



Wylie City Council

Minutes

Regular Meeting

January 26, 2021 – 6:00 p.m.

Wylie Municipal Complex – Council Chambers

300 Country Club Road, Bldg. 100

Wylie, TX 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 Timothy T. Wallis, and Councilman Garrett Mize (6:06 p.m.). Councilwoman Candy Arrington was absent.

Staff present included: City Manager Chris Holsted; Assistant City Manager Brent Parker; Assistant City Manager Renae Ollie; Police Chief Anthony Henderson; Fire Chief Brandon Blythe; Public Information Officer Craig Kelly; Finance Director Melissa Beard; Planning Manager Jasen Haskins; Public Works Director Tim Porter; WEDC Executive Director Jason Greiner; Parks and Recreation Director Rob Diaz; City Attorney Richard Abernathy; City Secretary Stephanie Storm, and various support staff.

INVOCATION & PLEDGE OF ALLEGIANCE

Robert Watson, First Baptist Church Wylie, led the invocation and Mayor *pro tem* Forrester led the Pledge of Allegiance.

PRESENTATIONS

PS1. Wylie Way Students.

Mayor Porter and Dr. David Vinson, WISD Superintendent, 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.”

Councilman Mize took his seat at the dais at 6:06 p.m.

CITIZEN COMMENTS ON NON-AGENDA ITEMS

There were no citizens present wishing to address 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 the Minutes of January 12, 2021 Regular Meeting and Work Session of the Wylie City Council.**
- B. Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of December 31, 2020.**
- C. Consider, and act upon, Resolution No. 2021-02(R) authorizing the City Manager to execute a Master Agreement Governing the Major Capital Improvement Program for the purpose of transportation improvements on roads inside Dallas County that are in the Dallas County Mobility Plan.**
- D. Consider, and act upon, Ordinance No. 2021-03 amending Ordinance No. 2020-44 (2020-2021 Budget) for proposed budget amendments for fiscal year 2020-2021; providing for repealing, savings and severability clauses; and providing an effective date of this ordinance.**
- E. Consider, and place on file, the City of Wylie Monthly Investment Report for December 31, 2020.**
- F. Consider, and place on file, City of Wylie Monthly Revenue and Expenditure Report for December 31, 2020.**
- G. Consider, and act upon, Ordinance No. 2021-04 for a change of zoning from Planned Development Ordinance No. 2018-30 (PD 2018-30) to Light Industrial (LI), to allow for light industrial development on 2.9068 acres located at 32 Steel Road. (ZC2020-16).**
- H. Consider, and act upon, the approval of the purchase of Uniform Apparel from ServiceWear Apparel Inc. in the estimated annual amount of \$70,000.00 through a cooperative purchasing contract with OMNIA/TCPN Region 4 Cooperative, and authorizing the City Manager to execute any necessary documents.**
- I. Consider, and act upon, Resolution No. 2021-03(R) of the City Council of the City of Wylie, Collin, Dallas and Rockwall Counties, Texas, ordering the General Election to be administered by the Collin County Elections Administrator and the City of Wylie on May 1, 2021, for the purpose of electing the positions of two Council members (Place 2 and Place 4) of the Wylie City Council, to hold office for a period of three years; Designating locations of polling places; Designating filing deadlines; Ordering Notices of Election to be given as prescribed by law in connection with such election.**

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

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Duke, to approve Consent Agenda Items A, B, E, and F-I as presented. A vote was taken and motion passed 6-0 with Councilwoman Arrington absent.

Mayor Porter convened the Council into Executive Session at 6:15 p.m.

EXECUTIVE SESSION

Sec. 551.071. CONSULTATION WITH ATTORNEY; CLOSED MEETING.

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.

ES1. City's Ethics Policy.

ES2. Affordable Housing Regulations.

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

Mayor Porter convened the Council into Open Session at 7:39 p.m.

REGULAR AGENDA

- C. Consider, and act upon, Resolution No. 2021-02(R) authorizing the City Manager to execute a Master Agreement Governing the Major Capital Improvement Program for the purpose of transportation improvements on roads inside Dallas County that are in the Dallas County Mobility Plan.**

Council Comments

Mayor Porter asked Public Works Director Porter to explain the roads in question, what the request of Council was on this item, the process for future funds, and confirmed Council is not appropriating funds for the roads this evening.

