

# Wylie City Council Regular Meeting

October 12, 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 6:00 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.

Staff present included: City Manager Chris Holsted; Assistant City Manager Brent Parker; Assistant City Manager Renae Ollie; Police Chief Anthony Henderson; Fire Chief Brandon Blythe; Finance Director Melissa Beard; Parks and Recreation Director Rob Diaz; Public Works Director Tim Porter; Project Engineer Jenneen Elkhaid; Public Information Officer Craig Kelly; Economic Development Executive Director Jason Greiner; Planning Manager Jasen Haskins; City Attorney Richard Abernathy; City Secretary Stephanie Storm, 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. 1st Nine Weeks Wylie Way Students 1st - 4th Grade.

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. Emergency Room Nurses Week

Mayor Porter recognized Emergency Room Nurses Week and expressed appreciation to all nurses.

### PR3. Breast Cancer Awareness Month

Mayor Porter recognized Breast Cancer Awareness Month.

## 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.*

James and Joann Wilson, addressed Council speaking about concerns with trash near Beaver Creek Road and Green Meadows Way.

## **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 September 28, 2021 Regular City Council Meeting minutes.**
- B. Consider, and act upon, Ordinance No. 2021-46 setting the time and place for all regular City Council Meetings in the 2022 calendar year.**
- C. Consider, and act upon, Resolution No. 2021-32(R) of the City Council of the City of Wylie, Texas to ratify emergency repairs of the electrical system at Founders Park from Groves Electrical Service, Inc. in the amount of \$55,600.00.**
- D. Consider, and act upon, the approval of the purchase of a Ford 450/Horton Type 1 Model 623 Ambulance from Professional Ambulance Sales & Service LLC (d.b.a. SERVVS LLC) in the estimated amount of \$338,840.00 through a cooperative purchasing contract with Houston-Galveston Area Council Cooperative, and authorizing the City Manager to execute any necessary documents.**
- E. Consider, and act upon, the approval of the purchase of Chevrolet vehicles in the estimated amount of \$564,000.00 through a cooperative purchasing contract with Sheriff's Association of Texas Vehicle Purchase Program, and authorizing the City Manager to execute any necessary documents.**
- F. Consider, and act upon, the approval of the purchase of Ultra Low Sulfur Diesel and Unleaded Gasoline from Wylie Independent School District in the estimated amount of \$200,000.00 through the Collin County governmental Purchasing Forum agreement, and authorizing the City Manager to execute any necessary documents.**
- G. Consider, and act upon, Ordinance No. 2021-47 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.**

Councilman Williams requested Item D and staff requested Item E be pulled from Consent Agenda and considered individually.

### **Council Action**

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

## **REGULAR AGENDA**

- D. Consider, and act upon, the approval of the purchase of a Ford 450/Horton Type 1 Model 623 Ambulance from Professional Ambulance Sales & Service LLC (d.b.a. SERVVS LLC) in the estimated amount of \$338,840.00 through a cooperative purchasing contract with Houston-Galveston Area Council Cooperative, and authorizing the City Manager to execute any necessary documents.**

### **Council Comments**

Councilman Williams asked if this item is tied to the purchase on Item E. Purchasing Manager Hayes responded Item D does not relate to Item E.

### **Council Action**

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

- E. Consider, and act upon, the approval of the purchase of Chevrolet vehicles in the estimated amount of \$564,000.00 through a cooperative purchasing contract with Sheriff's Association of Texas Vehicle Purchase Program, and authorizing the City Manager to execute any necessary documents.**

**Staff Comments**

Purchasing Manager Hayes addressed Council stating the agenda item was amended to correct the cooperative contract information and current lack of availability of the Police Tahoe units. The three-quarter-ton vehicles, which were included, are under a different cooperative purchasing contract and will be brought back at a future meeting. The Police Tahoe units are also not available under the cooperative contract and are being researched. The amended item now includes three replacement vehicles for the Meter Services and two one-ton vehicles for Public Works that are part of the Tarrant County Cooperative Purchasing Contract.

