

# Wylie City Council Regular Meeting Minutes

April 25, 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, Councilman Dave Strang, Mayor *pro tem* Jeff Forrester, Councilman Timothy T. Wallis, and Councilman Garrett Mize (6:18 p.m.). Councilman Scott Williams was absent.

Staff present included: City Manager Brent Parker; Deputy City Manager Renae Ollie; Assistant City Manager Lety Yanez; Police Chief Anthony Henderson; Assistant Fire Chief Brian Ritter; Public Works Director Tommy Weir; Assistant Library Director Lisa Galletta; Finance Director Melissa Brown; Public Information Officer Craig Kelly; City Secretary Stephanie Storm; City Engineer Tim Porter; Community Services Director Jasen Haskins; Parks and Recreation Director Carmen Powlen; Wylie Economic Development Executive Director Jason Greiner; and various support staff.

## INVOCATION & PLEDGE OF ALLEGIANCE

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

## PRESENTATIONS & RECOGNITIONS

### PR1. Small Business Week.

Mayor Porter presented a proclamation proclaiming April 30-May 6, 2023 as National Small Business Week in Wylie, Texas. Members of the Wylie Chamber of Commerce, WEDC staff and board members, the Downtown Merchants Association, and small business owners were present to accept the Proclamation.

### PR2. Military Brats Month.

Mayor Porter recognized April 2023 as Military Children's/Brats 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.*

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 April 11, 2023 Regular City Council Meeting minutes.
- B. Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of March 31, 2023.
- C. Consider, and act upon, the City of Wylie Monthly Revenue and Expenditure Report for March 31, 2023.
- D. Consider, and place on file, the City of Wylie Monthly Investment Report for March 31, 2023.
- E. Consider, and act upon, Ordinance No. 2023-16 for a change in zoning from Commercial Corridor (CC) to Commercial Corridor - Special Use Permit (CC-SUP) to allow for a restaurant with drive-thru on 0.7866 acres, property located at 3008 W FM 544 (ZC 2023-04).
- F. Consider, and act upon, Ordinance No. 2023-17 for a change in zoning from Manufactured Home (MH) to Commercial Corridor - Special Use Permit (CC-SUP) to allow for a motor vehicle fueling station with convenience store and car wash on 1.793 acres, property located at 1001 S. Highway 78 (ZC 2023-05).
- G. Consider, and act upon, Ordinance No. 2023-18 for a change in zoning from Commercial Corridor (CC) to Commercial Corridor - Planned Development (CC-PD) on 10.485 acres generally located on the southeast corner of State Highway 78 and Kreymer Lane (ZC 2023-02).
- H. Consider, and place on file, the Animal Shelter Advisory Board report to City Council.
- I. Consider, and place on file, the Animal Shelter Advisory Board Bylaws and Rules of Procedure.

Mayor Porter announced comment forms were submitted for Items E, F, and G. Mayor *pro tem* Forrester requested Items E, F, and G be pulled from the 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-D, H, and I as presented. A vote was taken and the motion passed 6-0 with Councilman Williams absent.

#### **REGULAR AGENDA**

- E. Consider, and act upon, Ordinance No. 2023-16 for a change in zoning from Commercial Corridor (CC) to Commercial Corridor - Special Use Permit (CC-SUP) to allow for a restaurant with drive-thru on 0.7866 acres, property located at 3008 W FM 544 (ZC 2023-04).

#### **Citizen Comments**

Red Byboth, a local commercial property owner, addressed Council requesting they take into consideration that some tracts are not as easy to develop as others, and within reason, the City cannot tell a property owner what they can or cannot do with their property.

#### **Council Action**

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Duke, to approve Item E as presented. A vote was taken and the motion passed 5-1 with Councilman Mize voting against and Councilman Williams absent.

- F. Consider, and act upon, Ordinance No. 2023-17 for a change in zoning from Manufactured Home (MH) to Commercial Corridor - Special Use Permit (CC-SUP) to allow for a motor vehicle fueling station with convenience store and car wash on 1.793 acres, property located at 1001 S. Highway 78 (ZC 2023-05).

### **Citizen Comments**

Red Byboth addressed Council stating this is a triangular piece of land and is not as easy to develop as other tracts in the City, and added it appears that it will be a good reputable development. Byboth added that he believes the benefits of the development will outweigh the detriments.

Doug Whitby, representing the owner of the mobile home park that is next to the proposed development, addressed Council requesting the Council table this item to a future meeting to give them more time and to have the owner of the business present to address the Council.

