

Wylie City Council Minutes

May 25, 2021 – 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.

Staff present included: City Manager Chris Holsted; Assistant City Manager Brent Parker; Assistant City Manager Renae Ollie; Assistant Police Chief Tommy Walters; Police Chief Anthony Henderson; Fire Chief Brandon Blythe; Public Information Officer Craig Kelly; Finance Director Melissa Beard; Planning Manager Jasen Haskins; Human Resources Director Lety Yanez; Project Engineer Jenneen Elkhaid; Parks and Recreation Director Rob Diaz; Wylie Economic Development Corporation Executive Director Jason Greiner; 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.

Mayor Porter invited the public to attend a Memorial Day Service on Monday, May 31, 2021, flag ceremony starting at 7:30 a.m. and full ceremony starting at 11:30 a.m., at Olde City Park.

CITIZEN COMMENTS ON NON-AGENDA ITEMS

There were no citizens present wishing to address the Council.

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- A. Consider, and act upon, approval of May 11, 2021 Regular City Council Meeting minutes.**
- B. Consider, and act upon, Ordinance No. 2021-29 for a change of zoning from Planned Development 2017-03 (PD-2017-03) to Commercial Corridor (CC), to allow for commercial development on 4.728 acres located at 3010 W. FM544. (ZC2021-12).**
- C. Consider, and act upon, Ordinance No. 2021-30 for a change of zoning from Single Family 10/24 (SF 10/24) to Commercial Corridor (CC), to allow for commercial development on 0.433 acres located at 605 Parker Road (ZC2021-08).**
- D. Consider, and act upon, the award of a Professional Services Project Order (PSPO) #W2021-77-E for HSIP Intersection Improvements at FM 544 & McCreary Road and SH 78 & Brown Street to Kimley-Horn and Associates, Inc. in the amount of \$98,000.00 and authorizing the City Manager to execute any necessary documents.**

- E. Consider, and place on file, the City of Wylie Monthly Investment Report for April 30, 2021.**
- F. Consider, and place on file, the City of Wylie Monthly Revenue and Expenditure Report for April 30, 2021.**
- G. Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of April 30, 2021.**
- H. Consider, and act upon, Resolution No. 2021-12(R) recognizing efforts of the NCTCOG for their work on the Downtown Wylie Strategic Plan.**

Council Action

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

REGULAR AGENDA

- 1. Interview applicants for Board of Ethics vacancies for a term to begin July 1, 2021 and end June 30, 2023.**

Council interviewed applicants Jal Dennis and Lori Villarreal.

- 2. Hold a Public Hearing, consider, and act upon, a change of zoning from Commercial Corridor (CC) and Heavy Industrial (HI) to Planned Development (PD-CC-HI), to allow for a warehousing, light industrial and manufacturing use on 225.1 acres, generally located at the northeast corner of State Highway 78 and Spring Creek Parkway. (ZC2021-11)**

Staff Comments

Planning Manager Haskins addressed Council stating the applicant is requesting to rezone 225 acres located on the northeast corner of State Highway 78 and Spring Creek Parkway. The Planned Development (PD) establishes uses that are allowed by right and by Special Use Permit (SUP). Uses that are not included in the PD shall be prohibited. The modified site design standards allow for 10 percent landscaping throughout the site, extend the parking rows before a required landscaped island to 20 due to the nature of the use, and as requested by the Planning and Zoning Commission, require the use of drought resistant landscaping where possible. The Traffic Impact Analysis (TIA) has indicated a 10-25 percent increase in current truck traffic at project build out. Haskins reported the properties adjacent to the subject property are zoned commercial to the west and south, the properties to the north are zoned Heavy Industrial and Agricultural, and the property to the east is located outside of the City limits. The subject property lies within the General Urban Sector of the Comprehensive Land Use Plan and the proposed zoning is compatible with the Plan. Twenty notifications were mailed; with no responses within the notification area received in opposition or in favor of the request; however, from outside the notification area, one response was received in favor and one response against. The Commission voted 6-0 to recommend approval with the addition of some environmental improvements.

Applicant Comments

RJ Agee and Chris Carucci, representing NorthPoint Development, addressed Council giving a presentation on the active markets, industrial clients, partners and services, Wylie Logistics Park site location, masterplan, typical building plan, conceptual landscaping plan, building exterior examples, estimated project impacts, sustainable features, and water reduction.

Public Hearing

Mayor Porter opened the public hearing on Item 2 at 6:48 p.m. asking anyone present wishing to address Council to come forward.

