

# Wylie City Council Regular Meeting Minutes

September 26, 2023 – 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 (6:49 p.m.), Mayor *pro tem* Jeff Forrester, Councilman Scott Williams, Councilman Sid Hoover, and Councilman Gino Mulliqi.

Staff present included: City Manager Brent Parker; Deputy City Manager Renae Ollie; Assistant City Manager Lety Yanez; Fire Chief Brandon Blythe; Police Chief Anthony Henderson; Fire Marshal Cory Claborn; Finance Director Melissa Brown; Public Information Officer Craig Kelly; Community Services Director Jasen Haskins; City Secretary Stephanie Storm; City Engineer Tim Porter; Public Works Director Tommy Weir; Purchasing Manager Glenna Hayes; Senior Buyer Chris Rodriguez; Parks and Recreation Director Carmen Powlen; Library Director Ofilia Barrera; Project Engineer Jenneen Elkhalid; Wylie Economic Development Corporation Executive Director Jason Greiner; and various support staff.

## INVOCATION & PLEDGE OF ALLEGIANCE

Mayor *pro tem* Forrester led the invocation, and Mayor Porter led the Pledge of Allegiance.

## PRESENTATIONS & RECOGNITIONS

### PR1. Manufacturing Day.

Mayor Porter presented a proclamation proclaiming October 6, 2023, as Manufacturing Day in Wylie, Texas. Members of the Wylie Chamber of Commerce, WEDC staff, WISD staff, CNC Innovation, Deanan Gourmet Popcorn, Barco Pump, and SAF-Holland were present to accept the Proclamation.

### PR2. Hispanic Heritage Month.

Mayor Porter presented a proclamation proclaiming September 15 through October 15, 2023, as Hispanic Heritage Month in Wylie, Texas.

Mayor Porter convened the Council into break at 6:17 p.m.

Mayor Porter reconvened the Council into Regular Session at 6:19 p.m.

## 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.*

Judy Brewster, representing Wylie Texas Retired Teachers Association, addressed the City Council giving information on Proposition 9, a pension increase for retired teachers.

Tina Stelnicki, Wylie Chamber of Commerce CEO, addressed the Council thanking Council and staff for the assistance at the Wylie Championship Rodeo. Stelnicki presented each Council member with a challenge coin.

## **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 the September 12, 2023 Regular City Council Meeting minutes.**
- B. Consider, and act upon, an agreement authorizing the appointment of Steve Feil as Associate Municipal Court Judge for the City of Wylie effective October 1, 2023, setting terms and stipend of service.**
- C. Consider, and act upon, Resolution No. 2023-19(R) authorizing the City Manager of the City of Wylie, Texas, to execute an Interlocal Agreement by and between the City of Wylie and the Town of Fairview for the performance of governmental functions and service specifically, emergency dispatch services associated with fire, rescue, and emergency medical services first responder general fire services.**
- D. Consider, and act upon, Resolution No. 2023-20(R) authorizing the City Manager of the City of Wylie, Texas, to execute an Interlocal Agreement by and between the City of Wylie and the City of Lucas for the performance of governmental functions and service specifically, emergency dispatch services associated with fire, rescue, and emergency medical services first responder general fire services.**
- E. Consider, and act upon, Ordinance No. 2023-44 of the City of Wylie, Texas, amending Wylie's Code of Ordinances, Ordinance No. 2021-17, as amended, Appendix A – Comprehensive Fee Schedule, Article IV (Engineering Fees), amending Section D (Engineering Inspections Fees) regarding the updating of fees in response to the implementation of House Bill 3492; providing for repealing, savings and severability clauses; providing for an effective date of this ordinance; and providing for the publication of the caption hereof.**
- F. Consider, and act upon, Resolution No. 2023-21(R) authorizing the City Manager of the City of Wylie to execute the Interlocal Agreement between Collin County, Texas, and the City of Wylie, Texas concerning the construction of E. FM 544 (Stone Road) from Alfred Drive to County Line Road Bond Project #RI07092.**
- G. Consider, and act upon, approval of the Jingle Bell Jog 5K and Fun Run/Walk hosted by the non-profit group, Wally W. Watkins PTA, on December 2, 2023, in Founders Park.**
- H. Consider, and act upon, the City of Wylie Monthly Revenue and Expenditure Report for August 31, 2023.**
- I. Consider, and place on file, the City of Wylie Monthly Investment Report for August 31, 2023.**
- J. Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of August 31, 2023.**
- K. Consider, and act upon, Resolution No. 2023-22(R) approving the current Investment Policy as required by the Texas Government Code, Chapter 2256, Public Funds Investment Act, Subchapter A - Authorized Investments for Governmental Entities.**
- L. Consider, and act upon, approving the Debt Management Policy.**
- M. Consider, and act upon, approving the revised Financial Management Policies.**

