



Wylie City Council

Minutes

Regular Meeting

April 13, 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, Councilwoman Candy Arrington, Councilman Timothy T. Wallis, and Councilman Garrett Mize.

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; Parks and Recreation Director Rob Diaz; Project Engineer Jenneen Elkhaid; Library Director Ofilia Barrera; Human Resources Director Lety Yanez; WEDC Executive Director Jason Greiner; City Secretary Stephanie Storm, and various support staff.

INVOCATION & PLEDGE OF ALLEGIANCE

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

PRESENTATIONS

PR1. Wylie Way Students.

Mayor Porter and David Vinson, WISD School 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.”

PR2. Proclamation declaring April 11-17, 2021 as National Public Safety Telecommunicator Week.

Mayor Porter presented a proclamation proclaiming April 11-17, 2021 as National Public Safety Telecommunicator Week in Wylie, Texas. Telecommunication staff was present to accept the Proclamation.

PR3. Proclamation declaring April 4-10, 2021 National Library Week.

Mayor Porter presented a proclamation proclaiming April 4-10, 2021 as National Library Week in Wylie, Texas. Library staff and board members were present to accept the Proclamation.

PR4. Proclamation declaring April 11-17, 2021 Animal Services Officer Appreciation Week.

Mayor Porter presented a proclamation proclaiming April 11-17, 2021 Animal Services Officer Appreciation Week in Wylie, Texas. Animal Service staff were present to accept the Proclamation.

PR5. Proclamation declaring April 18-24, 2021 National Crime Victims' Rights Week.

Mayor Porter presented a proclamation proclaiming April 18-24, 2021 National Crime Victims' Rights Week in Wylie, Texas. Kisha Voss, Crime Victim Advocate, was present to accept the Proclamation.

CITIZEN COMMENTS ON NON-AGENDA ITEMS

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 March 23, 2021 Regular City Council Meeting minutes.
- B. Consider, and act upon, accepting the updated Meeting Room Policy for the Rita and Truett Smith Library.
- C. Consider, and act upon, a Final Plat for Lot 1 of Schreiber Addition, establishing one lot on 6.885 acres located in the ETJ at 2875 Vinson Road.
- D. Consider, and act upon, Ordinance No. 2021-18, amending Zoning Ordinance (2006-04), Article 5, Use Regulations, as it relates to permanent, accessory, and temporary uses for Food Trucks and Farmers Markets. (ZC 2021-06).
- E. Consider, and act upon, Ordinance No. 2021-19, amending Zoning Ordinance (2006-04) Article 5, Sections 5.2.E.9 and 5.2.F.19 Listed Uses, as they relate to the Massage Establishments (ZC 2021-07).
- F. Consider, and act upon, Ordinance No. 2021-20, amending Zoning Ordinance (2006-04), Sections 5.1 Land Use Charts and 5.2 Listed Uses, as they relate to requiring Special Use Permits for certain uses currently allowed by right (ZC 2021-05).
- G. Consider, and act upon, Ordinance No. 2021-21 amending Wylie's Code of Ordinances, Ordinance No. 2021-17, as amended, Chapter 78 (Parks and Recreation) to add Article IX (Cemeteries); Establishing a Cemetery Advisory Board.
- H. Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of February 28, 2021.
- I. Consider, and place on file, the Animal Shelter Advisory Board report to City Council regarding the meeting held on March 23, 2021.
- J. Consider, and act upon, Ordinance No. 2021-22 amending Wylie's Code of Ordinances, Ordinance No. 2021-17, as amended, Chapter 18 (Animals); prescribing regulations to ensure the health and humane treatment of animals and the public; defining terms; establishing regulations of animals, dogs and cats, dangerous dogs and rabies control; providing for an animal shelter

advisory board; providing a savings/repealing clause, severability clause, penalty clause and an effective date; and providing for the publication of the caption hereof.

- K. Consider, and act upon, the approval of the purchase of Tires and Installation Services for Fleet Vehicles from Just Tires (Goodyear, Murphy), Graham Truck & Tire Center, Blagg Tires, Southern Tire Mark, and T&W Tire in the estimated amount of \$50,000 through an interlocal purchasing agreement with the Collin County Governmental Purchasers Forum, and authorizing the City Manager to execute any necessary documents.**

Mayor Porter requested Item B and G be pulled from Consent Agenda and considered individually. Councilman Mize requested Item J be pulled from Consent Agenda and considered individually.

