

# Wylie City Council Regular Meeting Minutes

February 14, 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 6:01 p.m. The following City Council members were present: Councilman David R. Duke, Mayor *pro tem* Jeff Forrester, Councilman Scott Williams, and Councilman Garrett Mize. Councilmen Dave Strang and Timothy T. Wallis were absent.

City Manager Brent Parker; Deputy City Manager Renae Ollie; Assistant City Manager Lety Yanez; Police Chief Anthony Henderson; Finance Director Melissa Brown; Fire Chief Brandon Blythe; Public Information Officer Craig Kelly; City Secretary Stephanie Storm; Public Works Director Tommy Weir; Purchasing Manager Glenna Hayes; City Engineer Tim Porter; Community Services Director Jasen Haskins; Wylie Economic Development Executive Director Jason Greiner; and various support staff.

## INVOCATION & PLEDGE OF ALLEGIANCE

Pastor Ben Phillips from First Baptist Murphy led the invocation and Councilman Williams led the Pledge of Allegiance.

## PRESENTATIONS & RECOGNITIONS

### **PR1. Recognition of Wylie Police Department Officers Andrew Abbott, Christopher McKiddy, and Xavier Mason for their heroic actions.**

Mayor Porter announced that this recognition would be moved to a future meeting.

### **PR2. Black History Month.**

Mayor Porter recognized Black History Month in Wylie, Texas, and provided information on events at the Smith Public Library during the month of February.

### **PR3. World Rotary Day.**

Mayor Porter proclaimed February 23, 2023, as World Rotary Day in Wylie, Texas. Rotarians Lynn Fagerstrom, Karen Holman, Brenda Byboth, Angel Wygant, Renae Ollie, Kristina Kelly, Ofilia Barrera, Gerry Washington, Cliff Moriarty, and Joe Sullivan were present to accept the proclamation.

Mayor Porter convened the Council into a break at 6:14 p.m.

Mayor Porter reconvened the Council at 6:18 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.*

There were no citizens present wishing to address the 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 January 24, 2023 Regular City Council Meeting minutes.**
- B. Consider, and act upon, Resolution No. 2023-02(R) of the City Council of the City of Wylie, Collin, Dallas, and Rockwall counties, Texas, ordering a General Election to be held on May 6, 2023, in the City of Wylie, Texas, for the purpose of electing the positions of Mayor and two Council members (Place 5 and Place 6) of the Wylie City Council, to hold office for a period of three years; designating locations of polling places; designating filing deadlines; and ordering Notices of Election to be given as prescribed by law in connection with such election.**
- C. Consider, and act upon, Ordinance No. 2023-07 amending Ordinance No. 2022-56, which established the budget for fiscal year 2022-2023; providing for repealing, savings and severability clauses; and providing for an effective date of this ordinance.**
- D. Consider, and act upon, Ordinance No. 2023-08 amending Ordinance No. 2022-56, which established the budget for fiscal year 2022-2023; providing for repealing, savings and severability clauses; and providing for an effective date of this ordinance.**
- E. Consider, and act upon, the approval of the purchase of a 2023 John Deere 60G Excavator from RDO Equipment Company in the amount of \$120,349.53 through a cooperative purchasing contract with Sourcewell Purchasing Cooperative, and authorizing the City Manager to execute any necessary documents.**
- F. Consider, and act upon, the award of a professional services project order (PSPO) #W2023-24-E for the Lead and Copper Rule Revision Compliance Phase 1 and Phase 2 to Freese and Nichols, Inc. in the amount of \$184,896.00, and authorizing the City Manager to execute any necessary documents.**
- G. Consider, and act upon, a Final Plat for Wellstar Addition, establishing two industrial lots on 2.31 acres and replating Lots 12R, Block C and 15R, Block B of Regency Business Park, Phase Three, generally located east of the cul-de-sac on Capital Street.**
- H. Consider, and act upon, a Final Plat for Dement Addition, being Lots 1 & 2, Block A, establishing two lots on 4.374 acres partially within the City limits of Wylie and partially within the City of Wylie Extra Territorial Jurisdiction, located at 950 Paul Wilson Road.**
- I. Consider, and act upon, a Final Plat for Collins ET establishing two lots on 2.345 acres located in the City of Wylie Extra Territorial Jurisdiction north of and adjacent to 1224 Bozman Road.**
- J. Consider, and act upon, a Final Plat for Browngate Pointe Addition, establishing 39 residential, seven open spaces, and one commercial lot on 6.55 acres, generally located at the northeast corner of W. Brown Street and Sanden Boulevard.**
- K. Consider, and act upon, a Final Plat for Dominion of Pleasant Valley Phase 4, establishing 95 single-family residential lots and four open space lots on 23.436 acres, generally located at the northeast corner of Pleasant Valley Road and Dominion Drive.**

