

# Wylie City Council Regular Meeting Minutes

December 13, 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, Mayor *pro tem* Jeff Forrester, Councilman Scott Williams, Councilman Timothy T. Wallis, and Councilman Garrett Mize. Councilman Dave Strang was absent.

City Manager Brent Parker; Deputy City Manager Renae Ollie; Assistant Police Chief Tommy Walters; Finance Director Melissa Beard; Battalion Chief Casey Nash; Public Information Officer Craig Kelly; Public Works Director Tommy Weir; City Engineer Tim Porter; City Secretary Stephanie Storm; Parks and Recreation Director Carmen Powlen; 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 Williams led the Pledge of Allegiance.

## PRESENTATIONS & RECOGNITIONS

### PR1. In-Sync Exotics.

Mayor Porter presented In-Sync Exotics with a proclamation for recently being recognized in eight categories in the Dallas Morning News 2022 Best of DFW People's Choice Awards. Members of In-Sync Exotics were present to accept the proclamation.

### PR2. 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."

### PR3. WEHS Robotics Team.

Mayor Porter announced this item will be moved to a future agenda.

### PR4. Eagle Scout Award for Ethan Jonason.

Mayor Porter presented a proclamation recognizing Ethan Jonason's achievement of the Eagle Scout Award. Ethan Jonason was present to accept the proclamation and gave a brief description of his Eagle Scout project of performing work and restoring a small cemetery from the 1800s in Bozman Farms.

## 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.*

No citizens were present wishing to address Council on non-agenda items.

## **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 November 8, 2022 Regular City Council Meeting minutes.**
- B. Consider, and act upon, Ordinance No. 2022-69 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.**
- C. Consider, and act upon, the City of Wylie Monthly Revenue and Expenditure Report for October 31, 2022.**
- D. Consider, and place on file, the City of Wylie Monthly Investment Report for October 31, 2022.**
- E. Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of October 31, 2022.**
- F. Consider, and act upon, a Final Plat for Manors at Woodbridge, establishing 90 residential and six open space lots on 12.418 acres, property generally located on Woodbridge Parkway approximately 900' south of Hensley Lane.**
- G. Consider, and act upon, a Final Plat of Senior Medical Addition, establishing two commercial lots on 21.3224 acres, generally located at 100 Medical Plaza.**
- H. Consider, and act upon, Ordinance No. 2022-70, amending Wylie's Code of Ordinances, Ordinance No. 2021-17, as amended, Chapter 2 (Administration), Article III (Officers), Division 2 (Code of Conduct), Section 2-58 (Board of Review) to amend the term limits, add a holdover provision, and exclude the service of board members spouses or domestic partners; providing for a penalty for the violation of this Ordinance; providing for repealing, savings, and severability clauses; and providing for an effective date of this Ordinance.**
- I. Consider, and act upon, Resolution No. 2022-32(R) amending Resolution No. 2022-15(R) amending the Rules of Procedures for the Board of Review to amend the term limits, add a holdover provision, and exclude the service of board members spouses or domestic partners; and providing for an effective date.**
- J. Consider, and place on file, the Animal Shelter Advisory Board report to the City Council.**
- K. Consider, and act upon, approving the amended Animal Shelter Advisory Board Bylaws and Rules of Procedure.**
- L. Consider, and act upon, Resolution No. 2022-33(R) authorizing the purchase of ammunition from Mutiny Machine LLC in the estimated amount of \$58,300.00 and authorizing the City Manager to execute any necessary documents.**
- M. Consider, and act upon, the award of bid #W2022-113-B Newport Harbor Water Tank Rehabilitation to DN Tanks, LLC in the estimated amount of \$139,980.00, and authorizing the City Manager to execute any necessary documents.**
- N. Consider, and act upon, the purchase of a Bondflex® Pour In Place Surfacing for Olde City Park from WeBuildFun Inc. in the amount of \$159,600.00; and authorizing the City Manager to execute any necessary documents.**

- O. Consider, and act upon, the approval of the purchase of Playground Equipment from The PlayWell Group Inc. in the amount of \$59,525.97 through a cooperative purchasing contract with Buy Board Cooperative Purchasing (#679-22), and authorizing the City Manager to execute any necessary documents.**
- P. Consider, and act upon, the approval of the purchase of Fitness Equipment from Team Marathon Fitness in the amount of \$50,616.00 through a cooperative purchasing contract with Buy Board Cooperative Purchasing (#665-22), and authorizing the City Manager to execute any necessary documents.**
- Q. Consider, and act upon, Ordinance No. 2022-71 amending Wylie's Code of Ordinances, Ordinance No. 2021-17, as amended, Chapter 54 (Health and Sanitation), Article IV (Weeds, Rubbish, Insanitary Matter); providing for repealing, savings and severability clauses; providing for an effective date of this ordinance; and providing for the publication of the caption hereof.**