Staff Comments

Public Works Director Porter stated the City submitted for two projects to be included in the 7th Call for Projects for capital improvements, which include portions of Sachse Road (Muddy Creek Bridge to Dallas County Line) and Pleasant Valley Road (Elm Grove Road to Dallas County Line). Dallas County requests that all participating cities sign these agreements which continue for 10 years. The agreements do not commit the cities to fund these projects, but shows the County the City is interested in the specified projects. Porter stated this Master Agreement outlines the design and funding process with Dallas County for transportation improvements on roads inside the county that are on their Mobility Plan and additional agreements will be presented for consideration if either of the projects is selected for matching funding, including a Project Specific Agreement (PSA) which will establish the contractual rights and responsibilities of the City and County as it relates to the project, and a Funding Agreement (FA) which will establish a preliminary proposed budget for the project.

Public Works Director Porter confirmed Council is not appropriating funds tonight for the two projects. Porter stated outside of impact fees, the City does not have a funding source currently outlined for these projects.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Mize, to approve Consent Agenda Item C as presented. A vote was taken and motion passed 6-0 with Councilwoman Arrington absent.

- D. Consider, and act upon, Ordinance No. 2021-03 amending Ordinance No. 2020-44 (2020-2021 Budget) for proposed budget amendments for fiscal year 2020-2021; providing for repealing, savings and severability clauses; and providing an effective date of this ordinance.**

Staff Comments

Finance Director Beard addressed Council stating there are three components to this budget amendment request which include: merit-based compensation for non-step employees, including one time payments for employees at the top of their grade (step and non-step); use of CARES funding for two items (MCCI and Aeroclave) plus an EOC request for \$150,000 to be added back to Fund 140 (EOC) for various expenses, mostly related to administration of the vaccine; and the digital sign project at the Municipal Complex which was included in the FY 2020 Hotel Occupancy Fund budget, but the project was not completed as of September 30, 2020 and a carry forward request was not made.

Council Comments

Mayor Porter asked if the \$150,000 would be sufficient for ongoing PPE needs and expenses related with the administration of vaccines. Holsted responded as of right now, staff believes this is sufficient, but if additional funding is needed, staff will come back to Council with an update.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Duke, to approve Consent Agenda Item D as presented. A vote was taken and motion passed 6-0 with Councilwoman Arrington absent.

- 1. Hold a Public Hearing, consider, and act upon, a request for a change of zoning from Multi-Family (MF) to Planned Development-Multifamily (PD-MF), to allow for townhome development on 26.653 acres located at the northwest corner of County Line Road and Troy Road. (ZC 2020-17).**

Staff Comments

Planning Manager Haskins addressed Council stating the applicant is requesting to rezone 26.653 acres located on the northwest corner of County Line Road and Troy Road. The property is currently zoned multi-family. The requested rezoning to a Planned Development (PD) is to allow for a change from a townhome development designed for buildings with five to seven units to one which allows only two to three units per building. The original plan included 165 townhomes in about 25 buildings for which a preliminary plat was approved in 2017. Utility and roadway construction for phase one was completed and final platted in 2019. The project has been dormant since. Haskins reported the applicant wishes to complete the project with duplexes; however, the zoning ordinance calls for a minimum of 35 feet wide end lots on townhomes. Duplexes are essentially two-unit townhomes by the zoning ordinance; however, all lots, by definition, are end lots on a duplex, and the applicant would not only have to replat the entire 26 acres to maintain the 35 feet wide minimum, but also incur an expense to move the utilities and reform the pad sites in phase one.

Haskins reported the PD conditions allow all end lots within the development to be 30 feet in order to place duplexes. Staff did have concerns regarding the single car garages, as Wylie is a third-ring suburb and the location of this development is located about four miles from the commercial center at FM 544 and SH 78, automotive trips are likely with the possibility of multiple vehicles in each household. Haskins stated that with the Commission's recommendation for wider driveways, that concern has been alleviated.

