

Wylie City Council Regular Meeting Minutes

July 26, 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 6:01 p.m. The following City Council members were present: Councilman David R. Duke, Councilman Dave Strang, Councilman Scott Williams, Councilman Timothy T. Wallis, and Councilman Garrett Mize. Mayor *pro tem* Jeff Forrester was absent.

Staff present included: City Manager Brent Parker; Deputy City Manager Renae Ollie; Assistant City Manager Lety Yanez; Police Chief Anthony Henderson; Finance Director Melissa Beard; Fire Chief Brandon Blythe; Digital Media Specialist Kristina Kelly; Planning Manager Jasen Haskins; Public Works Director Tommy Weir; Parks and Recreation Director Carmen Powlen; City Engineer Tim Porter; EDC Executive Director Jason Greiner; Purchasing Manager Glenna Hayes; Library Director Ofilia Barrera; City Secretary Stephanie Storm; and various support staff.

INVOCATION & PLEDGE OF ALLEGIANCE

Councilman Strang led the invocation and Councilman Williams led the Pledge of Allegiance.

Mayor Porter announced that Reverend Kurt Ulmer was unable to attend this evening to conduct the Invocation.

PRESENTATIONS & RECOGNITIONS

PR1. Battle of the Badges Blood Drive Presentation.

Jonathan Buck, representing the East Fork Masonic Lodge, and Vicky Long, representing Carter Blood Care, addressed Council stating that during Bluegrass on Ballard, the sixth annual “Battle of the Badges” was conducted. This year 46 units were collected, which will help save about 138 lives. Long announced the winner of the contest was the Wylie Police Department. Representatives of Wylie Fire Rescue and Wylie Police Department were present for the award.

PR2. Early Intervention Day.

Mayor Porter presented a proclamation proclaiming July 26, 2022 as Early Intervention Day in Wylie, Texas. Members of The Warren Center were present to accept the Proclamation.

COMMENTS ON NON-AGENDA ITEMS

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 July 12, 2022 Regular City Council Meeting minutes.

- B. Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of June 30, 2022.**
- C. Consider, and act upon, the City of Wylie Monthly Revenue and Expenditure Report for June 30, 2022.**
- D. Consider, and place on file, the City of Wylie Monthly Investment Report for June 30, 2022.**
- E. Consider, and act upon, a Preliminary Plat of Lots 1 and 2 Block A of Upwind Capital Addition, establishing two commercial lots on 4.1396 acres, located at 1948 and 2001 North State Highway 78.**

Council Action

A motion was made by Councilman Williams, seconded by Councilman Wallis, to approve the Consent Agenda as presented. A vote was taken and the motion passed 6-0 with Mayor *pro tem* Forrester absent.

REGULAR AGENDA

- 1. Hold a Public Hearing, consider, and act upon, a change in zoning from Commercial Corridor - Special Use Permit (CC-SUP) to Planned Development - Commercial Corridor (PD-CC) on 2.02 acres located at 702 North State Highway 78 (ZC 2022-11).**

Staff Comments

Planning Manager Haskins stated the applicant is requesting to rezone 2.02 acres located at 702 North State Highway 78 to allow for a distillery and event center use. The current zoning of CC-SUP was created in April 2003 to allow for a family-friendly, indoor/outdoor entertainment center. While the distillery is allowed by-right in accordance with State Law (Alcohol Beverage Code Chapter 14), the applicant has applied for PD zoning in order to add an events center and food truck park to the site. The PD conditions allow the Distillery, Events Center, and Food Truck Park as uses, while setting hours of operation, screening requirements, and noise standards. Uses that are not included in the PD shall be prohibited. The PD standards also set a minimum parking ratio and the required landscaping. These include a 5,800 square foot event center building, an outdoor stage and entertainment area, a food truck park, and an area for outside restroom facilities for certain events. The zoning exhibit also calls for an eight-foot fence along the east property line and a gate to be added to the southwest corner of the property that connects to Marble Street. This will close the access to public use, but maintain emergency access. Notices were sent to 23 property owners within 200 feet as required by state law. At the time of posting one response was received in favor and none opposed. After some discussion regarding hours of operation and an explanation of the noise standards, the Commission voted 6-0 to recommend approval on the condition that the food truck hours of operation be limited to the same as the events. Section III.6.b of the PD Conditions has been amended to reflect the requirement.

