

Wylie City Council Regular Meeting

January 25, 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 6:00 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: 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; Project Engineer Jenneen Elkhaid; Public Information Officer Craig Kelly; Library Director Ofilia Barrera; Planning Manager Jasen Haskins; City Secretary Stephanie Storm, EDC 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. Fire Station 2 Life Save Award.

Dispatcher Rory Strain, Squad 142 Firefighter Ben Jones, Q142 Captain Andrew Johnson, Driver Engineer Jimmy Johnston, Firefighter Cale Wardlaw, and Firefighter Jeff Pynes were present to receive the Life Save Award. Paramedics Plus Unit 990 EMT Brian Millstead and EMT Dustin Sanders, and Squad 142 Firefighter Richard Hollien were not present.

PR2. Wylie Way Students (5th-12th 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.”

PR3. Proclamation for Smith Public Library Monarch Butterfly Program.

Mayor Porter presented a proclamation proclaiming commitment to the Smith Public Library Monarch Butterfly Conservation Program. Members of the Smith Library staff and volunteers of the Garden Committee were present to accept the proclamation.

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.

Keith Huyck addressed Council expressing concerns regarding the traffic on Kirby/FM 544 westbound at Highway 78, possible intersection improvements, adequate lighting at intersections, and signal concerns.

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 January 11, 2022 Regular City Council Meeting minutes.**
- B. Consider, and act upon, authorizing the Interim City Manager to sign a Development Agreement, between the City of Wylie, Wylie Economic Development Corp., and Wylie Industrial Court Development LTD regarding the use of building materials for a commercial development on 1.03 acres, property generally located at the northwest corner of State Highway 78 and Birmingham Street.**
- C. Consider, and act upon, Ordinance No. 2022-04 regarding 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 1.03 acres, property generally located at the northwest corner of State Highway 78 and Birmingham Street. (ZC 2021-23)**
- D. Consider, and act upon, Ordinance No. 2022-05 of the City of Wylie, Texas, amending Chapter 110 (Traffic and Vehicles) of Article VI. (Stopping, Standing, and Parking) of Section 110-173 (Stopping, Standing, or Parking prohibited in certain places) of the Wylie Code of Ordinances; removing Section 110-173(a)(10)(i) regarding the prohibition of parking along certain sections of Industrial Court; providing for repealing, savings and severability clauses; providing for an effective date of this ordinance; and providing for the publication of the caption hereof.**
- E. Consider, and act upon, Ordinance No. 2022-06 regarding a change of zoning from Planned Development - Commercial Corridor (PD-CC) to Planned Development - Multi-Family (PD-MF), to allow for an affordable age-restricted multi-family development, property generally located adjacent and southwest of 2300 FM 544. (ZC 2021-26)**
- F. Consider, and act upon, Ordinance No. 2022-07 regarding a change of zoning from Light Industrial (LI) to Light Industrial - Special Use Permit (LI-SUP), to allow for the installation of an updated communications tower, property located at 200 Regency Drive. (ZC 2021-25)**
- G. Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of November 30, 2021.**
- H. Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of December 31, 2021.**
- I. Consider, and act upon, the City of Wylie Monthly Revenue and Expenditure Report for December 31, 2021.**
- J. Consider, and place on file, the City of Wylie Monthly Investment Report for December 31, 2021.**
- K. Consider, and act upon, approval of a Park Event Application for the Kids Can Help Too - Gelila Mekonnen's Chapter organization to hold a fundraiser event at Community Park on Saturday, March 5, 2022.**
- L. Consider, and act upon, Ordinance No. 2022-08 amending Wylie's Code of Ordinances, Ordinance No. 2021-17, as amended, Appendix C (Wylie Comprehensive Fee Schedule), Section II (Garbage, Trash and Brush Fees), Subsection A (Residential Fee; Deposits).**

- M. Consider, and act upon, Ordinance No. 2022-09 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.
- N. Consider, and act upon, Ordinance No. 2022-10 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.
- O. Consider, and act upon the award of bid #W2022-17-B for Rowlett Creek Site 4 Auxiliary Spillway Slope Repairs to Infra Construction, LLC in the estimated amount of \$107,472.00, and authorizing the Interim City Manager to execute any and all necessary documents.
- P. Consider, and act upon, the approval of the purchase of Uniform Apparel from ServiceWear Apparel Inc. in the estimated annual amount of \$50,000.00 through a cooperative purchasing contract with OMNIA/TCPN Region 4 Cooperative, and authorizing the Interim City Manager to execute any necessary documents.

