

# Wylie City Council Regular Meeting Minutes

October 26, 2021 – 6:00 PM

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



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## CALL TO ORDER

Mayor Matthew Porter called the regular meeting to order at 6:03 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.

Staff present included: Interim City Manager Brent Parker; Assistant City Manager Renae Ollie; Police Chief Anthony Henderson; Fire Chief Brandon Blythe; Finance Director Melissa Beard; Parks and Recreation Director Rob Diaz; Public Works Director Tim Porter; Human Resource Director Lety Yanez; Public Information Officer Craig Kelly; Economic Development Executive Director Jason Greiner; Planning Manager Jasen Haskins; City Secretary Stephanie Storm, and various support staff.

## INVOCATION & PLEDGE OF ALLEGIANCE

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

## PRESENTATIONS & RECOGNITIONS

### PR1. 1st Nine Weeks Wylie Way Students.

Mayor Porter and Mayor *pro tem* Forrester presented medallions to students demonstrating “Shining the Wylie Way.” Each nine weeks one student from each WISD campus is chosen as the “Wylie Way Student.”

### PR2. Recognition of Arbor Day in Texas on Friday, November 5, 2021.

Mayor Porter recognized Arbor Day in Wylie on November 5. Mayor Porter encouraged the public to attend the event to get a free tree at the Municipal Complex from 4-6 p.m. on November 5, 2021.

### PR3. Municipal Court Week.

Mayor Porter recognized Municipal Court Week as next week in Wylie and stated a proclamation will be presented at the Public Safety Building.

### PR4. Recognizing Officer Arroyo for National Night Out.

Mayor Porter recognized Officer Arroyo for her work on coordinating National Night Out.

## 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 October 12, 2021 Regular and October 18, 2021 Special City Council Meeting minutes.**
- B. Consider, and act upon, the City of Wylie Monthly Revenue and Expenditure Report for September 30, 2021.**
- C. Consider, and place on file, the City of Wylie Monthly Investment Report for September 30, 2021.**
- D. Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of September 30, 2021.**
- E. Consider, and act upon, Resolution No. 2021-36(R), authorizing the Interim City Manager of the City of Wylie to enter into an interlocal cooperative purchasing agreement between Goodbuy Purchasing Cooperative and the City of Wylie for the use of competitively bid procurement contracts.**
- F. Consider, and act upon, Resolution No. 2021-37(R) of the City Council of the City of Wylie, Texas approving the terms and conditions of an annual agreement for Fines and Fees Collection Services with Linebarger Googan Blair & Sampson LLP; in the estimated annual amount of \$20,000.00 and authorizing the Interim City Manager to sign any and all necessary documents.**
- G. Consider, and act upon, approval of a Park Event Application for the Wylie Christian Care Center to hold a bake sale fundraiser event at Olde City Park on November 24, 2021.**
- H. Consider, and act upon, a Final Plat, being a Replat for New Haven Wylie Addition, establishing two commercial lots on 3.03 acres, generally located at 800 Brown Street.**
- I. Consider, and act upon, a recommendation to City Council regarding a Final Plat for Westgate Development Subdivision Addition, establishing two commercial lots on 6.024 acres, generally located at the northwest corner of FM 544 and Westgate Way.**
- J. Consider, and act upon, a Final Plat for Lot 1, Block 1 of Dutch Bros Coffee Addition to establish one commercial lot on 1.022 acres, property located at 2817 FM 544.**
- K. Consider, and act upon, Ordinance No. 2021-48 for a change of zoning from Commercial Corridor (CC) to Commercial Corridor Special Use Permit (CC-SUP), to allow for a restaurant with drive-through service on 0.975 acres, property located at 2027 N State Highway 78. (ZC 2021-22)**
- L. Consider, and act upon, Ordinance No. 2021-49 amending Ordinance No. 2021-43, which established the budget for fiscal year 2021-2022; providing for repealing, savings and severability clauses; and providing for an effective date of this ordinance.**
- M. Consider, and act upon, Resolution No. 2021-38(R), ratifying Renaé Ollie as Acting City Manager in the absence of Brent Parker, Interim City Manager.**

### **Council Action**

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

## REGULAR AGENDA

1. **Hold a Public Hearing, consider, and act upon, a request for a change of zoning from Commercial Corridor (CC) to Planned Development - Commercial Corridor / Multifamily (PD - CC/MF) on property generally located on the southwest corner of State Highway 78 and Wylie East Drive (ZC2021-21).**

### Staff Comments

Planning Manager Haskins addressed Council stating the Planning and Zoning Commission did recommend denial and the applicant has requested to withdraw the item from 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.

