

# Wylie City Council Regular Meeting Minutes

May 31, 2022 – 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 6:05 p.m. The following City Council members were present: Councilman David R. Duke, Councilman Dave Strang (6:33 p.m.), Mayor *pro tem* Jeff Forrester, Councilman Scott Williams, and Councilman Garrett Mize. Councilman Timothy T. Wallis 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; Public Information Officer Craig Kelly; Planning Manager Jasen Haskins; Project Engineer Jenneen Elkahlid; Purchasing Manager Glenna Hayes; Public Works Director Tommy Weir; Interim Parks and Recreation Director Carmen Powlen; City Engineer Tim Porter; City Secretary Stephanie Storm; 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. Wylie Way Students 4th Term / 1st - 12th Grade.

Mayor Porter announced there was a date discrepancy and the appropriate date is June 14, 2022. Porter confirmed there were no persons in attendance for this item.

### PR2. Recognizing May 2022 as Asian Americans and Pacific Islanders Month.

Mayor Porter recognized May 2021 as Asian Americans and Pacific Islanders Month in Wylie, Texas.

## 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.*

Paul Long addressed Council regarding an aquatics center for the City about working with WISD regarding a swim and dive team.

Joshua Murray addressed the Council regarding information on the Collin County Commissioner's Court.

Eugene Hauptmann addressed the Council regarding school inspections and safety, and the event that occurred in Uvalde.

## **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 May 10, 2022 Regular City Council Meeting minutes.**
- B. Consider, and act upon, Ordinance No. 2022-40 of the City of Wylie, Texas granting a franchise agreement to Farmers Electric Cooperative, Inc.**
- C. Consider, and act upon, Resolution No. 2022-16(R), ratifying Renaé Ollie as Acting City Manager in the absence of Brent Parker, City Manager.**
- D. Consider, and act upon, Ordinance No. 2022-41 amending Wylie's Code of Ordinances, Ordinance No. 2021-17, as amended, Chapter 78 (Parks and Recreation), Article IX (Cemeteries), to create Division 3 - Cemetery Operations.**
- E. Consider, and act upon, a Final Plat for Woodbridge Townhomes Tract A-3 Phase 2, establishing 104 residential lots and three open space lots on 13.125 acres, generally located on the southwest corner of Hooper Road and Hensley Lane.**
- F. Consider, and act upon, a Final Plat for Woodbridge Townhomes Tract A-4 Phase 2, establishing 60 residential lots and two open space lots on 5.868 acres, generally located on the southwest corner of Hooper Road and Hensley Lane.**
- G. Consider, and act upon, a Final Plat for Woodbridge Townhomes Tract A-4 Phase 3, establishing 75 residential lots on 6.171 acres, generally located on the southwest corner of Hooper Road and Hensley Lane.**
- H. Consider, and act upon, Ordinance No. 2022-42 regarding a change in zoning from PD-SF-ED to PD-ED to allow for an Accessory Dwelling Unit, property located at 801 Lake Ranch Ln. (ZC 2022-09).**
- I. Consider, and act upon, Resolution No. 2022-17(R), repealing Resolution No. 2022-14(R), and authorizing the City Manager of the City of Wylie, Texas, or his designee, to execute an Advance Funding Agreement between the State of Texas and the City of Wylie, and to take any and all other actions necessary to effectuate the same; and providing for an effective date hereof.**
- J. Consider, and act upon, the City of Wylie Monthly Revenue and Expenditure Report for April 30, 2022.**
- K. Consider, and place on file, the City of Wylie Monthly Investment Report for April 30, 2022.**
- L. Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of April 30, 2022.**
- M. Consider, and act upon, the approval of the purchase of Audio-Visual Equipment and Installation from Lantek Audio Video & Communications LLC in the estimated amount of \$135,887.51 through a cooperative purchasing contract with The Interlocal Purchasing System (TIPS), and authorizing the City Manager to execute any necessary documents.**
- N. Consider, and act upon, Resolution No. 2022-18(R), suspending the June 17, 2022 effective date of Oncor Electric Delivery Company's requested rate change to permit the City time to study the request and to establish reasonable rates; approving cooperation with the Steering Committee of Cities served by Oncor to hire legal and consulting services and to negotiate with the company and direct any necessary litigation and appeals; finding that the meeting at which this Resolution is passed is open to**