#### **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 6-0 with Councilman Strang absent.

#### **REGULAR AGENDA**

- 1. 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 the applicant is requesting to rezone to Commercial Corridor-Special Use Permit (CC-SUP) to allow for vehicle sales and display. The current development on the subject property contains a minor automobile repair use. The property owner is requesting the allowance of office space within the existing building and 10 existing parking spaces on the existing lot to be used for vehicle sales as shown in the zoning exhibit. The SUP conditions state that vehicle sales shall only be permitted as an accessory use to the minor automobile repair business. Additionally, SUP conditions limit vehicle sales to passenger vehicles. Haskins reported notices were sent to 11 property owners within 200 feet as required by state law and at the time of posting no responses were received in favor or opposition of the request. The Commission voted 6-1 to recommend approval with the dissenting commissioner stating that he did not think the use was appropriate in that area.

#### **Council Comments**

Councilman Williams asked if the ten parking spaces were removed, do they have enough remaining to meet the requirements, and are there any additional auto sales near this location. Haskins replied they do have enough parking spaces to meet the requirement with those removed, and he is not aware of any auto sales except for one further down Highway 78 within the County. Mayor *pro tem* Forrester asked if this was an allowed use as it stands. Haskins replied it would require a SUP. Forrester asked how having an auto dealership between two businesses would benefit the City. Mayor Porter stated that local sales tax may be exempt from auto sales and asked the way it is currently written if it would grant this type of usage anywhere else on the property. Haskins replied that it only applies to 1.27 acres. Councilman Duke asked if there is any new planned advertisement or signage in this area. Haskins replied if there are, it will have to stay within the regulations. Williams asked what falls under an automobile repair minor use. Haskins replied that the definition is located within the Zoning Ordinance and is any kind of automotive repair that excludes any engine tear down or transmission rebuilding, such as a paint booth, engine replacement, oil changes, etc. Williams replied that he has hesitation and is not comfortable with a car dealership in that location as that was not the initial intent of that property. Councilman Wallis asked if sales tax would apply if it was customizations to vehicles such as lift kits. Porter replied that according to the State Comptroller, parts would be subject to sales tax but not a car sold under a dealer. Councilman Mize stated he

understands Councilman Williams' concern with future development, but he is generally comfortable with this proposal since it is a relatively small amount of space located at the back of the property.

### **Public Hearing**

Mayor Porter opened the public hearing on Item 1 at 6:58 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 6:59 p.m.

### **Council Action**

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

### **Council Comments**

Wallis expressed concerns with this type of use at this location. Forrester asked if they finance onsite would they fall under an alternative financial institution and require an additional SUP for the finance center.

Mayor Porter recessed the Council into a break at 7:03 p.m.

Mayor Porter reconvened the Council at 7:11 p.m.

Haskins replied after doing research, this could fall under an alternative financial institution if they are doing finance onsite, and therefore additional information would need to be gathered and brought back before Council. Forrester confirmed this would only apply to an alternative financial institution and not a bank. Haskins confirmed that this is correct. Forrester replied he would be open to tabling the item to allow Councilman Strang to have input. Mize asked if the applicant was to change the application to include an alternative financial institution, Council could limit the activities just to car sales. Haskins confirmed that was correct. Porter asked what the distance requirement is between alternative financial institutions. Ollie replied it is 1,000 feet. Williams asked how the applicant plans on designating the showroom area, and how the SUP defines the specific lots where the show vehicles are allowed. Haskins showed the designated parking spots where it would be allowed and if it expands outside of those parking spaces could be shut down or ticketed.

### **Council Action**

A motion was made by Councilman Williams, seconded by Councilman Mize, to table Item 1. A vote was taken and the motion passed 4-2 with Mayor Porter and Councilman Duke voting against and Councilman Strang absent.

- 2. Hold a Public Hearing, consider, and act upon, 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.**

### **Staff Comments**

Community Services Director Haskins addressed Council stating the applicant is requesting to rezone 11.622 acres located east of the Downtown Historic District on the southwest corner of State Highway 78 and Brown Street. The applicant is requesting a Planned Development (PD) to allow for a commercial environment that integrates and connects with Wylie's historic downtown. The proposal includes a master plan of six commercial lots which include an interconnect of both vehicular and pedestrian pathways. The zoning exhibit calls out for the potential of 24,000 square feet of office space, over 10,000 square feet of retail space, in excess of 5,500 square feet of sit-down restaurant space, two drive-thru restaurants of about 3,000 square feet each, and a convenience store with fueling services of 4,650 square feet. The PD establishes uses that are allowed by right within the subject property including a convenience store, motor vehicle fueling station, restaurant with drive-in or drive-thru services, and food truck park. The following uses are expressly prohibited on the subject property including sexually oriented business, equipment rental, automobile rental, car wash, and vehicle display sales, or service. In regard to alcohol/liquor uses,

part of the PD exempts this development from the distance requirements for churches, public hospitals, public schools, and private schools. The following are modifications to the Commercial Corridor district design standards that the PD is requesting: the overall site shall be allowed to be used to determine the 20 percent landscaping area calculation, the existing tree plantings in the public right-of-way shall be allowed to count towards the landscape buffer requirement, and Lot 6 shall provide an architectural design standard that integrates with the Downtown Historic standards. Haskins reported notices were sent to 54 property owners within 200 feet as required by state law and at the time of posting two responses were received in favor and none in opposition of the request. After some discussion regarding the alcohol sales provision, the Commission voted 6-0 to recommend approval as presented.