- N. Consider, and act upon, the approval of W2023-120-I for Electrical Installation and Masonry Columns for East Meadow Splash Pad to SDB Contracting Services INC. in the amount of \$132,012.59, through a cooperative purchasing contract with BuyBoard (#581-19) and authorizing the City Manager to execute any and all necessary documents.
- O. Consider, and act upon, the approval of W2023-119-I Electrical Installation and Fabric Shade Structure for Community Park Splash Pad to SDB Contracting Services INC. in the amount of \$143,686.55, through a cooperative purchasing contract with BuyBoard (#581-19) and authorizing the City Manager to execute any and all necessary documents.
- P. Consider, and act upon, the approval of a request to renovate an existing commercial structure, located at 105 W. Jefferson within the Downtown Historic District.
- Q. Consider, and act upon, a Final Plat of Moncada Addition, Lot 1, Block A establishing one lot on 0.59 acres in the City of Wylie Extra Territorial Jurisdiction, property located at 1202 Troy Road.
- R. Consider, and act upon, Ordinance No. 2023-45 for a change in zoning from Agricultural (AG/30) to Commercial Corridor - Special Use Permit (CC-SUP) on 0.821 acres to allow for Drive-Through Restaurant. Property located at 2009 N State Highway 78 (ZC 2023-13).
- S. Consider, and act upon, a Final Plat of Wylie Retail Office Park, Lot 2R, Block A, being a Replat of Lots 2 and 3, Block A of Wylie Retail Office Park, establishing one commercial lot on 2.595 acres, generally located at 2045 N State Highway 78.
- T. Consider, and act upon, Ordinance No. 2023-46 for a change in zoning from Commercial Corridor (CC) to Commercial Corridor - Special Use Permit (CC-SUP) on 1.985 acres to allow for Automobile Repair Major use. Property located north of 451 Westgate Way (ZC 2023-12).
- U. Consider, and act upon, a First Amendment to Interlocal Cooperation Agreement for Jail Services between the City of Wylie and the City of Farmersville, and authorizing the City Manager to execute any necessary documents.

#### **Council Action**

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

#### **REGULAR AGENDA**

1. Consider, and act upon, Ordinance No. 2023-47 of the City of Wylie, Texas, amending Wylie's Code of Ordinances, Ordinance No. 2021-17, as amended, Chapter 78 (Parks and Recreation), Article VIII (Planting, Maintaining Trees, Shrubs on Public Property), Section 78-256(b)(3)a. (Adjacent Landowner Responsibility); increasing the required clearance height of trees and shrubs that extend over the curb line; 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**

Community Services Director Haskins addressed the Council stating the City Ordinance allows property owners to plant shrubs and trees along a street in an area that is adjacent to their property but in the public ROW. The Ordinance does require the property owner to maintain any trees or shrubs in that area. Staff is recommending an amendment to the Code of Ordinances to increase the clearance height from 13 feet to 15 feet to afford clearance of certain public service vehicles, such as utility and fire trucks.