Council Action

A motion was made by Councilman Mize, seconded by Councilman Strang, to approve Consent Agenda Items A-K, except Items B, G, and J, as presented. A vote was taken and motion passed 7-0.

REGULAR AGENDA

- 3. Consider, and act upon, the appointment of a board member to the North Texas Municipal Water District (NTMWD) Board to fill an expired term of June 1, 2021 to May 31, 2023.**

Council Comments

Mayor Porter stated Keith Stephens is currently serving in this role, would like to continue serving, and is currently serving on the Executive Search Committee. Stephens stated he also serves as Vice Chair on the Water Committee and also serves on the Legislative Committee and expressed willingness to continue to serve.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilwoman Arrington, to appoint Keith Stephens to the North Texas Municipal Water District (NTMWD) Board of Directors for a term to begin June 1, 2021 and end May 31, 2023. A vote was taken and motion passed 7-0.

- B. Consider, and act upon, accepting the updated Meeting Room Policy for the Rita and Truett Smith Library.**

Council Comments

Mayor Porter asked Library Director Barrera for an overview on the proposed changes to the Meeting Room Policy, and asked what the long-term plan for the room is.

Staff Comments

Barrera addressed Council stating there are two main changes proposed. The first change would not allow social gatherings for the reasons that the room is not equipped to hold these types of events and the close proximity of the Recreation Center which does have the ability to hold these types of events. The second change would not allow the room to be utilized for political partisan events or a protest of a cause for the reason that the Library is a community space and should remain neutral and inviting to everyone in the community.

Barrera stated regarding the use of the room, some of the ways it is currently utilized include Library programs, organization use, and City meetings/training. Barrera stated for future use she has ideas regarding remodeling and use of the room.

Council Action

A motion was made by Councilman Strang, seconded by Councilman Wallis, to accept the updated Meeting Room Policy for the Rita and Truett Smith Library. A vote was taken and motion passed 7-0.

- G. Consider, and act upon, Ordinance No. 2021-21 amending Wylie's Code of Ordinances, Ordinance No. 2021-17, as amended, Chapter 78 (Parks and Recreation) to add Article IX (Cemeteries); Establishing a Cemetery Advisory Board.**

Council Comments

Mayor Porter asked Assistant City Manager Ollie for highlights, board requirements, and timelines for the Cemetery Advisory Board. Mayor *pro tem* Forrester asked about the staggering of the membership and if the term limits would apply.

Staff Comments

Assistant City Manager Ollie addressed Council stating this board would consider improvements and plot costs, would be an advisory board to Council, and would have the same term limits as the other Boards. The board member would not have to be a City resident, but would have to be a registered voter. Ollie stated the membership would be staggered so that the first Board appointed, three members shall serve one-year terms and four members shall serve two-year terms and the term limits would not apply until they serve a full two-year term.

Council Action

A motion was made by Councilman Strang, seconded by Mayor *pro tem* Forrester, to approve Ordinance No. 2021-21 amending Wylie's Code of Ordinances, Ordinance No. 2021-17, as amended, Chapter 78 (Parks and Recreation) to add Article IX (Cemeteries); Establishing a Cemetery Advisory Board. A vote was taken and motion passed 7-0.

- J. Consider, and act upon, Ordinance No. 2021-22 amending Wylie's Code of Ordinances, Ordinance No. 2021-17, as amended, Chapter 18 (Animals); prescribing regulations to ensure the health and humane treatment of animals and the public; defining terms; establishing regulations of animals, dogs and cats, dangerous dogs and rabies control; providing for an animal shelter advisory board; providing a savings/repealing clause, severability clause, penalty clause and an effective date; and providing for the publication of the caption hereof.**

Council Comments

Councilman Mize stated he proposed to modify Section 18-15, and remove Subsection C stating he thinks the intent of the section is to prohibit the chaining of dogs for an extended period of time, including on a permanent basis, and by removing Subsection C, the language can be cleaned up in order to achieve that goal.

