

Wylie City Council Regular Meeting

November 15, 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 (6:02), Mayor *pro tem* Jeff Forrester, Councilman Scott Williams, Councilman Timothy T. Wallis (6:48), 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; Public Works Director Tim Porter; Human Resource Director Lety Yanez; Public Information Officer Craig Kelly; Building Official Bret McCullough; Economic Development Executive Director Jason Greiner; Library Director Ofilia Barrera; 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

Councilman Strang took his seat at the dais.

PR1. Recognition of employees celebrating milestone years of service to the City of Wylie.

Mayor Porter and Fire Chief Brandon Blythe awarded Ray Jackson for 20 years of service, Richard Hollien for 20 years of service, and Jared Buckmeier for 25 years of service. Mayor Porter and Police Chief Anthony Henderson awarded Peggy Powell for 30 years of service.

PR2. Hunger and Homeless Week.

Mayor Hogue presented a proclamation proclaiming November 13-21 as Hunger and Homelessness Week in Wylie, Texas. Representatives from First Baptist Wylie, St. Vincent de Paul Society, Team Up to Fight Hunger, Amazing Grace Food Pantry, 5 Loaves Food Pantry, New Hope Christian Church, and Metro Dallas Homeless Alliance 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.

Scott Coleman addressed Council requesting Wylie oppose the proposed wastewater plant that will be built between Parker and Murphy.

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 October 26, 2021 Regular City Council Meeting minutes.**
- B. Consider, and act upon, Resolution No. 2021-39(R) authorizing participation with the State of Texas, through the Office of the Attorney General, in the Global Opioid Settlement and approving the Texas Term Sheet; authorizing the Interim City Manager to execute all necessary documents in connection with the above on behalf of the City of Wylie.**
- C. Consider, and act upon, the approval of the purchase of Chevrolet trucks from Reliable Chevrolet in the estimated amount of \$71,300.00 through a cooperative purchasing contract with GoodBuy Purchasing Cooperative and authorizing the Interim City Manager to execute any necessary documents.**
- D. Consider, and act upon, the approval of the purchase of Public Safety and Firehouse Supplies from Metro Fire Apparatus Specialists, Inc. in the estimated amount of \$50,000.00 through a cooperative purchasing contract with BuyBoard Purchasing Cooperative and authorizing the Interim City Manager to execute any necessary documents.**
- E. Consider, and act upon, Resolution No. 2021-40(R) authorizing the purchase of LifePak 15 V4 Cardiac Monitors and technical service agreement from Stryker Sales Corporation Medical Division, as a single source purchase exempt from the competitive bid law pursuant to Local Government Code, Section 252.022(a), in the amount of \$243,124.85; and authorizing the Interim City Manager to execute any necessary documents.**
- F. Consider, and act upon, the approval of the purchase of a Bauer SCBA Fill Station from August Industries, Inc. in the estimated amount of \$48,876.55 through a BuyBoard Purchasing Cooperative contract and authorizing the Interim City Manager to execute any necessary documents.**
- G. Consider, and act upon, the approval of the purchase of a Toro Spray Rig from Professional Turf Products, L.P. in the estimated amount of \$74,519.83 through a BuyBoard Purchasing Cooperative contract and authorizing the Interim City Manager to execute any necessary documents.**
- H. Consider, and act upon, the approval of the purchase and installation of MasterSeal products from MasterTurf Products & Services, Inc. for the reconditioning of softball fields located at Founders Park in the estimated amount of \$53,826.00 through a Buy Board Purchasing Cooperative contract and authorizing the Interim City Manager to execute any necessary documents.**
- I. Consider, and act upon, Resolution No. 2021-41(R) authorizing the purchase of a Fire Alert System for Fire Station No. 4, comprised of equipment and installation from US Digital Designs and Barry Turner Consulting, LLC (dba Eagle Eye Technology) in the estimated amount of \$123,129.12, and authorizing the Interim City Manager to execute any necessary documents.**
- J. Consider, and act upon, the authorization of an Interlocal Agreement between Collin County, Texas and the Rita and Truett Smith Public Library for library services in the amount of \$6,868.00 for Fiscal Year 2021-2022, and authorizing the Interim City Manager to execute any and all necessary documents.**
- K. Consider, and act upon, the approval of the purchase of Self Contain Breathing Apparatus (SCBA) from Hoyt Breathing Air Products in the estimated amount of \$88,000.00 through an interlocal**

purchasing agreement with the Collin County Governmental Purchasing Forum/City of Frisco, TX, and authorizing the interim City Manager to execute any necessary documents.