**Council Action**

A motion was made by Councilman Wallis, seconded by Councilman Strang, to approve the purchase of Chevrolet vehicles in the estimated amount of \$193,500 through a Tarrant County Cooperative Purchasing Contract, and authorizing the City Manager to execute any necessary documents. A vote was taken and the motion passed 7-0.

- 1. Consider, and act upon, adoption of Resolution No. 2021-33(R) determining a public necessity to acquire certain property for public use by eminent domain for rights-of-way (in fee simple), related improvements for the construction, expansion, access, repair, maintenance and replacement of public road commonly referred to as Eubanks Lane (from Hwy 78 to approximately 1,000 feet north of Centennial Drive); giving notice of an official determination of public necessity to acquire certain property for public use by eminent domain for such rights-of-way (in fee simple), and related improvements for the construction, expansion, access, repair, maintenance and replacement of Eubanks Lane (from Hwy 78 to approximately 1,000 feet north of Centennial Drive); authorizing the City manager of the City of Wylie, Texas, to establish procedures for acquiring the rights-of-way (in fee simple), and related improvements for the construction, expansion, access, repair, maintenance and replacement of Eubanks Lane (from Hwy 78 to approximately 1,000 feet north of Centennial Drive), offering to acquire said property right, voluntarily, from the landowners through the making of bona fide offers including making initial and final offers; authorizing the City Attorney to file proceedings in eminent domain to condemn the needed real property for public use, if needed; appropriating funds; providing for repealing, savings and severability clauses; and providing for an effective date.**

Mayor Porter convened the Council into Executive Session at 6:27 p.m. in regard to Item 1.

**Sec. 551.071. CONSULTATION WITH ATTORNEY; CLOSED MEETING.**

A governmental body may not conduct a private consultation with its attorney except:

- (1) when the governmental body seeks the advice of its attorney about:
  - (A) pending or contemplated litigation; or
  - (B) a settlement offer; or
- (2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

**RECONVENE INTO OPEN SESSION**

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

Mayor Porter reconvened the Council into Open Session at 6:47 p.m

**Staff Comments**

Public Works Director Porter addressed Council stating this item is for property on Eubanks close to Highway 78 that the City needs to acquire in order to move forward with an anticipated project to widen Eubanks.

### **Council Comments**

Mayor Porter confirmed that the City has made multiple attempts to contact the land owner with no response. Public Works Director Porter replied that was correct.

### **Council Action**

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Williams, which stated “I move that the City Council of the City of Wylie, Texas authorize the use of the power of eminent domain to acquire property, in fee simple, located in the area described and depicted in Exhibit A to the Resolution under consideration by the City Council, for the purpose of the construction, expansion, access, repair, maintenance and replacement of Eubanks Lane (from Hwy 78 to approximately 1,000 feet north of Centennial Drive) and all appurtenances related thereto.” A vote was taken and the motion passed 7-0.

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

### **Staff Comments**

Planning Manager Haskins addressed Council stating the applicant is requesting a Special Use Permit (SUP) on 0.975 acres located at 2027 N State Highway 78 to allow for a restaurant, Taco Casa, with drive-through service. The proposal includes a new 2,867 square foot structure and is proposed to have an exterior that consists of textured stone and split face CMU. Haskins stated review and approval of a separate site plan shall be required should this Special Use Permit be approved. The surrounding properties are zoned Commercial Corridor and have existing commercial uses such as automotive repair, restaurant, and general retail. There are no other drive-thru restaurants in the area, occupied or vacant. There are two drive-thru restaurants within a half mile that have approved site plans, Panda Express and Fuel City, but neither has begun construction. Haskins reported nine notifications were mailed; with no responses returned in favor or in opposition of the request.

### **Public Hearing**

Mayor Porter opened the public hearing on Item 2 at 6:55 p.m. asking anyone present wishing to address Council to come forward.

Wes Hoblit, representing the property owner, addressed Council stating he was present to answer any questions Council may have.

Mayor Porter closed the public hearing at 6:56 p.m.