Debi Baker and Carolina Teamann addressed Council requesting the zoning not be changed and the property be used for commercial purposes.

Mayor Porter closed the public hearing at 6:35 p.m.

### Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang, to accept the withdrawal of Item 1. A vote was taken and the motion passed 7-0.

2. **Consider, and act upon, a request by Manors at Woodbridge, Ltd. for a variance to the City's typical street section and right-of-way width.**

### Staff Comments

Public Works Director Porter addressed Council stating Manors at Woodbridge, Ltd. is requesting a variance to the City's typical street section and right-of-way (ROW) width as the result of a boundary conflict between Manors at Woodbridge and the neighboring properties to the north, Woodbridge Townhomes, and the south, North Texas Municipal Water District (NTMWD). In order to reconcile the loss of overall property width and acreage with approved lot sizes in the Planned Development (PD) Conditions, City staff, Manors at Woodbridge and Woodbridge Townhomes have collaboratively worked together to design a street section moving the sidewalk to the back of the curb and utilizing a mountable curb to allow the ROW to decrease five feet from 50 feet to 45 feet while holding the depth of the driveways and minimum depth of the lot to 110 feet as approved in the PD. Porter stated the paved street section width stays the same, the Developer has provided additional details of water meter locations and curb inlets, and will work with the City on thickening sections of pavement of sidewalks that abut the mountable curb.

### Council Comments

Mayor *pro tem* Forrester asked if the sidewalk will be wide enough to comply with ADA if a car parks two tires on it. Public Works Director Porter stated they are providing a five-foot sidewalk and ADA requires four feet. Mayor Porter expressed concerns with mountable curbs which could allow parking on the sidewalk, which is not made for long term parking and asked how the City sees it impacting the longevity of the sidewalks. Public Works Director Porter explained mountable curbs as they slope up are thicker concrete and are designed to handle additional weight. Mayor Porter asked how much additional easement would be located in the property and expressed possible concerns with the maintenance for the homeowner. Public Works Director Porter replied the easements are not changing. Forrester asked if the maintenance of the sidewalk falls on the City. Public Works Director Porter replied the City does maintain the sidewalks and added he does not anticipate a significant cost increase. Councilman Williams asked why a mountable curb is needed. Public Works Director Porter responded that they could do a regular curb; however, the applicant has requested a mountable curb and Woodbridge Townhomes currently has mountable curbs and they have been successful. Councilman Wallis asked if the sidewalk that abuts to the mountable curb is thicker. Public Works Director Porter replied it would be six inches thick instead of four inches thick.

### **Applicant**

John Arnold, representing Skorburg, stated the irrigation will be behind the sidewalk and the sidewalk will be up against the curb and will not have bubblers, six to seven inches of pavement will be added on top of required thickness, they are increasing the strength of the curb and pavement, and the reason for the request for a mountable curb is so the sidewalk can be poured at the same time as the curb is as the integrity of the curb and sidewalk can be compromised if a regular curb is done. Arnold reported there is a conflict with Woodbridge Townhome Development and NTMWD surveys. Woodbridge is willing to work with Skorburg but NTMWD is not willing to work with them, and if they honor NTMWD wishes then they lose five feet as it overlaps the Woodbridge Townhomes Development. Skorburg is proposing to redo engineering to correct the dispute, there would be no changes to PD standards, and they are requesting the variance for ROW. Skorburg will be doing expansion joints to help alleviate cracking, shift sidewalks forward, and will be removing five feet from ROW.

Mayor *pro tem* Forrester asked if the City has any issues with current mountable curbs. Public Works Director Porter replied that he is not aware of any issues. Councilman Williams confirmed the width of the streets with the mountable curbs at Woodbridge Townhomes is the same proposed width. Arnold stated if this is approved it will be re-engineered, will have a new survey, and a three-party agreement will be signed off on by NTMWD, Woodbridge Townhomes, and Skorburg. Councilman Wallis expressed concerns with maintenance of curbs and sidewalks and asked if there is a way for the developer to be responsible for curbs and sidewalks for a set amount of time. Public Works Director Porter replied the City currently does a two-year maintenance agreement with developers. Councilman Mize asked if the City has had any issues with parking on the sidewalks near current mountable curbs. Public Works Director Porter stated he has not heard of any issues. Arnold replied signage could be added for no parking on curb, and added some cities require mountable curbs and he has not heard of any concerns from other developments. Public Works Director Porter added there will be a visual black line between the curb and sidewalk, and when a mountable curb abuts a sidewalk it does help protect the integrity.

### **Council Action**

A motion was made by Councilman Williams, seconded by Mayor *pro tem* Forrester, to approve Item 2 as presented. A vote was taken and the motion passed 7-0.