**the public as required by law; requiring notice of this Resolution to the company and legal counsel for the Steering Committee.**

Councilman Williams requested Item N be pulled from Consent Agenda and considered individually.

#### **Council Action**

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Williams, to approve the Consent Agenda Items A-M as presented. A vote was taken and motion passed 5-0 with Councilman Strang and Wallis absent.

#### **REGULAR AGENDA**

- N. Consider, and act upon, Resolution No. 2022-18(R), suspending the June 17, 2022 effective date of Oncor Electric Delivery Company's requested rate change to permit the City time to study the request and to establish reasonable rates; approving cooperation with the Steering Committee of Cities served by Oncor to hire legal and consulting services and to negotiate with the company and direct any necessary litigation and appeals; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the company and legal counsel for the Steering Committee.**

#### **Council Comments**

Councilman Williams commended the City staff for their due diligence in bringing this item before the Council instead of just approving the requested rates.

#### **Council Action**

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

- 1. Interview applicants for Board of Review vacancies for a term to begin July 1, 2022 and end June 30, 2024.**

Council interviewed applicants Gerald Dyson, Taniki Small, Derek Trent, and Thomas Volmer. Applicants not present included: James Byrne, Jack Craig, and Joseph Murdock.

Councilman Strang took his seat at the dais at 6:33 p.m.

- 2. Consider, and act upon, Ordinance No. 2022-43 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 the Council stating the Taste of Wylie proceeds totals \$6,832.71. The City of Wylie would like to donate this amount to the local food pantries.

#### **Council Action**

A motion was made by Councilman Williams, seconded by Councilman Duke, to approve Item 2 as presented. A vote was taken and motion passed 6-0 with Councilman Wallis absent.

Members from the Christian Care Center, Hope for the Cities, Five Loaves Food Pantry, and Amazing Grace Food Pantry were present to accept the donation.

Mayor Porter thanked City and EDC staff, participating restaurants, and volunteers.

3. **Consider, and act upon, the first modification to PSPO #W2019-8-E for FM 544 (Stone Road) Phase 3 Improvements from North of Alfred Drive to Vinson Road to Freese & Nichols, Inc. in the amount of \$146,240.00 and authorizing the City Manager to execute any necessary documents.**