### **Council Comments**

Councilman Williams asked if this SUP is limited to Taco Casa. Haskins replied it is limited to a restaurant use that would utilize the exact same site plan of Taco Casa, and if there were any modifications it would require a new SUP and site plan. Councilman Strang confirmed the SUP is for a two-lane drive-through. Haskins confirmed that is correct.

### **Council Action**

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

- 3. Consider, and act upon, Resolution No. 2021-34(R) casting a nomination for a candidate for the Board of Directors of the Collin Central Appraisal District.**

### **Council Comments**

Mayor Porter asked Council if any member had a nomination to put forth. Councilman Williams stated he would like to nominate Zewge Kagnew.

### **Council Action**

A motion was made by Councilman Williams, seconded by Mayor *pro tem* Forrester, to approve Resolution No. 2021-34(R) casting a nomination for Zewge Kagne as a candidate for the Board of Directors of the Collin Central Appraisal District. A vote was taken and the motion passed 7-0.

Mayor Porter convened the Council into Work Session at 7:02 p.m.

### **WORK SESSION**

#### **WS1. Discuss and review the recent Comp Plan Public Open House and the draft Comp Plan goals - Joint with Planning and Zoning Commission and Comprehensive Plan Advisory Committee.**

Planning Manager Haskins addressed Council stating staff and the consultant team from Freese and Nichols have completed a draft of the opening chapters of the Comprehensive Master Plan. As part of that process, the Comprehensive Plan Advisory Committee (CPAC) has met to provide input on the state of Wylie and goals for the future. Additionally, an open house was held, in-person and online, to solicit citizen input regarding the same. The next steps in the plan are drafting the goals for the Comp Plan. The last step before writing the plan begins in earnest, is input and guidance regarding the draft goals from the City Council during this work session with the P&Z Commission and CPAC.

Comprehensive Plan Advisory Committee and Planning and Zoning Commission members present included Sandra Stone, Todd Pickens, Ken Kocon, Jon Bailey, Eugene Hauptmann, James Byrne, Jared Larew, Jeremy Meier, Jason Greiner, Jacques Loraine, Matt Atkins, Joshua Butler, and Dan Norris.

Daniel Harrison, representing Freese and Nichols, addressed Council giving a presentation on the scope and schedule reminder; review input to-date including Wylie's current strengths and weaknesses and future opportunities and threats; review and discuss draft goals including seven Land Use and Design goals which are:

- LU-1. Use the FLU map and strategies contained within this comprehensive plan when making development decisions.
- LU-2. Promote Wylie's sense of community identity and small-town charm.
- LU-3. Strengthen Downtown Wylie as a vibrant and welcoming destination.
- LU-4. Plan for well-designed commercial centers and corridors.
- LU-5. Leverage the lakefront as a unique and desirable destination.
- LU-6. Support economic development efforts to ensure that Wylie is an economically resilient community.
- LU-7. Protect and conserve environmentally sensitive areas.

five Housing and Neighborhood goals which are:

- H-1. Preserve Wylie's existing neighborhoods that are currently thriving.
- H-2. Encourage compatible infill and redevelopment in aging neighborhoods.
- H-3. Ensure that Wylie's housing stock includes affordable housing options.
- H-4. Allow a variety of housing types and choices.
- H-5. Incorporate amenities and design features in future developments to ensure quality neighborhoods.

and five Transportation goals which are:

- T-1. Plan for a safe and efficient transportation network.
- T-2. Expand mobility and access for all Wylie residents.
- T-3. Promote pedestrian and bicycle connectivity throughout the community.
- T-4. Ensure continued regional communications for coordinated and efficient use of resources.
- T-5. Ensure that Wylie's transportation and mobility systems utilize nationwide best and innovative practices.

Feedback from Council members during the discussion regarding Land Use and Design goals included to update the land use map, adding more native plants and trees is important, preserving commercial corridor and identifying

areas where anchors might be appropriate to attract commercial property, complement and expand existing businesses, look at acquisition of land for park needs, and identify land located in the floodplain to preserve green space.