Mayor Porter requested Items B, C, and D be pulled from the Consent Agenda and considered individually.

Council Action

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

EXECUTIVE SESSION

Mayor Porter convened the Council into Executive Session at 6:38 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.

ES3. Properties adjacent to McMillen Rd. between McCreary Rd. and Country Club Rd.

RECONVENE INTO OPEN SESSION

Mayor Porter reconvened the Council into Open Session at 7:12 p.m.

REGULAR AGENDA

- B. Consider, and act upon, authorizing the Interim City Manager to sign a Development Agreement, between the City of Wylie, Wylie Economic Development Corp., and Wylie Industrial Court Development LTD regarding the use of building materials for a commercial development on 1.03 acres, property generally located at the northwest corner of State Highway 78 and Birmingham Street.

Staff Comments

Planning Manager Haskins addressed Council stating the agreement in the agenda packet was not signed by the land owners and staff received the signed agreement this afternoon. Items C and D are related to this item and this item has to be considered before those two items.

Council Action

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

- C. **Consider, and act upon, Ordinance No. 2022-04 regarding 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 1.03 acres, property generally located at the northwest corner of State Highway 78 and Birmingham Street. (ZC 2021-23)**

Staff Comments

Planning Manager Haskins addressed Council stating the reason for this item being considered individually is because Item B had to be considered first.

Council Action

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

- D. **Consider, and act upon, Ordinance No. 2022-05 of the City of Wylie, Texas, amending Chapter 110 (Traffic and Vehicles) of Article VI. (Stopping, Standing, and Parking) of Section 110-173 (Stopping, Standing, or Parking prohibited in certain places) of the Wylie Code of Ordinances; removing Section 110-173(a)(10)(i) regarding the prohibition of parking along certain sections of Industrial Court; providing for repealing, savings and severability clauses; providing for an effective date of this ordinance; and providing for the publication of the caption hereof.**

Staff Comments

Planning Manager Haskins addressed Council stating the City Ordinance prohibited parking on Industrial Court and with the approval of the Zoning Ordinance, they would contradict each other so staff is proposing this specific section be removed.

Council Action

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

1. **Consider, and act upon, the approval of Wylie Agreement #W2022-50-I for the purchase of two (2) Rosenbauer Commander Fire Apparatus and one (1) Utility Truck from DACO Fire Equipment in the estimated amount of \$3,153,062.00 (less conditional discounts) through a cooperative purchasing contract with Houston Galveston Area Council (HGAC), and authorizing the Interim City Manager to execute any necessary documents.**

Council Action

A motion was made by Councilman Strang, seconded by Councilman Williams, to approve Item 1 as presented. A vote was taken and the motion passed 7-0.

2. **Consider, and act upon, approval of three (3) independent private attorneys recommended by the City Attorney in accordance with Ordinance No. 2022-01, Section 8 (F).**

Staff Comments

Assistant City Manager Ollie addressed Council stating the City Attorney presented five individuals that have Municipal Law experience for consideration.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang, to approve three (3) independent private attorneys (1. Paige Mims, 2. Andy Messer, and 3. Diane Weatherby) recommended by the City Attorney in accordance with Ordinance No. 2022-01, Section 8(F). A vote was taken and the motion passed 7-0.

3. **Consider, and act upon, Resolution No. 2022-02(R) authorizing the Interim City Manager to execute an Interlocal Cooperation Agreement between the City of Wylie, Texas and North Texas Municipal Water District (NTMWD) concerning the of right-of-way for Eubanks Lane from SH 78 to the NTMWD entrance and easement for water transmission pipeline for F.M. 2514 pipeline relocations.**

Staff Comments

Garrett Murphree, representing North Texas Municipal Water District, addressed Council stating he was present for questions. Interim City Manager Parker stated the City and North Texas Municipal Water District (NTMWD) entered into an Interlocal Cooperation Agreement regarding the design, repair, reconstruction, improvement, and maintenance of Eubanks Lane from SH 78 to the entrance of the NTMWD site on Eubanks Lane. In order to begin construction, the City seeks the donation of four parcels from the NTMWD for right-of-way acquisition. In return, the NTMWD asks that the City convey easement rights to a tract near Ballard Avenue through park land already encumbered by a NTMWD easement. For the TxDOT reconstruction of Parker Road/Ballard Avenue, the NTMWD must relocate an existing main through this easement area. This ILA Agreement outlines this conveyance “swap” at no cost to either party.