Staff Comments

Patton addressed Council stating the importance of the Tethering Animals section because there is a current State Law that allows a trolley type system but does not provide a standard or restrictions. The proposed verbiage is not so owners can leave their dogs out on a trolley system, but would allow residents a better opportunity instead of kenneling inside with strict limitations on what they can do. The importance of the definition is because it allows the City to have a more stringent law. As of right now, if Animal Control has a probable cause that an owner is not abiding by the current laws they have to notify them in writing, they have to sign, and they have 24 hours to comply. Patton stated by adding this definition, it gives strict guidelines to follow and can be remedied immediately. The proposed verbiage gives residents the guidelines and assists with educating on how to do it safely. Patton stated staff needs something to enforce and wants to make sure the animals are safe.

Council Comments

Councilman Mize stated he appreciated the further explanation, but expressed concerns with the proposed language not stating how high the tethering has to be and requested additional measurements be added to the wording. Patton stated staff cannot specify the height because it depends on the breed of the dog, and explained the proposed trolley type system. Mayor Porter added the requirements under Subsection (b)(2) through (b)(4) still have to be met, which addresses the type of collars that are prohibited and states the tethering cannot provide entanglement or injury. Mize stated he is concerned that the verbiage allows someone to restrain a dog on a tether system indefinitely. Patton stated that would fall under inhumane treatment and there are different laws that allow Animal Control to enforce areas such as those. Forrester asked if it would make sense to include (b)(1) - (b)(4) in the wording in Subsection C to remove the doubt that an owner could put the animal on the tether and leave it for an extended amount of time. Patton read the definition of direct physical control and stated she understood the concerns, but if (b)(1) is added to Subsection C that would allow the owners to only follow the proper restraints resulting in Subsection C being removed from the proposed Ordinance which would then not allow a defined trolley system. Forrester said after further discussion the intent of the proposed Ordinance is correct, and in order to have the ability to ensure the safety and humane treatment of animals, leave the proposed verbiage as is. Wallis stated maybe add hours that animals cannot be tethered between in the future, stated animals need mental enrichment outdoors, and expressed a push for education regarding training and behavior to animal owners. Mize stated he appreciated the comments and would like to withdraw the suggestion to strike Subsection C.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Duke, to approve Ordinance No. 2021-22 amending Wylie's Code of Ordinances, Ordinance No. 2021-17, as amended, Chapter 18 (Animals); prescribing regulations to ensure the health and humane treatment of animals and the public; defining terms; establishing regulations of animals, dogs and cats, dangerous dogs and rabies control; providing for an animal shelter advisory board; providing a savings/repealing clause, severability clause, penalty clause and an effective date; and providing for the publication of the caption hereof. A vote was taken and motion passed 7-0.

Mayor Porter reconvened the Council into a Work Session at 7:24 p.m.

WORK SESSION

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

Parks and Recreation Director Diaz addressed the Council stating Adam Brewster, representing Dunaway, and George Deines, representing Councilman-Hunsaker, were in attendance to present the Aquatic Feasibility Study. Brewster and Deines gave a brief Aquatic Feasibility Study presentation including: reviewing the process, comments and feedback received from Council at the February 9, 2021 meeting, concept alternatives, market overview, two layout options, financial analysis, cost estimates, aquatic facility operations, and next steps.

Parks and Recreation board members present included Chair Joni Robinson, Vice Chair Gloria Suarez, and board member Craig Allen. Board members voiced their opinions on both the indoor and outdoor facilities.

Council discussed in length their concerns and support on both an indoor and outdoor aquatic facility. Some concerns included the potential cost to construct and operate, property tax increase, traffic, and safety and security. Other areas discussed included potential private/government partnership opportunities and potentially phasing in the indoor and outdoor facilities. Some discussion regarding support of the facilities included improving quality of life and bringing value and outside revenue to the City.

Brewster and Deines requested discussion from Council and the Parks Board on the following: preferred location for the indoor aquatic center and the preferred option for both the indoor and outdoor aquatic center. The consensus for the location preference for an indoor aquatic center was options two or three (closer in proximity to each other). The consensus for the size of an indoor aquatic center was Option B (more lap lanes) and for an outdoor aquatic center was Option A (wave pool instead of lazy river).