### Council Comments

Mayor *pro tem* Forrester stated he had concerns with raising the height and would like to ensure the trees are maintained at the height but not butchered. Haskins replied the City can encourage and add language in the letter that the trees are cut properly; however, the City cannot enforce that. Forrester asked if the City had to send an arborist out, would the City communicate with them to ensure it is trimmed properly. Haskins replied yes, the City would communicate that with the contractor. Councilman Mulliqi asked if the City would bill the property owner for any expenses incurred if the City has to have an arborist come out. Haskins replied yes, the City will. Councilman Williams stated he is in support of this change as 13 feet is not high enough.

### Council Action

A motion was made by Councilman Williams, seconded by Councilman Duke, to approve Item 1 as presented. A vote was taken and the motion passed 6-0 with Councilman Strang absent.

- 2. Consider, and act upon, Ordinance No. 2023-48 releasing a portion of the City of Wylie's Extraterritorial Jurisdiction, consisting of a 0.697-acre tract of land located in the Hunters Glen Addition, Lot 1, Blk 1, located at 101 Hunters Glen Drive.**

### Staff Comments

Community Services Director Haskins addressed the Council stating during the 88th regular session of the Texas Legislature, Senate Bill 2038 created the ability for property owners to petition a municipality to be released from that municipality's extraterritorial jurisdiction (ETJ). The law requires the petitioner to supply certain information and the City Secretary to verify that information. Once the petition has been verified, the governing body must act on the petition, and as long as all requirements are met as outlined in Sec 42.104 of the Texas Local Government Code, approve the release as required by Sec 42.105. The City Secretary received a petition for the release of 101 Hunters Glen Drive in Dallas County.

### Council Comments

Mayor Porter confirmed that with the change in the state law, as long as all of the requirements are met, this becomes a parliamentary procedure of the Council. Haskins confirmed that is correct and if the Council does not take action within 45 days of the petition being validated, then by law they are removed from the ETJ.

### Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Duke, to approve Item 2 as presented. A vote was taken and the motion passed 6-0 with Councilman Strang absent.

- 3. Consider, and act upon, the award of bid #W2023-106-B for McMillen Road from McCreary Road to Country Club Road to McMahan Contracting L.P. in the estimated amount of \$21,265,684.73 and authorizing the City Manager to execute any necessary documents.**

### Staff Comments

Purchasing Manager Hayes addressed the Council stating staff published a competitive sealed bid for the road improvements and received seven bids. The low bid for construction for \$19,332,440.66 is from McMahan Contracting LP. The total award recommendation for the project is the low bid of \$19,332,440.66 and a 10 percent pre-awarded Change Order amount of \$1,933,244.066, for an estimated total of \$21,265,684.73.

City Engineer Porter addressed Council thanking Purchasing and the Engineering Department for all of the work they have done on this project. The bid came in at \$4-\$5 million under what was anticipated. McMillen Drive will be closed to through traffic from the beginning of construction until approximately May 2025. Porter added residents who live along this section will still have access to their homes, it will just be prohibited through traffic. Shutting down the road during construction saved millions of dollars and at least six months of construction time.

### Council Comments

Mayor Porter asked for a general timeline on when utilities will start moving and the actual construction of the road will begin. City Engineer Porter replied they would like to start construction toward the beginning of November,

anticipate a year and a half (May or June 2025) before substantial completion for the road to open, and final completion would be about six months later (November 2025). Mayor *pro tem* Forrester emphasized a savings of \$4 million to the taxpayers on the bond. Council thanked staff for the work they have done on this project.

### **Council Action**

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

- 4. Consider, and act upon, the approval of #W2023-86-I Senior Recreation Center Renovation to LMC Corporation in the amount of \$736,877.17 through a cooperative purchasing contract with BuyBoard (#660-21) and authorizing the City Manager to execute any and all necessary documents.**

### **Staff Comments**

Senior Buyer Rodriguez addressed the Council stating staff recommends the award of a contract for Senior Recreation Center Renovations to LMC Corporation for \$736,877.17 as providing the best value to the City.