Council Action

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

4. **Present, and place on file, the Wylie Economic Development Corporation 2021 Annual Report.**

Staff Comments

EDC Executive Director Greiner addressed Council giving a 2021 Annual Report addressing total available resources, total expenses, performance agreements, real estate, 2021 valuations, high impact initiatives, and 2021 goals and objectives. Greiner did state a few small changes were made since the posting of the agenda packet.

Council commended EDC staff and board members for all of the hard work they put forth.

Council Action

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

5. **Consider, and act upon, acceptance of the Annual Comprehensive Financial Report (ACFR) for FY 2020-21 following a presentation by the audit firm Weaver, LLP.**

Staff Comments

Finance Director Beard addressed Council stating the City Charter requires that at the end of the fiscal year an independent audit be made of all accounts of the City by a certified public accountant. In compliance with the City Charter, our outside auditor, Weaver LLP has performed an audit as of September 30, 2021. Interim Fieldwork for the audit began the week of September 20 and the final fieldwork was performed November 15 through December 17. This is the second year for the audit to be performed by Weaver after their selection to continue as the City’s independent auditors following an RFP process completed in 2020. The 2021 audit is the fourteenth year in a row for Weaver to perform our audit. Three RFP processes have been completed in that 14-year time period, audit partners have been rotated and audit managers and staff have changed frequently.

John DeBurro, representing Weaver, addressed Council giving a presentation on the introduction of Weaver, the audit process, the audit results, required communications, financial highlights, and discussion. Weaver issued an unmodified opinion on the Independent Auditor’s Report on the financial statements; no material weaknesses were noted regarding the Independent Auditor’s Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards; and issued an unmodified opinion and no findings noted for the Independent Auditor’s Report on Compliance for Each Major Program and Report on Internal Control Over Compliance in Accordance with Uniform Guidance.

Council Action

A motion was made by Councilman Williams, seconded by Councilman Strang, to approve Item 5 as presented. A vote was taken and the motion passed 7-0.

Mayor Porter recessed the Council into a break at 7:56 p.m.

Mayor Porter reconvened the Council into Regular Session at 8:08 p.m.

WORK SESSION

Mayor Porter convened the Council into Work Session at 8:08 p.m.

WS1. Discuss a potential change of zoning from Agricultural District to Planned Development - Single Family to allow for residential development on property, generally located on Country Club Road approximately 2000' south of Parker Road.

John Arnold, representing Skorburg Company, addressed Council giving a presentation regarding: the company background, projects in Wylie, property location, proposed zoning and concept, park dedication including park improvements and Monroe Lake, water service and CCN exchange, and secondary access.

Council comments and questions included variances being requested; maintenance costs associated with Lake; concerns with small lot sizes; square footage of homes; traffic and safety concerns; like the park, entrance too close to school entrance, larger commercial area along frontage of Country Club Road; concerns with drop off and pick up at the nearby schools; like the green space; flood plain; connecting trails to Wylie trails instead, or in addition to, City of Parker; occupancy at Smith Elementary; CCN; actual Lake usage; more accessibility to Lake if the City is to maintain; and secondary access.

RECONVENE INTO REGULAR SESSION

Mayor Porter reconvened the Council into Regular Session at 9:00 p.m.

EXECUTIVE SESSION

Mayor Porter convened the Council into Executive Session at 9:00 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 real property generally located near Country Club Road and Brown Street.

ES2. Consider the sale or acquisition of properties located at Ballard/Brown, Brown/Eubanks, FM 544/Cooper, State Hwy 78/Ballard, State Hwy 78/Birmingham, 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, 2021-2d, 2021-4a, 2021-4b, 2021-5d, 2021-6a, 2021-6c, 2021-7a, 2021-8a, 2021-9b, 2021-9d, 2021-9e, 2021-9f, 2021-11a, and 2021-12a.

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 of the Interim City Manager.

RECONVENE INTO OPEN SESSION

Mayor Porter reconvened the Council into Open Session at 11:28 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. 2022-04, 2022-05, 2022-06, 2022-07, 2022-08, 2022-09, and 2022-10 into the official record.

ADJOURNMENT

A motion was made by Councilman Strang, seconded by Councilman Duke, to adjourn the meeting at 11:32 p.m.
A vote was taken and motion passed 7-0.

Matthew Porter, Mayor

ATTEST:

Stephanie Storm, City Secretary