No one was present wishing to address the Council.

Mayor Porter closed the public hearing at 6:48 p.m.

Council Comments

Mayor *pro tem* Forrester asked about the timing and potential users of the proposed facilities. Agee stated it will be a phased project with a goal of a building a year, one to two users in the larger facility and three to four smaller users in the smaller facilities, and state he does not know the potential users at this time. Councilman Mize stated he appreciated the “green” initiatives and asked how long it would be until the estimated permanent jobs are being filled. Agee replied their goal is once the building is complete it will have tenants and create permanent jobs. Forrester asked regarding the TIA, what is the total impact of the current number of trucks compared to what is expected after the warehouse is developed. Agee responded the TIA report states the proposed warehouse development is not expected to have a significant impact on the surrounding roadway, and added the average week day trips to and from the park is 3,470 cars and trucks with about 25 percent of that total being trucks. Councilman Williams asked the applicant to explain how the distribution works, and what the increase would be with Phase 2. Agee responded there will be an increase in overall truck traffic; however, traffic will be going one-way instead of two ways like a stand-alone facility that does not have an intermodal, and Phase 2 will have about the same amount of traffic impact as Phase 1. Councilman Wallis confirmed the current zoning is commercial corridor and heavy industrial, and the intent of the applicant is to have the property under one type of zoning, which lessens what is allowed. Haskins replied that is correct and the applicant is limiting the uses with the rezoning. Mayor Porter asked about the commercial vehicle enforcement. Assistant Police Chief Walters stated the Police Department currently has one certified commercial vehicle enforcement unit and is looking at expanding. Walters stated typically the trucks going and coming out of the intermodal are within weight and required compliances and are well maintained, but added the Police Department does continue to monitor them. Williams asked if there are tax advantages for the City with the storing of products. Agee replied the presented projections are real estate tax only. Wylie Economic Development Corporation Executive Director Greiner stated each individual user will own investment in the market and will be their own user; the presented projections are only calculated on the shell of the building.

Citizen Comments

Matthew Braswell addressed Council with concerns about traffic and accidents.

Diana Colwell addressed Council with concerns about wear and tear on the highway and reduced landscaping at the facility.

Jal Dennis addressed Council speaking in favor of this development and stating this type of project is what the City needs to bring primary jobs.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Williams, 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 of zoning from Commercial Corridor (CC) to Planned Development (PD-MF), to allow for a rental townhome development on 21.059 acres, generally located 500’ northeast from the intersection of State Highway 78 and Brown Street. (ZC2021-13)**

Staff Comments

Planning Manager Haskins addressed Council stating the applicant is requesting to withdraw this item.

Public Hearing

Mayor Porter opened the public hearing on Item 3 at 7:18 p.m. asking anyone present wishing to address Council to come forward.

Susan Gilbert addressed Council with concerns about traffic and stormwater.

Sandra Braswell and Diana Colwell addressed Council with concerns about traffic on Brown Street.

Jeff Bittner addressed Council with concerns about stormwater, traffic, congestion, parking, and loss of valuable property.

Justin Dumlao addressed Council stating he was disappointed that the remarks made at the Planning and Zoning Commission meeting led to the withdrawal of the proposal as he felt it was a well thought out proposal.

Mayor Porter closed the public hearing at 7:30 p.m.

Council Comments

Councilman Strang asked why this was denied by the Planning and Zoning Commission, and asked if staff had an indication on what the applicant might come back with. Haskins stated the Commissioners who voted against it have a desire for the frontage of the property along SH 78 to remain zoned commercial, and staff has not met with the applicant yet about future projects.

Council Action

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

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang, to remove Item 4 from the table to consider. A vote was taken and the motion passed 7-0.

4. Tabled from 04-27-2021

Remove from table and consider

Consider, and act upon, Ordinance No. 2021-25 of the City Council of the City of Wylie, Texas, amending Wylie's Code of Ordinances, Ordinance No. 2021-17, as amended, Chapter 10 (Alcoholic Beverages), Article II (Possession and Consumption in Public Places); modifying regulations on the possession and consumption of alcoholic beverages in public places; providing a repealing clause, a severability clause, a penalty clause and an effective date.

