169 acres, located at 791 S. State Highway 78.
- F. Consider, and act upon, a Final Plat of Woodbridge Crossing Addition, Lot 17R-3, Block A, being an amended plat of Lot 17R, Woodbridge Crossing Addition, establishing one commercial lot on 7.2915 acres, located at 3026 W. FM 544.
- G. Consider, and act upon, Ordinance No. 2023-02 regarding a change in zoning from Commercial Corridor (CC) to Planned Development - Commercial Corridor (PD-CC) to allow for commercial uses on 11.622 acres generally located on the southwest corner of State Highway 78 and Brown Street (ZC 2022-13).
- H. Consider, and place on file, the Animal Shelter Advisory Board report to City Council.
- I. Consider, and act upon, the approval for the demolition of a residential structure in accordance with Ordinance No. 2022-34. Property located at 200 W. Brown St. within the Downtown Historic District.
- J. Consider, and act upon, the approval of the purchase of uniform clothing, footwear, and uniform services from Cintas Corporation in the estimated annual amount of \$50,000.00 through an annual cooperative purchasing contract with OMNIA Partners Purchasing Cooperative, and authorizing the City Manager to execute any necessary documents.

Council Action

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

REGULAR AGENDA

- 1. **Tabled from 12-13-2022**
Remove from table and consider

Council Action

A motion was made by Councilman Mize, seconded by Councilman Williams, to remove Item 1 from the table to consider. A vote was taken and the motion passed 7-0.

Hold a Public Hearing, consider, and act upon, a change in zoning from Commercial Corridor (CC) to Commercial Corridor - Special Use Permit (PD-SUP) to allow for an auto sales use on 1.27 acres located at 2021 N. State Highway 78 (ZC 2022-15).

Staff Comments

Community Services Director Haskins addressed Council stating on December 13, 2022, the City Council tabled this item in order for staff to discuss with the applicant the financing side of the automotive sales use. The applicant has stated that all financing will be off-site; therefore, the SUP conditions have been updated to ensure that an alternative financial institution will not be allowed on the site.

Council Comments

Councilman Williams confirmed the proposed number of parking spaces meets the minimum requirements and asked if anything could be included in the Planned Development (PD) to restrict overflow parking at neighboring businesses. Haskins replied verbiage could be added; however, the properties surrounding this area have not been developed yet and added they are not a major automotive repair facility, and the City does have public nuisance

provisions in place. Williams stated if staff feels comfortable with enforcing this potential issue without adding verbiage in the PD he is comfortable with that. Haskins replied there are laws in place that would prohibit this potential issue. Mayor *pro tem* Forrester stated he shared the same concern and gave an example of a minor automotive repair facility in the City that has overflow parking in neighboring businesses. Forrester asked if the staff sees a shared parking agreement in the future between surrounding businesses. Mayor Porter asked if verbiage could be added that cross-parking is prohibited in the PD. Haskins stated the applicant could request a shared parking agreement in the future and staff could prohibit the possibility in the future. Deputy City Manager Ollie added a shared parking agreement would have to come before Council to be considered, and language could be added to the PD for this particular property only (Lot 1, Block A) that states all parking has to be onsite. Councilman Wallis added future businesses may not mind overflow parking on their property if they are not utilizing it and would not want to include verbiage that would prohibit those businesses from bringing a shared parking agreement back to Council for consideration.

Public Hearing

Mayor Porter opened the public hearing on Item 1 at 6:31 p.m. asking anyone present wishing to address Council to come forward.

Barzan Abdulhameed, the applicant, addressed Council stating he owns the entire property and it will all be one business.

Mayor Porter closed the public hearing at 6:34 p.m.

Council Action

A motion was made by Councilman Mize, seconded by Councilman Wallis, to approve Item 1 as presented. A vote was taken and the motion passed 6-1 with Mayor *pro tem* Forrester voting against.

- 2. Hold a Public Hearing, consider, and act upon, Ordinance No. 2023-03 regarding an Amendment to the City of Wylie Zoning Ordinance, Article 5.1 Land Use Charts and Article 5.2 Listed Uses as they relate to Accessory and Temporary Uses of Donation Boxes (ZC 2022-19).**

Staff Comments

Community Services Director Haskins addressed Council stating at the November 2022 City Council meeting a work session was held on a potential amendment to the Zoning Ordinance regarding donation boxes. Staff presented proposed amendments which Council generally agreed on and asked staff to finalize the amendments for adoption. Included in the proposed amendments is allowing one donation box per five acres on large developments. The Planning and Zoning Commission voted 5-0 to recommend approval.