Feedback from Council members during the discussion regarding Housing and Neighborhood goals included preserving land use around established neighborhoods, encourage and foster neighborhood identity in established neighborhoods, improve eastside streets, take into account subdivisions approved by Council but have not been built and redevelopment areas, possible rewording of H-3, keep at single-family 10/24 and allow the developer to request a Planned Development, agree with living units above downtown and S. Ballard overlay, if property is zoned commercial would like to keep it that way, would be okay with true mixed use, identifying urban cores is important, keep plan flexible to allow for development that would increase commercial activity, identify general areas where multifamily is appropriate, have concerns with taking over maintenance of HOAs, and add more trails.

Feedback from Council members during the discussion regarding Transportation goals included not in favor with thin lanes for safety and accessibility, would like additional information on innovative transit alternatives, have hike and bike lanes in the City to allow for connection, do not like bike rentals, possible rewording or removal of T-5, keep Wylie, Wylie, focus on eco-friendly, and do not have interest with DART besides what is currently in the City.

Committee and Commission members Pickens, Butler, Kocon, Larew, Greiner, and Bailey addressed Council. The comments included: interested in RAW data from survey to compare with what was presented, would like to see certain trees not allowed to be planted and for tree mitigation strengthened for trees removed to develop, remove T-5, look at ways to improve the lack of downtown Wylie parking, look at other areas that could allow light and heavy industrial, protect the commercial that is left, keep as much green space as possible, ensure to include the S. Ballard overlay, and in reference to H-3 everyone matters.

Mayor Porter requested options and information for tree mitigation and restricting native use plants be gathered and brought back at a future meeting.

Mayor Porter recessed the Council into a break at 9:01 p.m.

Mayor Porter reconvened the Council into Work Session at 9:10 p.m.

## **WS2. Discuss the Downtown Wylie Traffic Impact Analysis project.**

Public Works Director Porter addressed Council stating Lee Engineering is present for a presentation in preparation for the planned subject project kick-off meeting anticipated in October 2021. Stakeholders for the upcoming meeting include the Downtown Merchants, EDC, First Baptist Church staff, and local residents. Insights from City Council, as well as those from stakeholders, will be considered in developing a plan to move forward with the subject project.

Josh Smith, representing Lee Engineering, gave a presentation which included: reviewing previously established priorities and study area, discuss parking dimensions and how they influence design choices, review draft study scenarios such as two-way versus one-way, typical street configurations, and options for one-way transitions north and south of downtown, and gathering input to refine alternatives before a detailed analysis.

Consensus of Council included one-way flow of traffic and no parallel or perpendicular parking on Ballard Street, have Birmingham extended north to Brown Street, no narrower drive lane than what is currently on Ballard Street, and liked angled parking and larger sidewalks.

James Byrne, citizen, addressed Council stating he recommended Birmingham cross Highway 78 and liked one-way flow of traffic and angled parking proposed.

Jeremy Meier, Downtown Merchants Association, addressed Council requesting Council allow for the input of downtown merchants before parallel and one-way flow of traffic is removed from consideration.

Regarding the North Transition Options, the majority of Council preferred Option C, which is all southbound traffic shifts via Brown and north and southbound Ballard on original alignment.

Regarding the South Transition Options, the majority of Council preferred Option B, which is all southbound traffic on original alignment and northbound Ballard on original alignment.

### **WS3. Discuss traffic and parking issues around WISD schools.**

Mayor Porter addressed Council stating there have been concerns received regarding drivers parking along residential streets during school pickup times blocking the flow of traffic, driveways, and mailboxes, as well as safety concerns with kids crossing the street between vehicles.

City Manager Holsted stated an ordinance was put in place a few years ago in the Cimarron neighborhood to prohibit students from parking during the school day in the neighborhood; however, it does not apply to the new concerns. Holsted stated one option could be to draft an ordinance prohibiting parking, stopping, and standing during morning drop off and afternoon pickup times. Holsted stated staff can also work with the school district on the concerns.