Parks and Recreation Assistant Director Stowers addressed the Council stating this project will include a full interior renovation, and with financial savings, added parking and exterior finishes to resemble the recently renovated Public Safety Building. Items to be renovated are as follows: new ADA restrooms, expansion of the senior fitness center with surfacing to match the Recreation Center, all new flooring throughout the building, upgrade to the HVAC system to rezone common areas and office spaces, relocating staff offices, and new LED lighting throughout the building.

### **Council Comments**

Mayor Porter thanked staff for their work and for the cost savings which allows the City to get more for the money. Stowers added originally, they were looking at a three-month-long construction project; however, they are anticipating up to six months now. Porter asked if there was a plan that would allow the senior citizens to still be able to gather. Stowers replied yes, they will have open play time at the Recreation Center. Mayor *pro tem* Forrester stated he would like to see a scheduling of activities similar to what they currently do so they do not experience a change in services being provided. Stowers replied that staff could look into it, and added that as of right now they do not have anything programmed. Forrester asked if specific times could be set aside at the Recreation Center for senior citizens to give them the same accommodations that they currently receive. Parks and Recreation Director Powlen replied that during the time in the day when open play is occurring at the Recreation Center, there are usually seniors utilizing the equipment time and will have access to the track. Forrester asked if accessing equipment becomes an issue and, if staff could look at making changes. Powlen replied that the staff would monitor that.

### **Council Action**

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

- 5. Consider, and act upon, Resolution No. 2023-23(R) casting a nomination for a candidate for the Board of Directors of the Dallas Central Appraisal District.**

### **Council Comments**

Mayor Porter stated there are specific requirements listed in the agenda packet for a candidate, and added if the Council does not have an individual to recommend, the Council is not required to take action.

### **Council Action**

No action taken on Item 5.

- 6. Consider, and act upon, Resolution No. 2023-24(R) casting a nomination for a candidate for the Board of Directors of the Rockwall Central Appraisal District.**

### **Council Comments**

Mayor Porter stated there are specific requirements listed in the agenda packet for a candidate, and added if the Council does not have an individual to recommend, the Council is not required to take action.

### **Council Action**

No action taken on Item 6.

### **EXECUTIVE SESSION**

Councilman Strang took his seat at the dais at 6:49 p.m.

Mayor Porter convened the Council into Executive Session at 6:50 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 544/Cooper, FM 544/Sanden, Jackson/Oak, Regency/Steel, State Hwy 78/Ballard, State Hwy 78/Brown, and State Hwy 78/Skyview.**

**ES2. Discuss property located at Hwy. 78 and Spring Creek.**

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

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

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

**ES3. Deliberation regarding commercial or financial information that the WEDC has received from a business prospect and to discuss the offer of incentives for Projects: 2013-9a, 2021-2d, 2021-5a, 2021-6c, 2021-9b, 2021-11b, 2022-1b, 2022-1c, 2022-7b, 2022-9a, 2022-10c, 2023-1a, 2023-1c, 2023-2b, 2023-2d, 2023-3b, 2023-5b, 2023-6b, 2023-6c, 2023-6d, 2023-8a, 2023-8b, 2023-8c, 2023-9a, 2023-9b, and 2023-9c.**

### **RECONVENE INTO OPEN SESSION**

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

Mayor Porter reconvened the Council into Open Session at 8:21 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 of Ordinance Nos. 2023-44, 2023-45, 2023-46, 2023-47, and 2023-48 into the official record.

**ADJOURNMENT**

A motion was made by Councilman Strang, seconded by Mayor *pro tem* Forrester, to adjourn the meeting at 8:24 p.m. A vote was taken and the motion passed 7-0.

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**Matthew Porter, Mayor**

**ATTEST:**

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**Stephanie Storm, City Secretary**