- L. Consider, and act upon, a Final Plat for Dominion of Pleasant Valley Phase 5, establishing 68 single-family residential lots and five open space lots on 25.822 acres, generally located at the southwest intersection of Dominion Drive and Pleasant Valley Road.**
- M. Consider, and act upon, a Final Plat of Lot 2R of Wyndham Estates Phase 3, being a Replat of Lots 2, 3 and 4 of Wyndham Estates Phase 3, establishing one industrial lot on 2.68 acres, located on the northeast corner of Eubanks Lane and Squire Drive.**
- N. Consider, and act upon, authorizing the City Manager to execute an agreement to extend the Service Contract between the City of Wylie and National Sign Plaza, Inc. in accordance with Ordinance No. 2008-33.**
- O. Consider, and act upon, the approval of Contract #W2019-84-A Modification No. 3 for Concrete Maintenance & Repairs (Various Locations) with GT Construction increasing the estimated annual expenditures, and authorizing the City Manager to sign any and all necessary documents.**

#### **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 the motion passed 5-0 with Councilmen Strang and Wallis absent.

#### **REGULAR AGENDA**

- 1. Hold the second and final Public Hearing and consider, and act upon, Ordinance No. 2023-09, continuing the City's juvenile curfew ordinance and making findings related thereto; providing a savings/repealing clause and an effective date.**

#### **Staff Comments**

Police Chief Henderson addressed Council stating the curfew ordinance requires two public hearings with tonight being the second one and requested Council extend this ordinance for another three years.

#### **Public Hearing**

Mayor Porter opened the public hearing on Item 1 at 6:21 p.m. asking anyone present wishing to address Council to come forward.

There was no person present wishing to address the Council.

Mayor Porter closed the public hearing at 6:21 p.m.

#### **Council Action**

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Duke, to approve Item 1 as presented. A vote was taken and the motion passed 5-0 with Councilmen Strang and Wallis absent.

- 2. Hold a Public Hearing, consider, and act upon, a change in zoning from Commercial Corridor (CC) to Commercial Corridor - Special Use Permit (CC-SUP) on 0.917 acres located at 2505 FM 1378 (ZC 2022-17).**

#### **Staff Comments**

Community Services Director Haskins addressed Council stating the applicant is requesting a Special Use Permit (SUP) on 0.917 acres located at 2505 FM 1378. City Council approved the zoning change from Agricultural to Commercial Corridor in February 2019 for a proposed 8,400-square-foot commercial property. The request for the 2019 change in zoning was submitted by a previous property owner with a plan to demolish the residential structure and develop a one-story commercial building. The applicant is proposing an office use in the existing residential structure with the addition of a driveway and parking stalls. The SUP conditions modify the Commercial Corridor

design requirements to allow for the existing residential structure and exterior of brick and wood paneling. No additions or major alterations shall be allowed to the existing structure or the SUP shall null and void. After some discussion regarding the compatibility of the proposal with the future land use plan and the possibility of limiting the SUP to the current owner, the Planning and Zoning Commission voted 7-0 to recommend approval with the condition that the SUP be limited to the current property owner.

### **Council Comments**

Mayor Porter confirmed that the zoning and site plan for this property was under the prior owner and was approved by Council at that time. Haskins confirmed that was correct and added the Zoning Ordinance states if a site plan is presented that does not conform to the zoning exhibit when the zoning is changed then a new zoning case is required. Newzad Brifki, the applicant, addressed the Council stating he wanted to thank the Planning and Zoning Commission for the recommendation of approval and added when he purchased the property he intended to utilize it for office space. The agent told him it was zoned commercial and after he purchased the property, and put in a lot of time and money, he had to submit multiple site plans to the City which has been denied. Brifki requested if he was to sell the property after the space is remodeled and renovated, why would that space not be able to be used for office space as there are surrounding residential homes. Mayor *pro tem* Forrester asked Mr. Brifki what type of business would be operated out of this property. Brifki responded that he has a lot of different businesses, but he intended to use the residential home as an office space and then build a mechanic shop, but the City rejected it. Councilman Mize asked staff to explain what the City is looking for in both use and style for this commercial property. Haskins replied that staff based it on the comprehensive master plan and the future land use map which designates this area as commercial and staff recommended that this area should be commercial in both looks and feel. Forrester asked what staff's recommendation was to the Planning and Zoning Commission. Haskins replied staff's recommendation was denial based on the comprehensive master plan and future land use map. Councilman Williams added he had concerns with the grading of the property and the large drop in elevation from the roadway to the parking lot.

### **Public Hearing**

Mayor Porter opened the public hearing on Item 2 at 6:32 p.m. asking anyone present wishing to address Council to come forward.

There was no person present wishing to address the Council.

Mayor Porter closed the public hearing at 6:32 p.m.

### **Council Action**

A motion was made by Councilman Williams, seconded by Mayor *pro tem* Forrester, to deny Item 2 as presented. A vote was taken and the motion passed 5-0 with Councilmen Strang and Wallis absent.