Haskins reported the applicant was present and had a presentation for Council.

Applicant Comments

Ryan Joyce, representing Michael Joyce Properties, addressed Council giving a brief presentation on Wylie Lake Park Villas which included details about the property, three proposed amendments, elevation and floor plan examples, information regarding rear yard setback and garages.

Council Comments

Mayor Porter asked if the PD as written includes anything about the current building standards. Haskins replied no there was nothing in writing. After additional information from Mayor Porter, Joyce replied they would not be opposed to an agreement regarding building standards. Mayor *pro tem* Forrester asked about park facilities in the neighborhood and if there will be an HOA. Joyce responded there is a plan for a playground facility and sidewalks, and there will be an HOA in this development.

Public Hearing

Mayor Porter opened the public hearing on Item 1 at 8:11 p.m. asking anyone present wishing to address Council to come forward.

Lon Ricker, addressed Council with concerns regarding variances, rear yard setbacks, the width of the driveways, reducing standards, and rental properties.

Haskins clarified there were no variances as originally planned, it was zoned multifamily and the original owner platted it per the ordinance, and regarding the width of the driveways, it is 16 feet per home for a total of 32 feet in width. Joyce responded to the concerns about the 45-foot lot widths stating those are on the lots adjacent to streets and there will be no changes to the lot sizes shown on the preliminary plat.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang, to table Item 1 and continue the public hearing to February 9, 2021 City Council meeting. A vote was taken and motion passed 6-0 with Councilwoman Arrington absent.

- 2. Hold a Public Hearing, consider, and act upon, a request for a change of zoning from Agricultural District (AG/30) to Planned Development - Multifamily District (PD-MF), to allow for multifamily development on 3.92 acres located at 425 North Ballard Avenue (ZC 2020-18).**

Staff Comments

Planning Manager Haskins addressed Council stating the applicant has requested to withdraw this item from consideration. Haskins stated if Council wants to approve this item it will take a supermajority as the Planning and Zoning Commission recommended denial.

Public Hearing

Mayor Porter opened the public hearing on Item 2 at 8:20 p.m. asking anyone present wishing to address Council to come forward.

Christine Walk, Angela Pecina, Ross Grant, Elias Rodriguez, Kurt Ulmer, Johnathan Walk, and Keith Huyck addressed Council with concerns regarding traffic, noise, safety, property value decrease, and the wrong location for multifamily development.

Mayor Porter closed the public hearing at 8:42 p.m.

Council Comments

Councilman Strang asked what action options Council had on this item. Mayor Porter replied Council can accept the request for withdrawal, consider the item with an approval, consider the item with a denial, and consider the item with a denial with prejudice. Councilman Duke asked if Council accepts the withdrawal can the applicant come back at any time, and Mayor Porter asked for additional information regarding a denial with prejudice. Haskins replied if the withdrawal is accepted the applicant can start the process over with Planning and Zoning, and if the action taken is denial with prejudice, the applicant cannot resubmit the same, or substantially similar, zoning application from one-year from the original date of denial.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang, to deny with prejudice, a request for a change of zoning from Agricultural District (AG/30) to Planned Development - Multifamily District (PD-MF), to allow for multifamily development on 3.92 acres located at 425 North Ballard Avenue (ZC 2020-18). A vote was taken and motion passed 5-1 with Councilman Mize voting against and Councilwoman Arrington absent.

- 3. Hold a Public Hearing, consider, and act upon, an amendment to Planned Development 99-32, to allow for a change to the maximum fence height, on 327.5 acres generally located north and east of McMillen Road and McCreary Road (ZC 2020-19).**

Staff Comments

Planning Manager Haskins addressed the Council stating the Creekside Estates residential lots are restricted to a fence height of six feet due to the development standards that were approved in 1999. The Zoning Board of Adjustments has approved variances related to fence heights in this subdivision and the City of Wylie's base zoning in residential districts allow for a residential fence maximum height of eight feet. The residents of the subdivision are requesting a 2-foot increase in allowable height to match the City Ordinance.