Council requested staff and the consultants bring back additional information which includes: splitting the cost between the indoor and outdoor facilities to consider a potential phased project, the cost savings to complete the facilities at the same time, the proposed numbers narrowed down more, estimated cost recovery for indoor programs, and a proposed capacity of the facility(s).

RECONVENE INTO REGULAR SESSION

Mayor Porter convened the Council into Regular Session at 9:39 p.m.

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

Mayor Porter reconvened the Council into Regular Session at 9:49 p.m.

- 1. Hold a Public Hearing, consider, and act upon, a request for a change of zoning from Commercial Corridor (CC) to Commercial Corridor - Special Use Permit (CC-SUP), to allow for an Alternative Financial Institution on 1.5 acres, located at 620 N. State Highway 78 (ZC 2021-02).**

Staff Comments

Planning Manager Haskins addressed Council stating the owner of property 620 N. State Highway 78 is requesting a Special Use Permit (SUP) for an existing tenant to be allowed to offer alternative loan services. The Zoning Ordinance requires all alternative loan services to be granted a Special Use Permit and be subject to additional provisions regarding the use and location of the service, which include: to not allow the use within 1,000 feet from any lot containing another alternative financial institution; to not allow the use within 500 feet of the rights-of-way of any four-lane divided or greater thoroughfare; to not allow the use within 300 feet from any zoned or used for residential purposes, property line to property line; the hours of operations shall be established by City Council; there shall be no outside queuing; and the use shall have an indoor waiting area large enough to accommodate all customers. Haskins reported the applicant is requesting a waiver for three of the six, all relating to distance requirements. Zoning requires 1,000 feet between properties containing the use; however, there are two existing alternative financial institutions currently within 1,000 feet in which one is located on the same lot and the other approximately 700 feet to the southwest. The property is adjacent to State Highway 78, which is greater than a four-lane thoroughfare; therefore, the zoning does not meet the required 500 feet minimum. The property is adjacent to a residential use to the south and does not meet the zoning requirement of a minimum 300 feet. The SUP conditions require the zoning to revert to the CC district should the Liberty Tax Service cease to occupy the property. Haskins reported fifteen notifications were mailed with no responses received in favor or in opposition of the request. After discussion regarding the general operation of the business and the request for waivers the Commissioners voted 5-1 to recommend denial; therefore, approval of the request would require a $\frac{3}{4}$ majority vote by Council.

Public Hearing

Mayor Porter opened the public hearing on Item 1 at 9:54 p.m. asking anyone present wishing to address Council to come forward.

No one came forward to address the Council.

Mayor Porter closed the public hearing at 9:54 p.m.

Council Action

A motion was made by Councilman Strang, seconded by Mayor *pro tem* Forrester, to deny with prejudice a request for a change of zoning from Commercial Corridor (CC) to Commercial Corridor - Special Use Permit (CC-SUP), to allow for an Alternative Financial Institution on 1.5 acres, located at 620 N. State Highway 78 (ZC 2021-02). A vote was taken and motion passed 7-0.

- 2. Hold a Public Hearing, consider, and act upon, a request for a change of zoning from Commercial Corridor (CC) to Commercial Corridor - Special Use Permit (CC-SUP), to allow for an Alternative Financial Institution on 1.5 acres, located at 2901 W. FM 544 (ZC 2021-03).**

Staff Comments

Planning Manager Haskins addressed Council stating the owner of property 2901 W. FM 544 is requesting a Special Use Permit (SUP) for a tenant to be allowed to offer alternative loan services. The Zoning Ordinance contains six provisions and the applicant is requesting a waiver for two of the six, relating to distance requirements which include: to allow the use within 500 feet of the rights-of-way of any four-lane divided or greater thoroughfare as the zoning requires a minimum of 500 feet and the property for the use is adjacent to FM 544, a greater than four lane thoroughfare and to allow the use within 300 feet from any zoned or used for residential purposes, property line to property line as the zoning requires 300 feet minimum and the property is 100 feet from a residential use to the north, separated by the rail line. The applicant does meet the four remaining provisions. Haskins reported seventeen notifications were mailed with no responses received in favor or in opposition of the request. After discussion regarding the general operation of the business and the request for waivers on two of three of the distance requirements the Commissioners voted 4-2 to recommend denial; therefore, Council approval of the request would require a $\frac{3}{4}$ majority vote.