- 3. Consider, and act upon, the award of Job Order Contract #W2023-40-I to Hill & Wilkinson Construction Group, LTD for repairs and remodel upgrades at Wylie Fire Station No 1 in the estimated amount of \$277,099 through the use of an interlocal purchasing agreement with the Collin County Governmental Purchasing Forum and Collin College; and authorizing the City Manager to sign any and all necessary documents.**

### **Staff Comments**

Purchasing Manager Hayes addressed Council stating this item is for repairs at Fire Station No. 1 as a result of water damage following the rupture of water lines during the freezing weather in December and for additional remodels and upgrades to prevent further damages in the future for weather events. Staff is utilizing an interlocal purchasing agreement with the Collin County Governmental Purchasing Forum (CCGPF) which allows the City to utilize contracts bid by the Forum's members. Collin College completed a competitive bid for Job Order Contracting Services (JOC) and awarded an agreement to the Gordian Group to manage a pool of contractors. Staff selected Hill & Wilkinson Construction Group, LTD from the pool, negotiated the scope of work, and pricing was submitted using the Gordian Construction Manual. The amount is including both the repairs and the remodel and upgrades.

### **Council Comments**

Mayor Porter sought confirmation that the requested amount covers all of the repairs and remodeling upgrades to help prevent this from occurring in the future. Fire Chief Blythe replied yes to the best of their ability, and added pipe insulation and shutoff valves will be added, old insulation will be removed and new blown-in insulation will be added to help minimize future issues. Mayor *pro tem* Forrester asked if the ceiling is a drop or hard ceiling, confirmed this amount will repair everything that was damaged, and asked if any equipment was damaged. Blythe replied the ceiling is a hard ceiling, everything that was damaged will be repaired, and very little equipment was damaged. Councilman Williams asked what budget will this come from. Blythe replied it will go into the Fire Department Facilities budget and will go into the Capital budget and payments will be made based on benchmarks. Hayes clarified the numbers provided for the contract do not include the three percent contingency fee as it is such a small amount and there is enough in existing funds and the budget amendment that the contingency could be covered.

### **Council Action**

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Mize, to approve Item 3 as presented. A vote was taken and the motion passed 5-0 with Councilmen Strang and Wallis absent.

## **WORK SESSION**

Mayor Porter convened the Council into Work Session at 6:43 p.m.

### **WS1. Discuss the additions to the City of Wylie, Code of Ordinances, Chapter 18 Animals, prohibiting the sale of dogs and cats by retail pet stores and the sale of animals from public places.**

Police Lieutenant Miller addressed Council stating staff is proposing some amendments to Chapter 18 Animals in the City's Code of Ordinances regarding retail sales of dogs and cats within the retail pet community. Animal Control Manager Patton did visit both pet stores located in Wylie and they support the amendment of prohibiting sales inside and outside of the stores. Miller added the City is not intending to prohibit responsible breeding and pet sales with this amendment. Mayor Porter clarified that this does not prohibit a resident from selling animals out of their home.

Council questions and feedback included most all surrounding entities already have a similar ordinance in place and if the City does not have an ordinance then there is nothing to enforce; confirmed if someone wants to conduct a business selling animals they have to have a Certificate of Occupancy and have to be at a location where those sales are allowed; and thanked staff for drafting and bringing this ordinance before Council.

Council's direction was to bring back an ordinance for formal adoption.

## **RECONVENE INTO REGULAR SESSION**

Mayor Porter convened the Council into Regular Session at 6:54 p.m.

## **EXECUTIVE SESSION**

Mayor Porter convened the Council into Executive session at 6:55 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/Alanis, 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).

**ES2. Deliberation regarding commercial or financial information that the WEDC has received from a business prospect and to discuss the offer of incentives for Projects: 2013-9a, 2017-6a, 2021-2d, 2021-5a, 2021-6a, 2021-6c, 2021-8a, 2021-9a, 2021-9b, 2021-9f, 2021-11a, 2022-1b, 2022-4d, 2022-7b, 2022-7c, 2022-8b, 2022-9f, 2022-10d, 2022-11a, 2022-12a, 2023-1a, 2023-1b, and 2023-1c.**

**RECONVENE INTO OPEN SESSION**

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

Mayor Porter reconvened the Council into Open Session at 8:08 p.m.

**Council Action**

A motion was made by Councilman Duke, seconded by Mayor *pro tem* Forrester, to authorize the Wylie EDC to enter into a Performance Agreement with Project 2022-7c in an amount not to exceed \$80,000. A vote was taken and the motion passed 5-0 with Councilmen Strang and Wallis absent.

**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. 2023-07, 2023-08, and 2023-09 into the official record.

**ADJOURNMENT**

A motion was made by Councilman Mize, seconded by Councilman Williams, to adjourn the meeting at 8:11 p.m. A vote was taken and the motion passed 5-0 with Councilmen Strang and Wallis absent.

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**Matthew Porter, Mayor**

**ATTEST:**

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**Stephanie Storm, City Secretary**