Council Comments

Mayor Porter asked about food trucks running generators. Haskins replied that the decibel levels are set in the PD. Clint Ecord, representing Herman Marshall, addressed Council stating they will not allow generators as they will have two 50-amp poles that they can connect to and will offer water hookups. Councilman Wallis asked if Council is proposing prohibiting generators altogether or only ones over a certain decibel level, and stated there are quiet generators that can be purchased. Haskins replied that staff recommended 70 decibels at the property line allowed in the PD, which is higher than the normal 55 decibels. Mayor Porter stated with that decibel level stipulated in the PD he did not feel generators needed to be prohibited in the PD. Councilman Strang asked about music played at the facility. Haskins replied it has to stay within the allowed 70 decibels, and added the applicant did provide a sound study that the noise will stay below 70 decibels at the property line with the board on board fence that they are proposing. Williams asked if typical commercial PDs allow for wooden fences, and asked how they are going to address the double fence line with the neighbors behind them. Haskins replied they are allowed as a masonry wall would bounce the sound and wood absorbs the sound, and responded there is a retaining wall and this property sits higher than the homes behind them; therefore, the eight-foot fence will be above the retaining wall. Williams asked if the City is okay with changing the look of the building from all of the other buildings around it. Cletus

Pippin, Architect, addressed Council stating the existing building is a plaster building on a metal frame and metal fascia. The side of the building visible to the street is plaster and there will be a 10-foot-high fence at the property line. Wallis stated he did not mind a fresh look and liked the proposed elevations. Porter replied there are older buildings back in there and some do have some metal features already and does not believe this will stand out in a negative way and does not mind the elevation.

Public Hearing

Mayor Porter opened the public hearing on Item 1 at 6:32 p.m. asking anyone present wishing to address Council to come forward.

Eugene Hauptmann addressed Council with concerns regarding the decibel levels.

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

Council Action

A motion was made by Councilman Strang, seconded by Councilman Wallis, to approve Item 1 as presented. A vote was taken and the motion passed 6-0 with Mayor *pro tem* Forrester absent.

Mayor Porter convened the Council into a break at 6:36 p.m.

Mayor Porter reconvened the Council into a Work Session at 6:42 p.m.

2. Hold a Public Hearing, consider, and act upon, adoption of the 2022 Envision Wylie Comprehensive Master Plan.

Staff Comments

Planning Manager Haskins addressed Council stating during the joint work session with Council, Comprehensive Master Plan Advisory Committee (CPAC), and the Planning and Zoning Commission last month Council gave direction to send the draft plan back to CPAC to consider some of the comments made. Haskins stated that CPAC met, reviewed comments received from Council and the Planning and Zoning Commission, and re-reviewed the plan in its entirety. The attached draft was approved by CPAC 12-0 to recommend adoption. Haskins reported he is requesting that Council table this item so that it can go back to the Planning and Zoning Commission for consideration, and then would come back to Council for consideration.

CPAC members present included: Ken Kocon, Eugene Hauptmann, Sandra Stone, Todd Pickens, Jason Greiner, Jeremy Meier, and Jacques Loraine.

Daniel Harrison, representing Freese & Nichols, addressed Council, giving a presentation on the schedule and the draft plan revisions including “housekeeping” information. Ken Kocon, CPAC member, addressed Council going over two removed Goals: Goal H3, which was to support various attainable housing options and Goal H4, which was to allow a variety of housing types and choices; changes made to the FLU Map and categories; the revised residential categories for low-density, medium-density, and high-density; the previous FLU map; and the new FLU map. Eugene Hauptmann, CPAC member, addressed Council presenting the special planning areas (SPA) including SPA #1 – FM 544, SPA #2 – SH 78 Entryway, SPA #3 – South Ballard, and SPA #4 – Avalon Park.

Council Comments

Councilman Williams proposed in the definition of high-density residential, remove verbiage for non-single family. Mayor Porter and Councilmen Strang, Duke, and Wallis agreed. Councilman Mize stated he liked the language as-is.

Councilman Strang proposed removing “some residential uses may be in standalone buildings” from SPA #1. Mayor Porter and Councilmen Duke, Wallis, and Williams agreed. Councilman Mize stated he was satisfied with how it was worded.

Mayor Porter proposed changing SPA #2 to regional commercial in the event the current proposed development does not come to fruition. Councilmen Strang, Williams, Duke, and Wallis agreed. Councilman Mize stated to leave it as is.

Regarding SPA #3, Mayor Porter requested Ollie's feedback on the wording. Ollie stated in the South Ballard Overlay District single-family is not allowed; however, single-family attached is allowed and would match the vision of the Zoning Ordinance of the South Ballard Overlay District. Mayor Porter and Councilmen Strang, Williams, Duke, and Wallis agreed. Strang questioned the statement of reduced emphasis on parking in SPA #3. Haskins responded with the reason for the language, and board member Loraine added CPAC did not want that area to be overflow parking for downtown. Ollie gave a brief overview of the vision of the South Ballard Overlay District. Williams proposed that the statement of reduced emphasis on parking be removed or changed. Mayor Porter and Councilmen Mize, Wallis, Duke, and Strang stated to leave the wording in.

