

Wylie City Council Regular Meeting Minutes

January 24, 2023 – 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 6:01 p.m. The following City Council members were present: Councilman David R. Duke, Councilman Dave Strang (6:10), Mayor pro tem Jeff Forrester, Councilman Scott Williams, Councilman Timothy T. Wallis (6:08), and Councilman Garrett Mize.

City Manager Brent Parker; Deputy City Manager Renae Ollie; 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; Wylie Economic Development Executive Director Jason Greiner; and various support staff.

INVOCATION & PLEDGE OF ALLEGIANCE

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

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.

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 10, 2023 Regular City Council Meeting minutes.
- B. Consider, and act upon, the City of Wylie Monthly Revenue and Expenditure Report for December 31, 2022.
- C. Consider, and place on file, the City of Wylie Monthly Investment Report for December 31, 2022.
- D. Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of November 30, 2022.
- E. Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of December 31, 2022.
- F. Consider, and act upon, approving the revised Financial Management Policies.
- G. Consider, and act upon, the approval of the 2023 Procurement Manual.

- H. Consider, and act upon, Ordinance No. 2023-04 for a change in zoning from Commercial Corridor (CC) to Commercial Corridor - Special Use Permit (CC-SUP) to allow for an auto sales use on 1.27 acres located at 2021 N. State Highway 78 (ZC 2022-15).**
- I. Consider, and act upon, Ordinance No. 2023-05 for a change in zoning from Downtown Historic District (DTH) to Downtown Historic District - Special Use Permit (DTH-SUP) to allow for a brewery, food truck park, and events center within the Downtown Historic District, property located at 106 N. Birmingham Street (ZC 2022-16).**
- J. Consider, and act upon, Ordinance No. 2023-06 for a change in zoning from Downtown Historic District – Residential only to allow Commercial and/or Residential uses, located at 280 W. Brown St. within the Downtown Historic District (ZC 2022-18).**

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Duke, 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 a Public Hearing to discuss the need to continue, abolish or modify the City of Wylie Juvenile Curfew Ordinance No. 2020-22.**

Staff Comments

Police Chief Henderson addressed Council stating in accordance with state law this ordinance must, before the third anniversary of the date of adoption, be brought back before Council for two public hearings and to be reviewed. Staff requested that this Ordinance continue. The curfew ordinance is for seven days a week, Sunday-Thursday from 11 p.m. to 6 a.m., and Friday and Saturday from 12:01 a.m. to 6 a.m. for anyone 17 years old and younger. Included in the ordinance are defenses to prosecution, where those questions will be asked and parents will be contacted by officers before a citation is written.

Mayor Porter pointed out that within the last three years, Wylie officers have responded to seven calls regarding curfew violations and issued 16 citations.

Council Comments

Mayor *pro tem* Forrester confirmed that the first contact is typically educational in nature and sends them home but if it is a recurrent issue then action may be taken. Henderson replied that is correct, officers are seeking compliance and educating them and their parents.

Councilman Wallis took his seat at the dais at 6:08 p.m.

Public Hearing

Mayor Porter opened the public hearing on Item 1 at 6:09 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 6:09 p.m.

Council Action

No action was required or taken on this item.

Mayor Porter announced that Council was going to skip to Item 3 and would come back to Item 2.

2. Present, and place on file, the Wylie Economic Development Corporation 2022 Annual Report.

Staff Comments

Wylie Economic Executive Director Greiner addressed Council giving a 2022 Annual Report addressing total available resources including a beginning Fund Balance of \$2,951,908, total revenue of \$20,481,730, sales tax of \$4,161,282, lease income of \$139,485, gain/loss from sale of property of \$70,386, and loan proceeds of \$16,216,000; total expenses of \$13,034,616 including personnel of \$388,468, administrative of \$159,003, marketing of \$182,181, debt service of \$5,379,321, land of \$4,136,097, incentives of \$399,122, environmental and site work of \$1,716,509, and ending cash balance \$10,747,516; performance agreements totaling \$399,122 including office, medical, and commercial of \$163,073, industrial of \$81,500, sales tax programs of \$154,549, and one-time final payments of \$126,140; real estate own total land holdings of 48.2406 acres, improvements of 63,861 square feet, cost basis of \$16,620,961, outstanding debt of \$7,990,619, and properties acquired in FY 2022 were 802 W. Kirby, 401 N. Keefer, 104 S. Ballard, 305 S. Ballard, 200 W. Brown, and a lot formerly owned by Union Pacific at Keefer/Brown; 2022 valuations consisting of the taxable assessed valuation of \$6.2 billion, new construction of \$191 million, and overall gain/loss over five-years of \$3.2 billion, commercial and industrial values of \$979 million, new construction of \$7.3 million, and gain/loss over five-years of \$278 million; high impact initiatives including Woodbridge Crossing with \$84 million on the tax rolls consisting of building, land, and building personal property generates to the City \$540,000 a year, up to \$94 million in sales, and \$1.88 million to the City on an annual basis, Woodbridge Centre with \$47 million on the tax rolls consisting of building, land, and building personal property generates to the City \$302,000 a year, nearly \$31 million in sales, and \$618,000 to the City on an annual basis, and 544 Gateway Project, Hwy 78 and Brown Street, and Wylie Logistics Park will be added to the tracking spreadsheets to track the same data over the next couple of years; and 2023 goals and objectives including downtown revitalization, 544 Gateway, Alanis, and Regency Business Park properties, Highway 78 developments, and expand/promote Business Retention and Expansion (BRE) and workforce programs.