Haskins reported in accordance with State Law, 766 notifications were mailed to property owners within 200 feet of the subject property. At the time of this posting, 19 have been returned with 18 in favor and one opposed. The Commission voted 5-0 to recommend approval.

Public Hearing

Mayor Porter opened the public hearing on Item 3 at 8:48 p.m. asking anyone present wishing to address Council to come forward.

No one came forward for the public hearing.

Mayor Porter closed the public hearing at 8:48 p.m.

Council Action

A motion was made by Councilman Mize, seconded by Councilman Wallis, to approve amending Planned Development 99-32, to allow for a change to the maximum fence height, on 327.5 acres generally located north and east of McMillen Road and McCreary Road (ZC 2020-19). A vote was taken and motion passed 6-0 with Councilwoman Arrington absent.

- 4. Consider, and act upon, Ordinance No. 2021-05 for a change of zoning from Agricultural (AG) to Planned Development - Single Family (PD-SF), to allow for single family development on 13 acres located on Woodbridge Parkway across from Raymond Cooper Junior High School. (ZC 2020-13)**

Staff Comments

Planning Manager Haskins addressed Council stating at the January 12, 2021 meeting, City Council approved the zoning request with stipulations that included: stamped concrete crosswalk in lieu of proposed pavers; the pocket park be redesigned to include a playground; the pocket park be completed before any home can be occupied; the pocket park be HOA owned and maintained. The applicant has added these items to the Planned Development Conditions. Haskins stated in addition, language has been added that will allow the park to be moved within the subdivision should engineering and final site design require it.

Council Comments

Mayor Porter asked if language was included that stipulated the stamped concrete crosswalk would move with the park as it was intended to bring awareness for anyone crossing the street. Haskins reported it is not

stipulated in writing but that is staff's intent as well so if that is Council's desire, staff will ensure that the stamped concrete crosswalk follows the location of the park.

Council Action

A motion was made by Councilman Strang, seconded by Councilman Mize, to approve Ordinance No. 2021-05 for a change of zoning from Agricultural (AG) to Planned Development - Single Family (PD-SF), to allow for single family development on 13 acres located on Woodbridge Parkway across from Raymond Cooper Junior High School (ZC 2020-13). A vote was taken and motion passed 6-0 with Councilwoman Arrington absent.

5. Consider, and act upon, acceptance of the Comprehensive Annual Financial Report (CAFR) for FY 2019-20 following a presentation by the audit firm of Weaver, LLP.

Staff Comments

Finance Director Beard addressed Council stating the City 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, Weaver LLP has performed an audit as of September 30, 2020. Mr. John DeBurro, partner with Weaver LLP presented the CAFR.

Mr. John DeBurro, partner with Weaver LLP, provided a brief summary of the FY 2019-2020 CAFR, including the Independent Auditors' Report. He reported that Weaver rendered an unmodified opinion, meaning no deficiencies were found. He explained that Weaver had issued 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 found no material weaknesses. He explained with regard to the Coronavirus Relief Fund, Weaver issued the Independent Auditor's Report on Compliance for each major program and report on internal control over compliance in accordance with uniform guidance, and issued an unmodified opinion with no findings noted.

Mr. DeBurro reviewed the audit process from start to finish, auditor communications, and some of the highlights of the FY 2019-2020 report. The City's governmental funds revenues for FY 2020 totaled \$57.4 million, a \$2.9 million or 5.4% increase from FY 2019. This increase is attributed primarily to a \$1.4 million increase in intergovernmental revenue, a \$1.1 million increase in ad valorem taxes, and a \$1.0 million increase in sales taxes. Governmental funds expenditures for FY 2020 totaled \$68.2 million, a \$13.7 million increase from FY 2019. Some of the larger variances were capital outlay expenditures, which increased \$11.2 million, public safety expenditures increased \$1.4 million, and community service costs increased by \$0.7 million. Mr. DeBurro stated that the Governmental Funds' Fund Balances had a combined ending fund balance of \$44.9 million at September 30, 2020. The Governmental funds' fund balance decreased by \$7.1 million, primarily due to a \$9.6 million decrease in the Capital Projects Fund, the result of the current year spending on the Public Safety Building Remodel and Expansion Project. Unassigned fund balance in the General Fund, which is \$21.9 million, represents 54% of general fund expenditures. Mr. DeBurro reported that when comparing the General Fund Budget vs. Actual, the City showed a favorable budgetary variance of \$5.5 million, resulting from revenues exceeding the budget by \$766,000, expenditures at \$3.9 million below budget, and other financing sources exceeding the budget by \$0.8 million. Regarding the Water and Sewer Fund, the net position increased by \$7.8 million; operating revenues increased \$2.4 million, primarily due to rate increases and increased consumption; operating expenses increased \$1.1 million, primarily due to increases in cost of water purchases and sewer treatment costs; and transfers and contributions had a net increase of \$2.7 million, primarily due to a \$2.3 million increase in capital contributions.