Regarding SPA #4, concerns with single family and multifamily on the property were expressed, asked if CPAC gave any thought that KCS or a company may decide to buy this for uses near the railroad track, stated additional studies are needed on this property, and no additional changes were recommended by Council.

Councilman Mize asked if he could make some comments on removing Goal H3, which was to support various attainable housing options, from the Plan. Mize shared statistics on the current cost burden, added there is a need for affordable housing in our community, and believes the City can do something even if it is modest. Mize stated that the City should take steps to address it and by removing the goal it is taking a step back. Mize stated neighboring cities' comp plans acknowledge and express a desire to address attainable housing, and he is uncomfortable with removing it completely and requested that a simple statement be added back into the Plan that acknowledges the issue in a modest way. CPAC member Kocon replied that they wanted the goals to be something Wylie could work to obtain and that is why this goal was removed. Ollie added she has done research and the way to address this is through an ordinance which staff is currently drafting for consideration. Porter replied that Council has shown a desire for affordable housing with partnerships and stated he would like to leave it as is and continue to use a PD process. Williams added that this is important; however, this is not the right document to put this in but does look forward to the ordinance. Strang, Duke, and Wallis concurred with Williams.

Mayor Porter proposed on page 115-116 in the agenda packet, remove page 116 and on page 115 the references to utilizing the church's parking as well as any other spaces that may not be available in the future be removed and general language be added regarding off-street parking. Williams, Strang, Wallis, Duke, and Mize agreed.

Mayor Porter proposed on page 122 that bullets be used instead of numbers regarding the priorities since those are not ranked in any particular order, remove the word Dam as the Corp of Engineers will not allow us near their operational areas, and remove items 3 and 4 from LU5b (page 122) and move to LU5a (page 121). Councilmen Mize, Wallis, Williams, Strang, and Duke agreed with moving items 3 and 4 to LU5a, and remove numbers and use bullet points on page 122. Wallis stated he would like to leave items 5 and 6 under LU5b and might just use aquatic facilities instead of indoor and outdoor. Mayor Porter and Councilmen Williams, Mize, Duke, and Strang agreed with leaving aquatics in and using a general language such as aquatic facilities.

Mayor Porter stated on page 135 in the agenda packet he proposed to remove the picture of the lack of sidewalks along Stone Road as that contradicts the direction Council has given to staff. The consensus was to remove the picture and not replace it.

Councilman Strang requested clarification on page 91 in the agenda packet on what a City-funded need-based grant program mean. Haskins responded with what he thought the intent was. Williams proposed that the verbiage be modified by removing "city-funded" from bullet point two. Mayor Porter and Councilmen Duke, Strang, Mize, and Wallis agreed.

Public Hearing

Mayor Porter opened the public hearing on Item 2 at 8:35 p.m. asking anyone present wishing to address Council to come forward.

Ronnie Fetzer addressed Council stating that as she looks at this document as a vision for the City she would like to see a statement included or leave the H3 bullet to show the City does have a vision that is on the radar for attainable housing.

Mayor Porter closed the public hearing at 8:37 p.m.

Council Action

A motion was made by Councilman Strang, seconded by Councilman Williams, to table Item 2 until the August 23, 2022 meeting. A vote was taken and the motion passed 6-0 with Mayor *pro tem* Forrester absent.

Mayor Porter convened the Council into a break at 8:39 p.m.

Mayor Porter reconvened the Council into a Work Session at 8:47 p.m.

- 3. Consider, and act upon, Ordinance No. 2022-50 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 revenue has exceeded projections by \$145,000 and the Recreation Department would like to use some of the increased revenue to pay instructors for the remainder of the budget year. The overall effect of this amendment is a net zero change to the 4B budget.

Council Action

A motion was made by Councilman Strang, seconded by Councilman Duke, to approve Item 3 as presented. A vote was taken and the motion passed 6-0 with Mayor *pro tem* Forrester absent.

- 4. Consider, and act upon, the award of RFP #W2022-61-B for the Library Automated Materials Handling System to Tech Logic Corporation in the amount of \$117,253.25 and authorizing the City Manager to execute any and all necessary documents.**

Staff Comments

Purchasing Manager Hayes addressed Council stating this item was included in the budget and came in under budget. Staff completed a Request for Proposal (RFP) bid process, and received two qualified responses. Each of the responses were evaluated. Staff determined that the solution provided by Tech Logic will best meet their service objectives of accelerating the processing of returned library materials and streamlining back-office operations, providing the ability for library staff to address and resolve system issues remotely, and improving vehicle access at the drive-through. In addition, the vendor will provide an initial two-year warranty period. Award of this item will include removal of the existing system, installation of the new system with an enhanced return window, and training, and will establish an annual contract for warranty/maintenance services.