Applicant Comments

Matt Baulier, representing Wallace Management, addressed Council explaining the business model of the proposed business.

Council Comments

Councilman Strang asked how this business model differs from a cash store. Baulier responded that cash stores are typically ongoing two week lends, and they do installment loans with end dates. Councilwoman Arrington asked what type of credit scores does his business cater to and what interest rates do they utilize. Baulier responded the average is in the mid-600s for a loan and the interest rates are comparable to banks and other loan establishments. Councilman Wallis asked if the business is secure or unsecure loans. Baulier replied they are targeting a customer that is unbankable from the credit standpoint and are trying to establish credit, but the customer has to have a credit score to prove they can repay an installment loan over a period of time. Wallis confirmed the proposed business; interest rates are closer to credit cards than a banking institution. Baulier confirmed that was correct. Councilman Strang asked if they service the loans themselves and Baulier replied yes, they do service them themselves. Councilman Duke asked if there were any other locations they could look at for their business. Baulier replied they chose the location due to the proximity of retail and the way that the SUPs are written, they would have to come before Council regardless of the location.

Public Hearing

Mayor Porter opened the public hearing on Item 2 at 10:11 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 10:12 p.m.

Council Comments

Wallis clarified the applicant's business model, alternative lender, is getting classified the same as a payday loan and considered an alternative financial institution due to the traffic that is brought in. Haskins confirmed

that is correct. Forrester asked if the loans are insured by the federal government. Baulier replied they are not FDIC insured loans.

Council Action

A motion was made by Councilman Duke, seconded by Councilman Mize, to deny a request for a change of zoning from Commercial Corridor (CC) to Commercial Corridor - Special Use Permit (CC-SUP), to allow for an Alternative Financial Institution on 1.5 acres, located at 2901 W. FM 544 (ZC 2021-03). A vote was taken and motion failed 2-5 with Mayor Porter, Councilwoman Arrington, and Councilmen Wallis, Forrester, and Strang voting against.

A motion was made by Councilman Strang, seconded by Mayor *pro tem* Forrester, to approve a request for a change of zoning from Commercial Corridor (CC) to Commercial Corridor - Special Use Permit (CC-SUP), to allow for an Alternative Financial Institution on 1.5 acres, located at 2901 W. FM 544 (ZC 2021-03). A vote was taken and motion failed 5-2 with Councilmen Duke and Mize voting against due to the requirement of a supermajority vote by Council in order to approve.

No action was taken on this item.

Mayor Porter convened the Council into a Work Session at 10:18 p.m.

WORK SESSION

WS2. Fire Department Presentation.

Fire Chief Blythe addressed Council giving a presentation recapping 2020 including the 2020 annual report, 2020 total calls for service, response times, fire loss, district summary, unit summary, mutual aid, prevention division, communications division, Fire Station 4, and future WFR Projects.

Council commended Wylie Fire Rescue staff.

WS3. FY 2022 Budget Work Session.

City Manager Holsted addressed Council giving a brief presentation on the general fund FY2020 and FY2021, assessed property valuations, total annual sales tax receipts, debt service expenditures, current year variances affecting fund balance (General Fund), factors for consideration FY 2021-2022 budget, and General Fund FY 2022 budget projections.

Some questions and feedback from Council included the market salary survey, competitive public safety salaries, vehicle replacements, trailers, lighting, and potentially setting fund balance aside for upcoming quints, generator for pump station, low impact capital project items that require low operational costs.

RECONVENE INTO REGULAR SESSION

Mayor Porter convened the Council into Regular Session at 11:22 p.m.

Mayor Porter convened the Council into Executive Session at 11:23 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.

ES1. Consider the sale or acquisition of properties located at FM 544 and Cooper.

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: 2020-11b and 2021-1f.

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

Mayor Porter convened the Council into Open Session at 11:42 p.m.

READING OF ORDINANCES

City Secretary Storm read the caption to Ordinance No. 2021-18, 2021-19, 2021-20, 2021-21, and 2021-22 into the official record.

ADJOURNMENT

A motion was made by Councilman Strang, seconded by Councilman Mize, to adjourn the meeting at 11:45 p.m. A vote was taken and motion passed 7-0.

Matthew Porter, Mayor

ATTEST:

Stephanie Storm, City Secretary