- 3. Consider, and act upon, Ordinance No. 2021-50, rescinding and amending Ordinance No. 2021-05, to correct the legal description for Planned Development 2020-13.**

### **Staff Comments**

Planning Manager Haskins addressed Council stating this is an administrative fix for the legal description with the passing of Item 2.

### **Council Action**

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Williams, to approve Item 3 as presented. A vote was taken and the motion passed 7-0.

- 4. Consider, and act upon, Ordinance No. 2021-51 amending Ordinance No. 2021-43, which established the budget for fiscal year 2021-2022; providing for repealing, savings and severability clauses; and providing for an effective date of this ordinance.**

### **Staff Comments**

Finance Director Beard addressed Council stating the proposed budget amendments has two components which include: 1) to transfer excess General Fund Fund Balance to a new fund, General Fund Fund Balance Community Investment (Fund 470) in the total amount of \$6,250,000 which is allocated to various expense accounts for Senior Center remodel, two splash pads, a dog park, sidewalk repairs, storm drainage facilities, and two Quint replacements, and 2) to increase the Library budget by \$120,000 for the purchase of a book sorter, and to increase the Fire Department budget by \$250,000 for the purchase of LifePak heart monitors.

### **Council Action**

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

5. **Consider, and act upon, the approval of the Employment Agreement between the City of Wylie, Texas and Brent Parker, and authorize the Mayor to execute the agreement.**

### **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, selection of search firms to assist with search for City Manager.**

### **Council Comments**

Mayor Porter reported that the Council subcommittee appointed at the October 18th meeting has not had the opportunity to review the information and meet; therefore, Council is not ready to make a recommendation on this item.

### **Council Action**

No action was taken by the City Council on this item.

## **WORK SESSION**

Mayor Porter convened the Council into a Work Session at 7:18 p.m.

Mayor Porter recessed the Council into a break at 7:18 p.m.

Mayor Porter reconvened the Council into a Work Session at 7:26 p.m.

### **WS1. Discuss Wylie Recreation Center cost of service study with PROS consultant.**

Michael Svetz, representing PROS Consulting, addressed Council giving a presentation on the methodology for conducting the cost of service including an overview, total cost of service concept, service classification, and cost recovery approach; core programs/services evaluated including athletic field rentals, Brown House operations, Recreation Center operations, Senior Center operations, shelter reservations, and Stonehaven House operations; Recreation Center analysis including Recreation Center amenities, historical financial performance direct costs only, core programs/services, current full cost of service, and service classification analysis; cost recovery goals by program area, membership fee example, and three year financial performance summary for cost recovery option one at 66 percent, cost recovery option two at 87 percent, and cost recovery option three at 100 percent; overall membership fee changes summary of three options, and overall financial performance summary of three options.

Council discussion included clarification on the fee-based programs/services, options for including fee-based programs/services in a package instead of a la carte, and inflation adjustment.

Council direction for staff was to review and bring back some options for their consideration based on the information presented.

### **WS2. Discuss how to proceed with the dog park, splash pad, and Senior Center improvement projects.**

Purchasing Manager Hayes addressed Council giving a presentation on design and construction methodologies, design build procurement method, job order contracting, and a staff recommendation for design under MAPES/PSPO and complete a bid process. After a design is established Hayes stated staff has identified potential cost savings with the option of purchasing equipment from cooperative agreements and having a firm install them.

Council discussion included questions about a Competitive Sealed Bid process, and gave staff direction to move forward with hiring an independent landscape architect for the design and follow up with a competitive sealed proposal for the splash pads and dog park. After a design has been established the Council will hold a joint work session with Parks and Recreation Board.

Mayor Porter recessed the Council into a break at 8:30 p.m.

Mayor Porter reconvened the Council into a Work Session at 8:40 p.m.

**WS3. Discuss a proposed residential development on approximately 44 acres, generally located on the northeast corner of Skyview Drive and Avalon Park Road in the City of Wylie's Extra Territorial Jurisdiction.**

Planning Manager Haskins addressed Council stating the developer's representative has requested a work session with City Council to discuss a proposed development generally located on the northeast corner of Skyview Drive and Avalon Park Road. The proposal consists of 348 duplex style rental units on ~43.8 acres. This property is currently in the City of Wylie's Extra Territorial Jurisdiction (ETJ) therefore annexation would be required. Annexation with a developer agreement has been proposed by the developer; however, prior to application, staff recommended a work session with Council due to the nature of the development and the requirements annexation places upon the City, such as utilities, waste collection, and public safety. In addition to any general discussion with the developer, staff is requesting Council discussion on the following: the requirement of a Traffic Impact Analysis (TIA) in conjunction with any development agreement prior to annexation due to location of the proposal and surrounding roads; expansion of the CCN and related studies due to the property not being within the City's, or any jurisdiction's, sewer service area (CCN), the distance to available sewer lines, and the City sewer system having been designed in accordance with the current CCN boundaries; and screening of the property from public ROW and the surrounding Avalon Park.