Council Comments

Mayor Porter stated this item was tabled by the Council on April 27, 2021 in order to hold a work session for further discussion at the last meeting. The proposed ordinance brings the City's regulations into compliance with state law, which limits the City's authority to enforce prohibitions on the possession and consumption of alcoholic beverages to a certain extent. Holsted added a section was also added to allow Council the discretion, on a case by case basis, to allow alcohol sales and consumption at events on City owned property. Forrester confirmed this does not allow someone to sell alcoholic beverages on City property without a TABC license. Holsted confirmed they would have to have Council approval and a TABC license.

Citizen Comments

Justin Dumlao addressed Council in favor of the proposed Ordinance.

Council Action

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

5. Consider, and act upon, Resolution No. 2021-13(R), approving the selection of comparison cities and entities for the 2021 compensation study of the City of Wylie's pay plans to include both general government and public safety employees.

Mayor Porter convened the Council into a break at 7:39 p.m.

Mayor Porter reconvened the Council into Regular Session at 7:46 p.m.

Staff Comments

City Manager Holsted addressed Council stating in the current year's budget, there are funds budgeted for a market study to compare salaries to peer cities, and staff wanted to bring a recommended list of peer cities and entities which include: Allen, Carrollton, Coppell, Frisco, Garland, Keller, McKinney, Murphy, Plano, Richardson, Rockwall, Rowlett, Sachse, and North Texas Municipal Water District for Council consideration. Holsted stated the consultant will gather data on a minimum, maximum, and range which will come before Council for consideration.

Council Comments

Mayor *pro tem* Forrester asked the last time market studies were completed. Human Resources Director Yanez replied that a market study of all positions was completed in 2017, and in 2018 some existing overlap was fixed. Forrester asked if staff could gather information from other cities regarding merit, market, and cost of living increases given for comparison purposes. Councilman Wallis asked why the City compares to other cities that are not in our scope or align with our community. Yanez replied it is because of talent, as the City is competing closely with neighboring cities. Councilman Williams asked if there is a possibility to have two snapshots: one with the local neighboring cities and one with 15-20 DFW cities that are about the same size and footprint as Wylie, and added he would like to see the residential versus commercial tax burden data as well. Holsted replied that information would probably be outside of the scope for the consultant, but staff can look to see if they can gather that type of data. Mayor Porter expressed concerns with comparing to larger cities on major corridors and stated he would like to see more of a balance of similar sized cities from around the state of Texas. Holsted replied market studies typically do not go too far outside the market for comparison cities because then you are competing with a different labor market than the metroplex. Holsted added it is a Council decision on how close to market average the City wants to be, and there are no two cities alike as they all have different revenue generation opportunities. Yanez stated the data collected from the larger cities can be utilized to compare and help make decisions, and added the consultant wants to ensure the best decision is made based on the data collected. Holsted stated staff can reach out to the consultant to see if they have any recommendations on similar sized cities that can be added. Councilman Mize stated he supports keeping the proposed list as is as it is important who the City compares to, and wants to ensure we are paying all of our employees appropriately, especially public safety as they put their life on the line. Mize added we are in competition for our employees and when you have employees that can be developed in the City over a period of time, they become interwoven in the community and can provide a higher level of service. Councilman Strang stated he agrees with the Mayor regarding the scale of the scope of cities and would forgo cities with populations over 150,000 and below 45,000.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Wallis, to approve Item 5 as presented with the caveat that staff will contact the consultant for additional information on cities as directed. A vote was taken and motion passed 7-0.

Mayor Porter convened the Council into Work Sessions at 8:13 p.m.

WORK SESSIONS

WS1. Discuss Lavon Lake and Aquatics Study - Joint work session with Parks and Recreation Board.

Parks and Recreation Director Diaz addressed Council stating Elizabeth McIlrath and Adam Brewster, representing Dunaway Consultants; George Deines, representing Counsilman-Hunsaker; Michael Svetz, representing Pros

Consulting; and Parks and Recreation Board members Craig Allen, Bret Swendig, Gloria Suarez, Brian Willeford were present this evening.

Adam Brewster presented the Aquatics Feasibility Study which included: the process; outdoor family aquatic center and natatorium and indoor leisure pool renditions; outdoor family aquatic center concept including the program, features, and construction cost of \$13.6 million; natatorium and indoor leisure pool concept including the program, features, and construction cost of \$15.4 million; and potential project phasing. George Deines presented the financial analysis which included the indoor and outdoor aquatic operations, expense analysis resulting in \$866,755 for outdoor and \$1,261,648 for indoor, indoor aquatics revenue of \$600,000 to \$800,000, outdoor aquatics revenue of \$700,000 to \$900,000, and indoor and outdoor cost recovery.