Council Comments

Council commended EDC staff and board members for all of the hard work they put forth, and for promoting the BRE and workforce programs over the last three years.

Council Action

A motion was made by Councilman Williams, seconded by Mayor *pro tem* Forrester, to accept and place on file Item 2 as presented. A vote was taken and the motion passed 7-0.

3. Consider, and act upon, acceptance of the Annual Comprehensive Financial Report (ACFR) for FY 2021-22 following a presentation by the audit firm Weaver, LLP.

Staff Comments

Councilman Strang took his seat at the dais at 6:10 p.m.

Finance Director Brown addressed Council stating the City Charter 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, our outside auditor, Weaver LLP has performed an audit as of September 30, 2022. This is the third year for the audit to be performed by Weaver after their selection to continue as the City's independent auditors following a Request for Proposal (RFP) process completed in 2020. The 2022 audit is the 15th year in a row for Weaver to perform our audit. Three RFP processes have been completed in those 15 years, audit partners have been rotated and audit managers and staff have changed frequently. This year's audit was completed with a new manager and all new staff. Beard reported the unassigned portion of the General Fund Fund Balance is a little over \$30,000,000 which represents about 65 percent of the General Fund expenditures, where 25 percent is required and 30 percent is the City's goal when budgeting. Something to consider going into this year's budget planning, if 30 percent of that is reserved to not spend, that would leave around \$16,000,000 for Council to spend on one-time Capital projects. Mayor Porter confirmed that the projects that were budgeted for but haven't been completed yet would not be included in those numbers and are already set aside. Beard confirmed that was correct and added there are also \$6,000,000 in ARPA funds that need to be assigned and will be discussed during the budget process.

John DeBurro, representing Weaver, addressed Council giving a presentation on the introduction of Weaver, the audit process, the audit results, required communications, financial highlights, and discussion. Weaver issued an unmodified opinion on the Independent Auditor's Report on the financial statements, and no material weaknesses were noted regarding 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. DeBurro spoke on some financial highlights of the City including Governmental Funds revenues for the FY 2022 totaled \$65.9 million, a \$2.5 million increase, attributed primarily to a \$1.12 million increase in sales taxes and a \$1.09 million increase in ad valorem taxes; Governmental Funds expenditures for FY 2022 totaled \$67.2 million, a \$7.2 million increase, attributed to capital outlay expenditures increased \$2.7 million, public safety expenditures increased \$2.5 million, and community service costs increased by \$0.8 million; the City's governmental funds reported a combined ending fund balance of \$66.2 million at September 30, 2022 which was an increase of \$9.6 million, primarily due to a \$7.7 million increase in the Capital Projects Fund, the result of \$12.0 million general obligation refunding and improvement bonds issued, and \$5.2 million of which will fund capital projects resulting in the unassigned fund balance in the General Fund of \$30.4 million representing 65.2 percent of general fund expenditures; the General Fund budget versus the actual budget was overall favorable with a budgetary variance of \$8.9 million, with revenues over budget by \$1.7 million, expenditures \$4.3 million below budget, and other Financing Uses (net) varied from budget by \$2.8 million; and the Water and Sewer Fund net position increased by \$7.5 million over the prior year attributed to the operating revenues increased \$3.0 million primarily due to rate increases and increased consumption, operating expenses increased by \$1.8 million primarily due to a \$560,000 increase in waste water treatment costs, and transfers and contributions had a slight decrease of \$200,000 primarily due to a decrease in impact fees.

Mayor Porter thanked Weaver and the Finance Department for all of their work and professionalism.

Council Action

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

- 4. Consider, and act upon, the acceptance of the resignation of Tim Gilchrist and the appointment of a new board member to the City of Wylie Economic Development Corporation to fill the term of January 2023 to June 30, 2023.**

Council Comments

Mayor *pro tem* Forrester, Chair of the Interview Panel Subcommittee, addressed Council stating these interviews were held over six months ago and do have some applicants that were interviewed that are interested in serving on the Wylie Economic Development Corporation Board (WEDC). These applicants are currently serving on other Boards and Commissions, and one concern he has is the time commitment required for the WEDC. Forrester added it would be in the best interest of the EDC to open up the application process temporarily for a month to ensure all interested applicants can apply and come before the Council for an interview to ensure the right individual is chosen for the remaining five-month term and who could reapply for the full three-year term. Councilman Williams stated he agreed with Forrester about having the interviews to see who would be the best fit for the position. Mayor Porter stated he agreed with opening up the application process as it is important that Council allow all interested candidates to apply.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang, to accept the resignation of Tim Gilchrist and to table the appointment of a new board member to the City of Wylie Economic Development Corporation until the March 14, 2023 City Council meeting so that the application process can be opened and all interviews are conducted by the Council in its entirety. A vote was taken and the motion passed 7-0.

EXECUTIVE SESSION

Mayor Porter convened the Council into Executive session at 6:52 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 Country Club/Brown and FM 544/Sanden.

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

Mayor Porter reconvened the Council into Open Session at 9:05 p.m.

READING OF ORDINANCES

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

City Secretary Storm read the captions to Ordinance Nos. 2023-04, 2023-05, and 2023-06 into the official record.

ADJOURNMENT

A motion was made by Councilman Strang, seconded by Mayor *pro tem* Forrester, to adjourn the meeting at 9:07 p.m. A vote was taken and the motion passed 7-0.

ATTEST:

Matthew Porter, Mayor

Stephanie Storm, City Secretary