Council Comments

Mayor Porter added the temporary permits would be good for 90 days with the potential to apply for an additional 30 days. Mayor *pro tem* Forrester clarified the 90 days with the 30-day extension was annual. Haskins replied that is correct. Councilman Williams confirmed there is a difference between manned and unmanned units written into the proposed Ordinance. Haskins confirmed that the Ordinance does address the two units.

Public Hearing

Mayor Porter opened the public hearing on Item 2 at 6:38 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 6:39 p.m.

Council Action

A motion was made by Councilman Strang, seconded by Councilman Mize, to approve Item 2 as presented. A vote was taken and the motion passed 7-0.

3. **Hold a Public Hearing, consider, and act upon, a change in zoning from Downtown Historic District (DTH) to Downtown Historic District - Special Use Permit (DTH-SUP) to allow for a brewery, food truck park, and events center within the Downtown Historic District, property located at 106 N. Birmingham Street (ZC 2022-16).**

Staff Comments

Community Services Director Haskins addressed Council stating the applicant is requesting a Special Use Permit (SUP) to allow for a brewery, food truck park, and events center use at 106 N. Birmingham Street. The SUP conditions allow the Brewery, Food Truck Park, and Events Center as uses while setting hours of operation, parking requirements, and design standards. The SUP standards eliminate the distance requirement from any existing or future schools, churches, or alcohol establishments where normally, those distance requirements are 300 feet. The applicant is requesting that no parking be required on site. There are 22 off-street parking spaces within 150 feet, 75+ additional within 300 feet, and Oak Street is wide enough to allow for some on-street parking. The applicant is requesting that the company's trademark colors be allowed in the design of the building. Those colors are generally represented in the Zoning Exhibit. The Historic Review Commission discussed the zoning request at their November 17, 2022 meeting, ultimately voting 5-0 to recommend approval with conditions on the hours of operation being restricted to closing at 9 p.m. Monday through Thursday and closing at 12 a.m. on Friday through Sunday. The Planning and Zoning Commission voted 5-0 to recommend approval. Haskins reported notices were sent to 13 property owners within 200 feet as required by state law and at the time of posting one response was received in favor and one in opposition of the request. Haskins further explained that currently there are no schools, churches, or alcohol establishments within the distance requirements; however, the applicant is requesting the variance in the SUP in the event of any potential future businesses that may come in before the brewery is opened, which would then require the applicant to come back before Council for separate approval.

Council Comments

Mayor *pro tem* Forrester asked if the offsite parking takes into consideration the recent discussions regarding potential future traffic flow patterns and parking arrangements. Haskins replied staff did review it under the current conditions with the knowledge of future improvements in the area. Forrester asked for the timeline of the project. Haskins replied he was unsure but the applicant was present. Councilman Wallis asked where the food trucks would be parked, and wanted to ensure the theme and decor mesh well with the Downtown Historic District. Haskins replied the applicant will have to provide a site plan and last staff had discussed with the applicant they were thinking about allowing the food truck in a parking space in the alley, and regarding the theme and decor the HRC did request that they lower the signage to be no higher than the surrounding rooftops. Forrester asked about the comment form that was received in opposition stating that the architecture does not fit the historic downtown and asked if the HRC is satisfied with what is proposed downtown. Ollie replied that according to the definitions for the HRC, this building is non-contributing as it has no historical value to the building except that it is old. The Commission focused on what is being proposed which enhances what is currently there, and putting the proposed sign on the building gives it the "old" character.

Steve Schoenekase, the applicant, addressed Council giving a history of the business originating from his great-grandfather's Glen Echo Dairy farm founded in the late 1800s in Illinois sharing the same name and logo. Schoenekase stated the original colors from the dairy farm were orange and brown so to liven it up a little the brown was changed to Bavarian blue as he is a descendant of Germany and his great-grandfather learned the craft of dairy farming in Bavaria. Schoenekase added an old historic font that will be used on the signage and the sign will be lowered and pulled out in front of the business. Schoenekase stated the intent of this business is to provide a gathering place for families and friends to hang out.

Councilman Wallis asked where the parking for food trucks would be. Schoenekase replied a pad in the back of the alley will be a designated food truck parking space. Mayor Porter confirmed power would be provided for the food truck. Schoenekase replied yes it will be provided from the building so that they do not have to utilize generators. Councilman Williams asked what the round blue figures are in the exhibit. Schoenekase replied they are metal barrels that will be used to help delineate the patio space. Williams asked how many employees and patrons will be there at a given time. Schoenekase replied about four to six employees, and there will be seating for 60-80 inside and 40-60 outside. Williams stated he loved the idea but expressed concerns with the lack of parking on Birmingham

and onsite, and asked if the applicant would be open to reducing the patio space. Schoenekase replied if they cut the patio space in half it would no longer be usable and stated some examples of other local breweries that have no onsite parking. Councilman Mize stated he was excited about the idea, and while he understands the parking concerns added there is public parking along Jackson St. as well as two additional parking lots on Jackson St., and with those, feels there should be adequate parking available and people will be willing to walk a block or two. Schoenekase stated they hope to open this summer.