Council Action

A motion was made by Councilman Williams, seconded by Councilman Strang, to approve Item 4 as presented. A vote was taken and the motion passed 6-0 with Mayor *pro tem* Forrester absent.

WORK SESSION

Mayor Porter convened the Council into a Work Session at 8:52 p.m.

WS1. Water/Sewer Rate Study Update.

Matthew Garrett, representing NewGen Strategies, gave a presentation on the North Texas Municipal Water District (NTMWD), Water and Sewer Wholesale Costs Projections per NTMWD Strategic Financial Plan Forecasts FY 2023 Rates, Wylie customer growth forecast, Wylie annual cash capital needs project highlights, 2020 rate plan

sufficiency including combined utility performance under rate plan FY 2023-2025 and projected FY 2026-2027, combined utility performance under rate plan FY 2023 and revised projections FY 2024-2027, community rate comparisons, residential comparisons 5,000 gallons, and residential comparisons 10,000 gallons.

Council comments and feedback included: does the larger commercial and industrial basis drive the lower rates of surrounding cities, look at flat sewer consumption rates, look at different rates for commercial, and bring numbers back on the fixed rate for FY 2024 rates.

WS2. Budget Work Session for updates on the General Fund, Utility Fund, and 4B Fund.

City Manager Parker addressed Council giving a presentation reviewing the General Fund Summary, the Utility Fund Summary, 4B Sales Tax Fund Summary, potential FY 2023 carry forward amounts by department, and next steps. Parks and Recreation Director Powlen addressed Council with an update on the Brown House and Stonehaven House. Powlen reported the Brown House officially opens to the public next week as a visitor center.

Council comments and feedback included: could the City complete sending the City's portions for repairs for Stone Road to the County, would love to hear any new visions for the Brown House and Stonehaven House, and with additional hotels in town has there been a large increase in the budget that would provide additional revenue to move forward with Stonehaven or move forward with additional projects at the Brown House.

WS3. Discuss Board of Review Term Limits and Appointments.

City Secretary Storm addressed the Council seeking direction on making changes to the term limits to the Board of Review and clarifying the appointments of board and commission members' spouses. Storm reported, based on past issues with being able to fill all open positions on the Board of Review with members that come before Council for an interview, staff is proposing the term limits be consistent with the other boards and commission term limits including consecutive service to the Board of Review of three consecutive, full terms, regardless of term length; after the expiration of the term limit, the member must wait one year before reapplying to the same board; and should a board member's replacement not be qualified upon the expiration of any term of a board member, then that board member shall holdover on the board until a qualified replacement board member has been appointed. Storm also requested clarification on whether a board and commission member's spouse can serve on the Board of Review as the Code of Conduct applies to board and commission members as it does Council, and currently employees and Council member spouses are not eligible to serve on the Board of Review; however, board and commission member's spouses are not addressed.

The direction of the Council was to move forward with bringing the updated Ordinance and Resolution back to Council, amending the term limits to be consistent with the other boards and commissions, and also include the language for board and commission member's spouses that makes them ineligible to serve on the Board.

RECONVENE INTO REGULAR SESSION

Mayor Porter reconvened the Council into Regular Session at 9:41 p.m.

EXECUTIVE SESSION

Mayor Porter convened the Council into Executive Session at 9:42 p.m.

Sec. 551.072. DELIBERATION REGARDING REAL PROPERTY; CLOSED MEETING.

A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on its negotiating position.

ES1. Consider the sale or acquisition of properties located at Ballard/Brown, Brown/Eubanks, FM 1378/Parker, FM 544/Cooper, FM 544/Sanden, Jackson/Oak, State Hwy 78/Alanis, and State Hwy 78/Brown.

Sec. 551.087. DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS; CLOSED MEETING.

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

- (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or
- (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

ES2. Deliberation regarding commercial or financial information that the WEDC has received from a business prospect and to discuss the offer of incentives for Projects: 2020-11b, 2021-2d, 2021-4a, 2021-5a, 2021-6a, 2021-6c, 2021-8a, 2021-9a, 2021-9e, 2021-9f, 2021-11a, 2021-12a, 2021-12b, 2022-1a, and 2022-7a.

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.

ES3. Discuss the performance 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 11:18 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 caption of Ordinance No. 2022-50 into the official record.

ADJOURNMENT

A motion was made by Councilman Duke, seconded by Councilman Strang, to adjourn the meeting at 11:19 p.m. A vote was taken and the motion passed 6-0 with Mayor *pro tem* Forrester absent.

Matthew Porter, Mayor

ATTEST:

Stephanie Storm, City Secretary