WISD School Board President Matt Atkins and WISD Director of Safety and Security, Brian Kelly, addressed Council. Atkins stated he looks forward to working with the City to ensure the safety of students and added there should be possible future improvements with the traffic as construction near the schools is wrapping up. Kelly stated the Wylie East drop off and pick up location has been changed recently and an email has been sent to parents notifying them, and the Wylie High School crosswalk is staffed with a security staff member during lunch to try to group the kids together to cross the road; however, the problem is occurring before and after school when the crosswalk is not staffed. Kelly stated the school wants to be a partner with the City in determining solutions to the concerns.

Council direction regarding neighborhoods surrounding schools, was for staff to work on drafting an ordinance that prohibits parking, stopping, and standing during drop off and pick up times to keep kids safe and prevent cars from blocking mailboxes and driveways. Mayor Porter stated regarding the concerns at the crosswalk near Wylie High School, they look forward to the findings of Lee Engineering.

### **WS4. Discuss November City Council meeting date.**

City Secretary Storm addressed Council stating staff was requesting Council's direction on moving the regularly scheduled November 9, 2021 Council meeting to Monday, November 15, 2021 in order to hold the regularly scheduled meeting with the canvass for the Bond Election. Council's direction was to move the regular meeting to November 15, 2021.

## **RECONVENE INTO REGULAR SESSION**

Mayor Porter reconvened the Council into Regular Session at 10:42 p.m.

## **EXECUTIVE SESSION**

Mayor Porter convened the Council into Executive Session at 10:42 p.m.

### **Sec. 551.071. CONSULTATION WITH ATTORNEY; CLOSED MEETING.**

If A governmental body may not conduct a private consultation with its attorney except:

(1) when the governmental body seeks the advice of its attorney about:

(A) pending or contemplated litigation; or

(B) a settlement offer; or

(2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

**ES1. Receive legal advice regarding Code of Ordinances - Chapter 82, peddlers and solicitors' ordinance.**

**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.

**ES2. Discuss Right-of-Way Acquisition for McMillen Drive and Eubanks Lane.**

**Sec. 551.074. PERSONNEL MATTERS; CLOSED MEETING.**

(a) This chapter does not require a governmental body to conduct an open meeting:

(1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or

(2) to hear a complaint or charge against an officer or employee.

(b) Subsection (a) does not apply if the officer or employee who is the subject of the deliberation or hearing requests a public hearing.

**ES5. Discuss the performance and contract of the City Manager.**

**RECONVENE INTO OPEN SESSION**

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

Mayor Porter reconvened the Council into Open Session at 2:10 a.m.

City Attorney Abernathy addressed Council stating the City Council has been in Executive Session to discuss the contract of the City Manager. He stated he understands the City Council has met with the City Manager in Executive Session and the parties have reached an agreement that Mr. Holsted would submit his resignation effective today subject to documentation of a six month severance to Mr. Holsted, payment of all accrued unpaid personal leave, vacation, and sick leave, a letter of recommendation that would be negotiated, and mutual releases that would be signed between the parties which would be completed by late Monday, October 18, 2021.

**Council Action**

A motion was made by Councilman Strang, seconded by Councilman Duke, to accept the resignation of the City Manager subject to the finalization of the terms as stated by the City Attorney. A vote was taken and the motion passed 6-1 with Councilman Mize voting against.

Mayor Porter thanked Mr. Holsted and Mr. Abernathy for their time this evening.

**EXECUTIVE SESSION**

Mayor Porter convened the Council into Executive Session at 2:14 a.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.

**ES3. Consider the sale or acquisition of properties located at Ballard/Brown, 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).

**ES4. 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, 2021-8a, 2021-8b, 2021-9c, 2021-9e, and 2021-9f.**

#### **RECONVENE INTO OPEN SESSION**

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

Mayor Porter reconvened the Council into Open Session at 2:41 a.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. 2021-46 and 2021-47 into the official record.

#### **ADJOURNMENT**

A motion was made by Councilman Strang, seconded by Councilman Williams, to adjourn the meeting at 2:42 a.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**