Council Comments

Mayor Porter commended staff for a clean audit.

Council Action

A motion was made by Councilman Strang, seconded by Mayor *pro tem* Forrester, accepting the Comprehensive Annual Financial Report (CAFR) for FY 2019-20 as presented by firm Weaver, LLP. A vote was taken and motion passed 6-0 with Councilwoman Arrington absent.

6. Present, and place on file, the Wylie Economic Development Corporation 2020 Annual Report.

Staff Comments

WEDC Executive Director Jason Greiner delivered the 2020 Annual Report. This report provided a financial overview and condition of the Corporation as well as an update on 2020 business activity and 2021 goals and objectives.

The WEDC had \$5,915,533 in available operating funds and the beginning fund balance was \$769,596. The report noted sales tax collections increased from the prior year totaling \$3,283,492. Other revenues included rental income of \$164,402, sale of WEDC-owned property for \$1,467,211, and loan payments of \$996,500.

Expenditures for WEDC operations totaled \$4,836,275 which were for: personnel - \$502,852, administrative costs - \$158,768, marketing and promotion activities - \$108,156, debt service - \$2,045,625, land acquisition - \$1,315,858, incentives - \$499,401, and environmental and site work - \$199,187. This resulted in an ending fund balance of \$1,735,327.

Greiner reviewed a breakdown of Performance Agreements for the year which included: total incentives - \$499,400, office, medical, and commercial - \$209,000, industrial - \$191,390, sales tax reimbursement programs - \$99,010, and one-time/final payment - \$214,489.

Currently, WEDC owns and manages 38.88 acres of land and 72,479 sq. ft. of improvements with a cost basis of \$12,088,145 with outstanding debt of \$5,248,752, and \$1,352,562 million in principal reduction payments made in FY 20.

Greiner reported the 2020 Valuations with commercial and industrial properties totaling \$859 million and the total valuation of \$4.93 billion. Over the last five years the commercial and industrial values have increased by \$244 million, with new construction accounting for \$82 million of that total, with the total valuation over the last five years in commercial and industrial increasing by \$2.3 billion.

Greiner spoke on some high-impact initiative projects that include: Woodbridge Crossing, Woodbridge Centre, 544 Gateway Project, State Highway 78 Redevelopment, State Highway 78 Brown Street, and Wylie Logistics Park.

Greiner stated the goals and objectives in 2021 include: downtown revitalization, 544 Gateway property, industrial development, and expand and promote Workforce Development and Business Retention and Expansion Programs.

Greiner reported the WEDC was awarded Workforce Partner of the Year by Workforce Solutions of North Central Texas this past year.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Duke, to accept and place on file the Wylie Economic Development Corporation 2020 Annual Report. A vote was taken and motion passed 6-0 with Councilwoman Arrington absent.

7. Consider, and act upon, Ordinance No. 2021-06 amending Ordinance Nos. 2020-24, 2020-25, 2020-26, 2020-29, 2020-31, 2020-35, 2020-38, 2020-41, 2020-48, 2020-53, 2020-62, and 2020-64

Continuing or Renewing the Mayor's Declaration of Local Disaster for a Public Health Emergency and establishing new orders to help abate the COVID-19 public health crisis.