- L. Consider, and act upon, Ordinance No. 2021-52 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.**

Council Action

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

EXECUTIVE SESSION

Mayor Porter convened the Council into Executive Session at 6:28 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. 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.

ES2. Deliberate the employment evaluation and appointment duties of the Interim City Manager.

Councilman Wallis joined Executive Session at 6:48 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.

ES3. Receive legal advice regarding selection of search firm and execution of a contract to hire a selection firm to assist in recruiting City Manager candidates.

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

Mayor Porter convened the Council into Open Session at 7:23 p.m.

Mayor Porter announced that Council did not conduct Executive Session 3 and stated after discussing with Interim City Manager Parker, Council would like to offer an extended evaluation period to Parker that would run no longer

than the end of the fiscal year with regularly scheduled touchpoints to provide feedback. Mayor Porter confirmed with Parker that this was correct.

REGULAR AGENDA

- 1. Consider, and act upon, selection of search firm to assist with search for City Manager.**

Mayor Porter stated there would be no action taken on this item.

- 2. Consider, and act upon, Ordinance No. 2021-53 of the City Council of the City of Wylie, Texas, canvassing the election returns of the November 2, 2021 Bond Election.**

Council Action

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

- 3. Consider, and act upon, Ordinance No. 2021-54 amending Ordinance No. 2016-15, Article VI (Stopping, Standing, and Parking) of Chapter 110 (Traffic and Vehicles) of the Wylie Code of Ordinances, creating Section 110-189 resident only parking permit areas; permitting parking in certain areas by permit only during those times set forth in this ordinance; establishing an offense; providing for a penalty for the violation of this ordinance; 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

Assistant City Manager Ollie addressed Council stating based on the Council discussion and direction at the October 12, 2021 meeting, staff is proposing amendments to prohibit parking, stopping, and standing during morning drop off and afternoon pickup times in the Cimarron Estates Subdivision. The summary of amendments includes: no vehicle shall park in a designated area between the hours of 7:00a - 9:00a and 3:00p-5:00p Monday thru Friday, without a valid resident or guest permit; no student drop-off or pick-up for non-designated area resident; and no blocking of crosswalks or private driveways.

Council Comments

Mayor Porter asked what the implementation period would be. Public Works Porter replied signs should be up after Thanksgiving. Councilman Williams asked how the homeowners go about getting a permit. Ollie replied, per the Ordinance they would go through the City Engineer to obtain a permit.

Council Action

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

- 4. Consider, and act upon, Ordinance No. 2021-55 of the City of Wylie, Texas, amending Section 110-173 (a) (10) (Stopping, Standing, or Parking prohibited in certain places) of Article VI (Stopping, Standing, and Parking) of Chapter 110 (Traffic and Vehicles) of the Wylie Code of Ordinances; prohibiting parking, stopping or standing of a vehicle along the north side of Cloudcroft Dr. from S. Ballard Ave. east to the point of intersection with the private drive of 101 Cloudcroft (approximately 115 feet), and on the south side of Cloudcroft Dr. from S. Ballard Ave. east to the point of intersection with Aspen Ln. (approximately 245 feet); establishing an offense; providing for a penalty for the violation of this ordinance; 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

Assistant City Manager Ollie addressed Council stating based on the Council discussion and direction at the October 12, 2021 meeting, staff is proposing to prohibit parking, stopping, and standing during morning drop off and

afternoon pick up times in the Southplace Estates Phase 1 Subdivision. The summary of proposed changes include: north side of Cloudcroft Drive from South Ballard Avenue east to the point of intersection with the private drive of 101 Cloudcroft (approximately 115 feet), in effect between the hours of 6:30a - 8:30a and 2:30p-4:30p Monday thru Friday, and south side of Cloudcroft Drive from South Ballard Avenue east to the point of intersection with Aspen Lane (approximately 245 feet), in effect between the hours of 6:30a - 8:30a and 2:30p-4:30p Monday thru Friday.