Public Hearing

Mayor Porter opened the public hearing on Item 3 at 7:04 p.m. asking anyone present wishing to address Council to come forward.

James Alexander, owner of the Blend on Ballard, stated he thought this was a great concept but expressed concerns with the food trucks hindering and hurting small businesses in downtown Wylie and added they should try to utilize the downtown food businesses.

Marvin Fuller addressed Council stating he likes the concept and idea, and expressed concerns with no onsite parking and the food truck being located in the alley, and believes a lot of the concerns can be alleviated if the EDC is successful with gaining the additional parking along the railroad and maybe at that time allow food trucks.

DJ Shirley addressed Council stating this would be a good addition to downtown and would bring commerce and people to downtown.

Mayor Porter closed the public hearing at 7:10 p.m.

Applicant Comments

Debbie Schoenekase, the applicant, responded to some of the concerns stating they would not have a food truck every day as their focus would be making beer and providing an area for people to come and hang out. They would only have one to two food trucks at a time and are open to having local businesses set up tables inside the brewery to serve at. Schoenekase stated they want this to be beneficial for all of Wylie and do not want to take anything away from other businesses and will work with other businesses on their hours of operation.

Council Action

A motion was made by Councilman Strang, seconded by Mayor *pro tem* Forrester, to approve Item 3 as presented. A vote was taken and the motion passed 6-1 with Councilman Williams voting against.

- 4. Hold a Public Hearing, consider, and act upon, a change in zoning from Downtown Historic District – Residential only to allow Commercial and/or Residential uses, located at 280 W. Brown Street within the Downtown Historic District (ZC 2022-18).**

Staff Comments

Community Services Director Haskins addressed Council stating per Section 6.3 of the Zoning Ordinance, the Downtown Historic (DTH) District allows for both commercial and/or residential uses in the same structure; however, some properties are restricted to residential uses only as adopted by Ordinance No. 2015-08. This request is to rezone 280 W. Brown Street from DTH-residential only to DTH-commercial and/or residential. In March 2022, the adjacent lot at 401 N. Keefer was rezoned by Ordinance No. 2022-25 to allow for commercial and/or residential uses. The Historic Review Commission and the Planning and Zoning Commission both voted 5-0 to recommend approval as presented. Notifications were mailed to 24 surrounding property owners with one response received in favor of the request.

Public Hearing

Mayor Porter opened the public hearing on Item 4 at 7:15 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 7:15 p.m.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang, to approve Item 4 as presented. A vote was taken and the motion passed 7-0.

- 5. Consider, and act upon, Resolution No. 2023-01(R) establishing a public newspaper of general circulation to be the “Official Newspaper” for the City of Wylie.**

Staff Comments

City Secretary Storm addressed Council stating each year the Council has to establish an official newspaper for the City of Wylie for publication purposes, and staff included pricing for both the Wylie News and Dallas Morning News in the agenda packet for Council’s consideration.

Council Action

A motion was made by Councilman Strang, seconded by Mayor *pro tem* Forrester, to approve Resolution No. 2023-01(R) establishing the Wylie News as the “Official Newspaper” of the City of Wylie. A vote was taken and the motion passed 7-0.

EXECUTIVE SESSION

Mayor Porter convened the Council into Executive session at 7:18 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, Jackson/Oak, Regency/Steel, State Hwy 78/Alanis, 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: 2013-9a, 2017-6a, 2021-2d, 2021-5a, 2021-6a, 2021-6c, 2021-8a, 2021-9a, 2021-9b, 2021-9f, 2021-11a, 2022-1b, 2022-4d, 2022-7b, 2022-7c, 2022-8b, 2022-9f, 2022-10d, 2022-11a, and 2022-12a.**

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

Mayor Porter reconvened the Council into Open Session at 7:51 p.m.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang, to authorize the Wylie EDC to enter into a Performance Agreement with Project 2021-11a in an amount not to exceed \$30,000. 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 captions to Ordinance Nos. 2023-01, 2023-02, and 2023-03 into the official record.

ADJOURNMENT

A motion was made by Councilman Strang, seconded by Mayor *pro tem* Forrester, to adjourn the meeting at 7:54 p.m. A vote was taken and the motion passed 7-0.

Matthew Porter, Mayor**ATTEST:**

Stephanie Storm, City Secretary