#### **Council Comments**

Mayor Porter confirmed there is a funding gap from when the bond was passed, but what is being proposed tonight is for the engineering portion of the project, and will still be useful for the City. City Engineer Porter replied that is correct, the City reached out to the consultant to gather a scope to provide some of the additional services. City Engineer Porter added traffic has increased in this area and thinks adding a signal at Alanis and FM 544 would be beneficial as part of this scope. Councilman Williams asked if the staff feels the price given is fair and reasonable. City Engineer Porter replied yes, it is, and there is no typical percentage that can be added to some of the special services. Mayor *pro tem* Forrester asked what the shortfall is since the proposition was passed by the voters. City Engineer Porter replied there is an estimated construction cost of about \$13.7 million, and the total is estimated at \$16 million. Forrester confirmed that this project went from a \$10 million project to a \$16 million project and confirmed the County will still only contribute a little over \$5 million towards the project. City Engineer Porter confirmed that was correct, the Interlocal Agreement (ILA) stipulates the funding and added staff is trying to do what they can to move this project along and would like franchise utility relocations to start in the fourth quarter of this year and construction start the first quarter of next year if possible. Mayor Porter asked if staff has a plan to make up the \$6.2 million that is short, and stated he would not want to see the City miss the dangerous section of roadway from where the current four lanes end at Alfred to down past the elementary school. City Manager Parker replied the City does not have a funding source currently to make up the difference. Williams stated he would be curious to see where the City is going to make up the budget shortfall and would like to know where the funding is coming from before the City extends the additional overage on the engineering; however, he would not want to sacrifice the engineering and asked staff where does that balance fall. City Engineer Porter replied the City has an agreement with the consultant for a little over \$1 million so this amount adds to that consultant contract. City Engineer Porter added the City also has a contract with the County for the matching funds of \$5 million. Williams asked how much of the engineering can go back to the County. City Engineer Porter replied due to the structure of the ILA he cannot ask for the full funding from the County until milestones are reached. Parker stated this particular project is a good example of why staff is pushing so hard currently to get some projects caught up and completed because of inflation and labor shortages, and moving forward if the voters are going to approve a bond it is important to complete projects in a reasonable amount of time to be good stewards of the public. City Engineer Porter stated to follow up on Councilman Williams question, if this item is not approved tonight, it stops the right-of-way acquisition portion. Councilman Mize stated he does think this is important to ensure that with the growth that is occurring on the East side of the City, it is important that the City continues to plan for and develop the adequate infrastructure from a quality of life and public safety perspective; and the City should move forward with this item.

#### **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 motion passed 6-0 with Councilman Wallis absent.

4. **Consider, and act upon, Ordinance No. 2022-44 amending Wylie's Code of Ordinances, Ordinance No. 2021-17, as amended, Appendix A (Wylie Comprehensive Fee Schedule), Section IX (Parks and Recreation), Subsections A through H.**

#### **Staff Comments**

Parks and Recreation Director Powlen addressed Council stating staff is bringing the Parks and Recreation fee schedule for Council consideration. Currently, the fees are specified for passes and rentals, and staff is requesting to revise the fee schedule to allow staff the ability to adjust the fees as needed. Staff would bring the proposed fees back to Council for consideration during the budget process.

#### **Council Comments**

Councilman Williams requested clarification on what is being proposed. Mayor Porter responded that currently the fees are set by ordinance and would require an ordinance each time any fee is changed, and staff is proposing

removing the set fees to allow flexibility to change pricing as needed. Powlen explained this would give staff the flexibility to run specials and would be brought back during the budget process.

#### **Council Action**

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

- 5. Consider, and act upon, Ordinance No. 2022-45 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 the Council stating the amount of \$538,629.80 was seized in accordance with Chapter 59 of the Code of Criminal Procedures. After a plea agreement, the City returned \$23,710.25 to the defendant leaving \$514,919.55 to be deposited into Wylie Police Department's State Seizure account. According to the asset forfeiture agreement between the Wylie Police Department and the Collin County District Attorney's Office, we are required to pay them 20 percent after court costs are subtracted. The court costs are \$1,490.00 to the Collin County District Clerk and the District Attorney's fees are \$102,685.92. These fees are to be paid out of the \$514,919.55 leaving a net increase in the seizure account of \$410,743.63. Beard stated this money can only be spent on very specific law enforcement items.

#### **Council Action**

A motion was made by Councilman Strang, seconded by Councilman Mize, to approve Item 5 as presented. A vote was taken and motion passed 6-0 with Councilman Wallis absent.