Questions from Council included filtration system used, outdoor expenses increase factored in, rental components, food and beverage sales, cabanas, costs associated for users, and potential tax increase for citizens.

Elizabeth McIlrath presented the Lake Parks Master Plan for East Fork Park and Avalon Park which included: the planning process; East Fork Park USACE land classifications, program and features, concept images for RV camping, cabin rentals, glamping and retro RV camping, primitive camping, equestrian use, and camping support amenities, a preliminary master plan, and summary of construction totals of \$19,566,750; Avalon Park USACE land classifications, program and features, concept images for day use, civic activities lawn, special events, trails and nature areas, boating, fishing, and lake access, a preliminary master plan, and summary of construction totals of \$10,676,250. Michael Svetz presented the financial feasibility which included: East Fork Park operational assumptions, approach to staffing summary, high level proforma, revenue model, and expenditure model; Avalon Park high level proforma, revenue model, and expenditure model.

Mayor Porter stated, based on meetings with the Army Corp of Engineers, they are sensitive about any type of store selling items, flooding concerns in specific areas, and noting a separate agreement with East Fork Harbor marina would have to be reached as it is a private drive. Feedback and questions from Council included courtesy docks by boat ramps, fishing pier types, time period for leasing agreement with the Army Corp. of Engineers, the amount and type of playgrounds and pavilions within the 505 floodplain, location of 5k trail, rental projections, activity and event lawn uses, and RV term lease.

Park Board feedback and questions included closing down current park completely or phase in to make improvements, lake needs improvements and should be a priority, length of lease is important, possible need for an outdoor aquatic's facility, quantifying potential sales tax recoup from outside the City visitors, what kind of opportunity do we want for our community, and preferred no daily admission for trail usage and to look at other revenue options.

Holsted and Council thanked the consultants and Parks and Recreation staff and board members for their work on these projects.

Mayor Porter convened the Council into a break at 9:46 p.m.

Mayor Porter reconvened the Council into Work Session at 9:53 p.m.

WS2. Discuss Infrastructure needs in East Wylie.

Mayor Porter stated he requested this item be listed on the agenda as the City is looking at the use of fund balance and potential bond projects, there are areas such as 1st, 2nd, 3rd, 4th, and 5th streets that have no sidewalks and open stormwater drainage. Porter stated he would like to see potential options available and a long-term plan to bring the referenced area up to what we have in other parts of town. Holsted stated the Bond Committee did discuss a lump sum of money for City wide street and alley repairs and added in the past, the City did a Neighborhood Action Plan where areas in the City were identified for improvements. Holsted stated the areas discussed currently consist of asphalt streets, bar ditches and open drainage, not curb and gutter, and stated to replace streets with concrete and reroute the drainage consist of a different magnitude of cost. Mayor *pro tem* Forrester stated he had

concerns with adding new developments over in the east part of town with increased traffic on narrow asphalt streets and no sidewalks, and added he would like to see what the City can do to help keep the area closer to downtown beautiful and increase accessibility. Porter asked what the next steps would be if Council wanted to consider it as a long-term project. Holsted replied staff can get an idea of an order of magnitude cost to bring it to current standards of concrete curb and gutter and underground stormwater to start the discussion and then gather direction from Council. Councilman Mize stated this is important as there are inconsistent sidewalks in the area referenced which is problematic and supports creating a plan that Council can complete in phases. Councilman Wallis asked if the City can look at asphalt curb and gutter to allow the City to do more. Holsted replied one option is concrete curb and gutter with an asphalt street to help reduce some of the cost and can bring back estimated costs. Councilman Williams stated he is in favor of looking at improvements in the older neighborhoods on the east side of town that would have longevity to it and serve the residents. Planning Manager Haskins added that a large portion of the Comprehensive Master Plan is transportation, and the City can utilize the consultant to include what is decided as part of the Plan.

WS3. Public Works Department Presentation.

This work session was moved to June 8, 2021 City Council meeting.

RECONVENE INTO REGULAR SESSION

Mayor Porter reconvened the Council into Regular Session at 10:09 p.m.

READING OF ORDINANCES

City Secretary Storm read the captions to Ordinance Nos. 2021-25, 2021-29, and 2021-30 into the official record.

ADJOURNMENT

A motion was made by Councilman Strang, seconded by Councilman Duke, to adjourn the meeting at 10:11 p.m. A vote was taken and motion passed 7-0.

ATTEST:

Matthew Porter, Mayor

Stephanie Storm, City Secretary