Council Comments

Mayor *pro tem* Forrester asked how the parents would be notified of this change. Ollie replied that the City can work with the school district and would post signage along the street. Forrester expressed concern with not having the parking, stopping, standing further down Cloudcroft in front of residence homes and driveways. Forrester stated with what is being proposed, the City is not achieving what the citizens were looking for by keeping people from parking in front of their homes while waiting for their kids. Ollie replied, if that is the goal, the only way to achieve that would be to do parking permits for residents like Cimarron Estates. Porter shared the same concern as Forrester. Strang stated he drove through this area around 3:00 and noticed parents also parking on the Atmos easement and was unsure if anything could be done about that. Strang, Wallis, and Mize shared their concerns for the safety of the kids walking in between the parked cars. Ollie asked how far Council would want to restrict parking, stopping, and standing. Porter proposed prohibiting it for the entire neighborhood and requiring a permitting process for the residents similar to Cimarron Estates. Councilmen Strang, Duke, and Wallis agreed. Councilman Williams asked if a blanket ordinance could be completed with no parking, stopping, and standing within a specified radius of every school. Henderson replied the problem with having an ordinance such as that would be that it would be hard to enforce without proper signage, and it would be difficult for parents to gauge the distance from the school. Williams stated he does not want to make things too complicated so if this Ordinance solves the issue he is okay with that. Wallis and Strang stated looking at a radius from schools might be beneficial in areas where there are known issues, as well as posting one sign at the entrance of the neighborhood. Councilman Mize stated he would prefer to address issues as they arise on a school by school basis instead of a blanket ordinance, and added that maybe restricting parking, stopping, and standing three blocks down to Taos would be a good starting point.

Council Action

A motion was made by Councilman Williams to approve Item 4 as presented. With no second received, the motion died for the lack of a second.

A motion was made by Mayor *pro tem* Forrester, seconded by Wallis, to table Item 4 to the December Council meeting. A vote was taken and the motion passed 6-1 with Councilman Williams voting against.

5. Consider, and act upon, Resolution No. 2021-42(R) casting a vote for a candidate(s) to the Board of Directors of the Collin Central Appraisal District for a two-year term beginning January 1, 2022.

Council Comments

Mayor Porter stated Council did make a nomination this year and he would put forth that Council support their nomination.

Council Action

A motion was made by Mayor Porter, seconded by Mayor *pro tem* Forrester, to approve Resolution No. 2021-42(R) casting 53 votes for Zewge Kagnev as a candidate to the Board of Directors of the Collin Central Appraisal District for a two-year term beginning January 1, 2022. A vote was taken and the motion passed 7-0.

6. Consider, and act upon, Resolution No. 2021-43(R) casting a vote for a candidate(s) to the Board of Directors of the Rockwall Central Appraisal District for a two-year term beginning January 1, 2022.

Council Comments

Mayor Porter confirmed that Council had 10 votes to cast. Councilman Williams stated he would like to nominate John Brandt as he is a Councilman for the City of Fate and would like to support a local candidate. Councilman

Mize stated he would like to nominate John Hohenshelt, City of Rockwall councilmember, and Lorne Liechty, City of Heath former Mayor, for their service to their cities.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang, to approve Resolution No. 2021-43(R) casting four votes for John Brandt, three votes for John Hohenshelt, and three votes for Lorne Liechty as candidates to the Board of Directors of the Rockwall Central Appraisal District for a two-year term beginning January 1, 2022. A vote was taken and the motion passed 7-0.

7. Consider, and act upon, Resolution No. 2021-44(R) casting a vote for a candidate to the Board of Directors of the Dallas Central Appraisal District for a two-year term beginning January 1, 2022.

Council Comments

Mayor Porter confirmed that Council has one vote to cast. Mayor Porter put forth Brett Franks from Sachse.