- 6. Consider, and act upon, Ordinance No. 2022-46, amending Wylie's Code of Ordinances, Ordinance No. 2021-17, as amended, amending Chapter 58 (Historical Preservation), Article I (General) and Article II (Landmarks).**

#### **Staff Comments**

Deputy City Manager Ollie addressed the Council stating the Historic Review Commission (HRC) held a series of work sessions to discuss proposed updates to Chapter 58 Landmarks of the Code of Ordinances to consider enhancing the current Landmarks section. Guidance for landmark designation shall be in accordance with Local Government Code (LGC) Chapter 211, whereby section 211.0165 outlines the necessary steps and grants authority to the municipality. Before a structure or land can be designated as a local historic landmark, the property owner must consent. If the property owner does not consent, approval by at least a three-fourths majority vote of the City Council and Planning and Zoning Commission, or HRC is required (Sec. 58-22). In accordance with LGC Ch. 211.0165(a-1) when a property owner does not consent, the municipality shall designate the Planning and Zoning Commission or the HRC as the entity with exclusive authority to approve the designations of properties as local historic landmarks and the inclusion of properties in a local historic district. The exclusive authority to the Commission is granted only when a property owner does not consent to their property being designated as a local landmark. Ollie added Chapter 58 was last amended in 1990 and the summary of amendments includes: creating definitions as well as changes to bring the ordinance more in line with established goals of the HRC, removing wording regarding perpetual monthly basis and replaced with a purpose statement, established criteria to set landmark designations, established a section to outline an ordinary maintenance clause, and alternative parking and loading for properties with landmark designations.

#### **Council Comments**

Councilman Strang asked if the property owner does not want the designation, it can be forced on them anyway. Ollie replied yes but said she cannot think of a reason why the City would ever do that. Strang asked what is the benefit to the property owner. Ollie replied the City can offer incentives, tax abatements, grants, and beautification dollars. Mayor *pro tem* Forrester confirmed on a case by case basis to the individual property and asked what happens when the owner sells the property. Ollie replied that is correct and the designation stays with the property.

Mayor Porter stated no incentives are called out in the ordinance and asked if they would come before Council for final ratification. Ollie replied yes, they would come before Council. Councilman Williams thanked Ms. Ollie for her dedication to the HRC; confirmed this only applies to historic landmarks and does not apply to every house in the historic district. Ollie replied that is correct and it is a local designation, it is what is important to Wylie and does not have to be a Wylie resident. Councilman Mize stated he was excited about this and using the LGC to shape up and bring to speed the historic landmark process, and it gives the City more tools to continue to embrace and preserve our history.

### **Council Action**

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

## **WORK SESSION**

Mayor Porter reconvened the Council into Work Session at 7:49 p.m.

### **WS1. Presentation providing an overview of Capital Projects Funding.**

Mayor Porter convened the Council into a break at 7:52 p.m.

Mayor Porter reconvened the Council at 8:01 p.m.

Finance Director Beard addressed Council giving a presentation on all project's status and sources of funding for the specific projects, reviewing all projects, currently in progress streets projects, planned street projects, future/unfunded street projects, water projects, and current parks projects.

Council comments and questions included does this take into account the Bonds that were passed or the annual budget, can staff share the spreadsheet with Council, what is the vision for Alanis Drive from Highway 78 to Ballard, is this information including land acquisition for water projects, have a future work session after the data has been provided to Council, having the data helps put it all in perspective, accomplished the 50,000-foot view of the status on the projects, would like a future discussion on sources of funding, and issue debt on an as-needed basis.

## **RECONVENE INTO REGULAR SESSION**

Mayor Porter reconvened the Council into Regular Session at 8:27 p.m.

## **EXECUTIVE SESSION**

### **RECONVENE INTO OPEN SESSION**

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

## **READING OF ORDINANCES**

*Title and caption approved by Council as required by Wylie City Charter, Article III, Section 13-D.*

City Secretary Storm read the captions to Ordinance Nos. 2022-40, 2022-41, 2022-42, 2022-43, 2022-44, 2022-45, and 2022-46 into the official record.

## **ADJOURNMENT**

A motion was made by Councilman Strang, seconded by Councilman Duke, to adjourn the meeting at 8:30 p.m. A vote was taken and motion passed 6-0 with Councilman Wallis absent.

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**Matthew Porter, Mayor**

**ATTEST:**

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**Stephanie Storm, City Secretary**