Council Comments

Mayor Porter reported a few items have changed since the last time Council considered this item which include: the Governor continues to extend his orders, the pandemic is still ongoing, the vaccinations, and CARES Act funding was extended to the end of this year. Holsted confirmed staff put a date further out to October 12, 2021, and if there are any changes staff will bring this Ordinance back to Council for consideration.

There was discussion between Council regarding a possible May or June date instead of the October date.

Council Action

A motion was made by Councilman Strang, seconded by Mayor *pro tem* Forrester, approving Ordinance No. 2021-06, amending Ordinance Nos. 2020-24, 2020-25, 2020-26, 2020-29, 2020-31, 2020-35, 2020-38, 2020-41, 2020-48, 2020-53, 2020-62, and 2020-64 Continuing or Renewing the Mayor's Declaration of Local Disaster for a Public Health Emergency and establishing new orders to help abate the COVID-19 public health crisis. Mayor Porter confirmed after the motion was made that the motion was for the date presented in the packet of October 12, 2021 and Councilman Strang confirmed. A vote was taken and motion passed 6-0 with Councilwoman Arrington absent.

Mayor Porter convened the Council into a break at 9:39 p.m.

Mayor Porter reconvened the Council into Work Session at 9:46 p.m.

WORK SESSION

WS1. Aquatics Study – Joint work session with Parks and Recreation Board.

Parks and Recreation Director Diaz addressed Council stating the Parks and Recreation Board members present include: Vice Chair Gloria Suarez and Board members Craig Allen, Brian Willeford, and Brett Swendig. The City Council adopted the newest Parks, Recreation, and Open Space Plan in 2020 The plan identified priorities for parks and recreation facility development based on citizen, City Council, Parks and Recreation Board, and staff input. Two areas of development identified are various aquatics amenities and park development in and around Lavon Lake in which two studies are currently funded in the FY 2020-2021 Budget. Both studies will be performed by Dunaway Associates, and they were the consultants that completed the adopted Master Plan.

Elizabeth McIlrath and Adam Brewster, representing Dunaway Associates, and George Deines, with Councilman-Hunsaker, addressed Council giving an Aquatic Feasibility Study presentation including: reviewing the feasibility study process; showing user types including competitive, recreation, instructional, and therapy and wellness; showing both indoor and outdoor facility types with options for neighborhood, community, and regional size facilities; reviewing Wylie demographics; showing current area providers; showing examples of different types of facilities in the area with the size, total construction cost, admission cost, and cost per year included; design features including support structures, shade structures, spray features, floatables, small slides, seats and lounges, diving, play structures, beaches, lazy rivers, multi-slide towers, signature slides, and signature features; and reviewed the vision and goals.

Direction from Council and Parks and Recreation members was to proceed with bringing back additional information on a multi-generational facility, similar to the regional facility example shown, as well as looking at some aspect of an indoor facility, and at the option for phasing the project in.

RECONVENE INTO REGULAR SESSION

Mayor Porter convened the Council into Regular Session at 11:05 p.m.

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Mayor Porter convened the Council into Executive Session at 11:07 p.m.

EXECUTIVE SESSION

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. Consider the sale or acquisition of properties located at: State Highway 78 & Alanis, State Highway 78 & Birmingham, State Highway 78 & Brown, FM 544 & Cooper, Regency & Steel.

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 Project 2018-8c, Project 2018-9b, Project 2018-9c, Project 2020-7a, Project 2020-10b, Project 2020-11b, Project 2020-12a, Project 2021-1a, Project 2021-1b, Project 2021-1c, Project 2021-1d, Project 2021-1f.

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. City Manager's Annual Review.

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

Mayor Porter convened the Council into Open Session at 12:48 a.m.

READING OF ORDINANCES

City Secretary Storm read the captions to Ordinance Nos. 2021-03, 2021-04, 2021-05, and 2021-06 into the official record.

ADJOURNMENT

A motion was made by Councilman Strang, seconded by Councilman Duke, to adjourn the meeting at 12:51 a.m. A vote was taken and motion passed 6-0 with Councilwoman Arrington absent.

Matthew Porter, Mayor

ATTEST:

Stephanie Storm, City Secretary