### **Council Comments**

Mayor *pro tem* Forrester added he would like to see a more historic look to the buildings and create walkability downtown, and expressed concerns with approving a by-right for drive-throughs across the front of the property. EDC Executive Director Greiner, the applicant, replied that he understands the concern with wanting to control the approval processes; drive-throughs were proposed by right as a component of time. John McClure, representing McClure Partners, added whatever the will of the Council is they will go with it, and in regard to the historic look, it might be challenging for the national pad site users to meet this look but agree they would like to keep the integrity of the downtown historic district. Councilman Mize stated he agreed with maintaining the integrity of downtown and would like to know the options for enforceability to maintain a historic look, and added to not include drive-throughs by right. Mayor Porter added it would be difficult to build to downtown specifications, and asked if there is a way to add wording to be compatible with downtown. Haskins replied this area is not technically considered downtown and is not included in the area designated to be historically significant; therefore, the City cannot restrict its building materials but can architecturally. McClure asked if they could specify in the PD the lots that will be architecturally compatible. Forrester stated that would be acceptable as long as the City is completing the objective and are not burdening a developer. Deputy City Manager Ollie suggested Lot 6 in the PD could be removed and it could say all structures are compatible and add the site plan/elevations to come back to Council for approval. Forrester replied that would satisfy his concerns. Porter asked Mr. Greiner and Mr. McClure if making that change would be workable. Greiner expressed some concerns and McClure added it would be challenging for the corner user to comply. Forrester suggested the historic look could apply to the entire project except for the corner lot, Lot 1 which is currently under contract. Mize stated he had a concern that if the standards are lowered for the corner lot, it will allow leverage for any new entities to request to look more like the fueling station instead of the historic downtown. Forrester added with a developer that is further in the process to maintain their look, a color palette to complement downtown would be entertainable. Porter stated he is open to having Lots 2-6, or even Lots 5 and 6, compatible with the downtown historic look but does not want to exclude development with all the work that has been done on this project and agrees with the SUP for drive-throughs coming before Council. Councilman Williams stated he would like to leave Lot 1 as is and encourage them to try to fit a color palette, agree with the SUPs for drive-throughs coming back for Council review, and apply the historic downtown compatibility to the remainder of the lots. Councilman Wallis asked why not make the gas station different from everywhere else, and added he would like to see the historical aspect throughout the entire property. Greiner asked if the elevations and site plan can come before Council during the SUP process. Haskins confirmed that a condition can be added to the SUP that says the Zoning Exhibit shall act as the Site Plan and include the elevations and landscaping.

### **Public Hearing**

Mayor Porter opened the public hearing on Item 2 at 7:52 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 7:53 p.m.

### **Council Action**

A motion was made by Mayor Porter, seconded by Councilman Williams, to approve Item 2 with the following amendments: remove by-right for restaurants with drive-in or drive-thru service (Section 3-1-c), change Lot 6 to

Lots 2-6 (Section 3-6), and require the elevation/site plans to come back before Council. A vote was taken and the motion passed 4-2 with Councilmen Wallis and Mize voting against and Councilman Strang absent.

## **WORK SESSION**

Mayor Porter convened the Council into a Work Session at 7:55 p.m.

### **WS1. Discuss Voluntary Flag Retirement Program.**

Deputy City Manager Ollie addressed Council giving an update on the voluntary flag retirement program. Ollie stated staff will collect flags at six locations, one at each of the four Fire Stations, one at City Hall, and one at the Public Safety Building, and turn them over to local organizations to dispose of them properly.

The consensus of the Council was this was a great idea and suggested we may be able to partner with WISD to have boxes built.

## **RECONVENE INTO REGULAR SESSION**

Mayor Porter reconvened the Council into Regular Session at 7:59 p.m.

## **EXECUTIVE SESSION**

Mayor Porter convened the Council into Executive session at 7:59 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, and 2022-11a.**

## **RECONVENE INTO OPEN SESSION**

*Take any action as a result from Executive Session.*

Mayor Porter reconvened the Council into Open Session at 9:29 p.m.

**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. 2022-69, 2022-70, and 2022-71 into the official record.

**ADJOURNMENT**

A motion was made by Councilman Duke, seconded by Councilman Mize, to adjourn the meeting at 9:31 p.m. A vote was taken and the motion passed 6-0 with Councilman Strang absent.

---

**Matthew Porter, Mayor****ATTEST:**

---

**Stephanie Storm, City Secretary**