Carlo Silvestri, representing Weir Associates, addressed Council regarding a single-family style, gated, for rent community on one lot, with private roads, having its own parking and amenities, and consisting of one, two, and three-bedroom units. The property is surrounded by a levy which is part of the Lavon Lake dam, and they are proposing to add a lift station and a detention pond. Silvestri reported they did do a downstream sanitary sewer study, which identified capacity constraints.

Questions from Council included number of different size units, asked if they spoke with Army Corp of Engineers about the detention pond and building homes near the dam, will the developer replace trees that are removed, who will pay for cost of getting water and sewer to the development, expressed concerns with street conditions near the development and the plan for the future, the sewer system improvements that would be required, the impact would it have on the City treatment plant, and the boundaries of the City sewer CCN map.

Matthew Hiles, representing 3W, stated their products do not typically attract families and the lease does not allow children in one-bedroom units. They would be interested in participating with roadway improvements, gained the support of the school district, and will have screening of a heavy band of trees on three sides along the property lines.

Council feedback included that they liked the look of the project; however, they have concerns with the timing of the development with it being outside the City limits and CCN.

**WS4. Discuss RV temporary street parking.**

Interim City Manager Parker addressed Council stating this item was requested to be placed on the agenda by Councilman Duke. Councilman Duke stated he was contacted by a citizen that expressed concerns with the current regulations.

Police Chief Henderson stated RV street parking is currently a ticketed offense; however, since 2018 no citations have been issued for anything related to this matter and going back to 2015 two citations have been issued for junk

vehicles. Henderson stated the goal of the City is to gain compliance and expressed concerns with amending the current regulations. If the Council does wish to amend the regulations, he did give an example of a nearby city who issues a permit for loading and unloading.

Council direction included as long as people are not taking advantage of the current processes the ordinances should stay as written. Council did add verbiage may need to be added to Section 110-186(a) of the Code of Ordinances for loading and unloading allowed for 24 hours instead of prohibited.

Sarah Johnston addressed Council stating she likes to follow rules and does not like parking her RV overnight when it is technically not allowed and does not want to add additional work to the Police Department. Based on RV forums, three days, or 72 hours, is allowed for other cities.

#### **WS5. Discuss live streaming Board and Commission meetings.**

Interim City Manager Parker addressed Council requesting direction from Council regarding live streaming Board and Commission meetings. City Secretary Storm addressed Council with additional information regarding hours allotted and pricing, information on boards that do not currently meet in the Council Chambers, potential board meeting conflicts, and requesting direction if subcommittees should be included.

Direction from Council was for all permanent boards, except EDC as they are governed by their bylaws established by their Corporation, meet in the Council Chambers and be live streamed but not indexed. The only two meetings that are to be indexed at this time are City Council and Planning and Zoning Commission.

### **RECONVENE INTO REGULAR SESSION**

Mayor Porter reconvened the Council into Regular Session at 10:17 p.m.

### **EXECUTIVE SESSION**

Mayor Porter convened the Council into Executive Session at 10:17 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. Properties adjacent to McMillen Rd. between McCreary Rd. and Country Club Rd.**

#### **ES2. Consider the sale or acquisition of properties located at Ballard/Brown, Brown/Eubanks, FM 544/Cooper, Jackson/Oak, 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).

#### **ES3. 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, 2021-4c, 2021-6a, 2021-6c, 2021-8a, 2021-8b, 2021-9c, 2021-9e, 2021-9f, and 2021-10a.**

## **RECONVENE INTO OPEN SESSION**

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

Mayor Porter reconvened the Council into Open Session at 11:00 p.m.

## **Council Action**

A motion was made by Councilman Strang, seconded by Mayor *pro tem* Forrester, to authorize the Wylie EDC to enter into a Performance Agreement with Project 2021-9c in an amount not to exceed \$65,000. 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. 2021-48, 2021-49, 2021-50, and 2021-51 into the official record.

## **ADJOURNMENT**

A motion was made by Councilman Strang, seconded by Councilman Wallis, to adjourn the meeting at 11:03 p.m. A vote was taken and motion passed 7-0.

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**Matthew Porter, Mayor**

**ATTEST:**

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**Stephanie Storm, City Secretary**