Council Action

A motion was made by Councilman Williams, seconded by Councilman Duke, to approve Resolution No. 2021-44(R) casting one vote for Brett Franks as candidates to the Board of Directors of the Dallas Central Appraisal District for a two-year term beginning January 1, 2022. A vote was taken and the motion passed 7-0.

Mayor Porter convened the Council into a break at 8:02 p.m.

WORK SESSION

Mayor Porter convened the Council into Work Session at 8:10 p.m.

WS1. Discuss Stone Road Improvements.

Mayor Porter stated the City had a partnership with the County to do work on Stone Road due to the poor condition it was in. Since then, the County has done a chip and seal process on the road and citizens are not happy with the general condition of the roadway after the work has been completed. The County is not willing to do anything additional than the chip and seal unless the City wants to: 1) take ownership of the roadway and the County possibly pay a little to the City when it is turned over, or 2) wait until both entities gather the funding for a concrete road with installed curb and gutter which would require right of way acquisition from property owners.

Public Works Director Porter addressed Council stating the County has reached out to a consulting engineer to put together a preliminary engineering report that outlines three options for future rehab on the road. Option 1 is replacing the asphalt with new asphalt from WA Allen to Bennett Road with a cost of about \$3.5 mm; Option 2 is replacing the asphalt road with a wider asphalt road with shoulders and drainage work from WA Allen to Bennett Road with a cost of about \$8.4 mm; and Option 3 is replacing the existing asphalt road with a three lane concrete road, including curb and gutter, drainage, and sidewalks with a cost of about \$13.7 mm. Options 2 and 3 would require ROW acquisition of about 10 feet on each side of the road.

Public Works Director Porter explained the backstory for the work completed on this roadway. Public Works Director stated he reached out to the City's contractor for a cost for them to do the work, and the combined total is \$818,000, which is without doing a Geotechnical study. Porter stated he feels like a Geotechnical study needs to be done on intervals down the road before more work is completed. Mayor Porter asked how much a Geotechnical Study would cost, and how long would it take to be completed. Public Works Director replied about \$50,000-\$75,000 for a Geotechnical Study and he cannot report on how long it would take to do a study without talking to a firm.

Council direction was to move forward with a firm to get a Geotechnical Study completed and to work with the County to try to seek some reimbursement of the cost of the study.

WS2. City Secretary Department Presentation.

City Secretary Stephanie Storm addressed Council giving a presentation of the City Secretary Department including: meet the team; the responsibilities of the Office; department accomplishments including the Achievement of Excellence Award; voter participation data from the last three elections; data on public information requests including the number of requests received since October 1, 2020, number of requests processed monthly, number of recurring requests since April 2021, and the number of requests sent to the Attorney General's office since October 1, 2021; Boards and Commission data including applications received, interviews scheduled, appointments made, and new boards and committees established in 2021; implementation of Municode Meetings software; Laserfiche Forms and Workflows created and reworked; total number of documents in Laserfiche and total number of documents created by Laserfiche Forms for the last three fiscal years; additional accomplishments; and projects in progress.

Mayor Porter, on behalf of Council, thanked the City Secretary's Office for the work they do for the City.

RECONVENE INTO REGULAR SESSION

Mayor Porter convened the Council into Regular Session at 8:53 p.m.

EXECUTIVE SESSION

Mayor Porter convened the Council into Executive Session at 8:53 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.

ES4. Consider the sale or acquisition of properties located at FM 544/Cooper, 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).

ES5. 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, 2021-6a, 2021-8a, 2021-9c, and 2021-9e.

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

Mayor Porter convened the Council into Open Session at 9:46 p.m.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Williams, to authorize Wylie Economic Development Corporation to enter into a Performance Agreement with Project 2021-4a in an amount not to exceed \$500,000. A vote was taken and the motion passed 7-0.

READING OF ORDINANCES

City Secretary Storm read the captions to Ordinance Nos. 2021-52, 2021-53, and 2021-54 into the official record.

ADJOURNMENT

A motion was made by Councilman Strang, seconded by Councilman Duke, to adjourn the meeting at 9:48 p.m. A vote was taken and motion passed 7-0.

Matthew Porter, Mayor

ATTEST:

Stephanie Storm, City Secretary