Devan Pharis, representing Estacado Interests, addressed Council adding the owner of the mobile home park is not able to attend this evening and requested the Council table this item to May 9, 2023.

### **Council Comments**

Councilman Duke requested Council reconsider this item based on the concerns expressed at the previous meeting and added he had traffic concerns. Mayor Porter confirmed that a Traffic Impact Analysis (TIA) has not been completed. Pharis replied a TIA has not been completed yet as they are timely and expensive, but they fully intend on doing one if the request for the Special Use Permit is approved. Ferris added a TIA is required by TxDOT. Councilman Mize added at the last meeting he expressed concerns about sound disturbances, and after thinking about the decibels further, his concerns have been eased.

### **Council Action**

A motion was made by Councilman Duke, seconded by Councilman Mize, to table Item F to the May 9, 2023 City Council meeting. A vote was taken and the motion passed 5-1 with Councilman Strang voting against and Williams absent.

- G. Consider, and act upon, Ordinance No. 2023-18 for a change in zoning from Commercial Corridor (CC) to Commercial Corridor - Planned Development (CC-PD) on 10.485 acres generally located on the southeast corner of State Highway 78 and Kreymer Lane (ZC 2023-02).**

### **Citizen Comments**

Red Byboth addressed Council stating he fails to see the difference between this item and the others when it comes to concerns expressed, added he is all for smart commercial development, and thanked Council for serving.

### **Council Action**

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

- 1. 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, 2023 to May 31, 2025.**

### **Council Comments**

Mayor Porter requested current board member Keith Stephens come forward to speak on some items the NTMWD Board is currently working on. Stephens addressed Council stating he served as the Water Committee Chair last year, and the Personnel Committee Chair this year. Currently, they have water supply secured until 2035 and are planning for out to 2050. Mayor *pro tem* Forrester asked how long the process for Bois D'Arc Lake took. Stephens responded it took about 14 years to get the lake to completion, and added this will be the first reservoir that the NTMWD District will manage. Council thanked Mr. Stephens for his service and thanked his spouse for her support.

### **Council Action**

A motion was made by Mayor Porter, seconded by Mayor *pro tem* Forrester, to appoint Keith Stephens to the North Texas Municipal Water District (NTMWD) Board of Directors for a term to begin June 1, 2023 and end May 31, 2025. A vote was taken and the motion passed 6-0 with Councilman Williams absent.

2. **Consider, and act upon, Ordinance No. 2023-19, amending Wylie's Code of Ordinances, Ordinance No. 2021-17, as amended, Chapter 78 (Parks and Recreation), Article IX (Cemeteries) to Disband and remove the Cemetery Advisory Board.**

### **Staff Comments**

Deputy City Manager Ollie addressed Council stating a Cemetery Advisory Board was created to acquire and maintain the cemeteries located in Wylie. After further discussion and research about the transition, some issues arose including title insurance and staff time required; therefore, it was determined that the City would not pursue the transition to acquire the cemeteries. Ollie reported she did meet with the Cemetery Advisory Board in April to discuss this with them and they directed staff to bring an ordinance before Council to disband the Cemetery Advisory Board. Ollie added the City does own four cemeteries that are not active but are historical, which will allow for future volunteer opportunities.

### **Council Comments**

Mayor Porter added he appreciates staff and the Board's work on this but understands the concerns that have arisen. Mayor *pro tem* Forrester requested that staff communicate to the Board members that there are other boards that they can apply to serve on.

### **Council Action**

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

Mayor Porter recessed the Council into a break at 6:51 p.m.

Mayor Porter reconvened the Council into Regular Session at 6:56 p.m.

## **WORK SESSION**

Mayor Porter convened the Council into a Work Session at 6:56 p.m.

### **WS1. Discuss results of the Downtown Drainage Study.**

Robert Armstrong and Gabriela Bell, representing Huitt-Zollars, Inc., addressed Council giving a presentation on the Downtown Historic Area Drainage Master Plan including the project background, goals, presentation overview, existing conditions including the project area-downtown east and west; fully developed conditions including future downtown development, downtown east, and downtown west; proposed improvements including Option 1: Underground Detention with an estimated construction cost of \$7,300,000 and an estimated design fee of \$460,000, Option 2: Reinforced Concrete Box (RCB) storage under streets with an estimated cost of \$17,400,000 and an estimated design fee of \$1,150,000, Option 3: Aboveground and Underground Detention with an estimated construction cost of \$5,600,000 and an estimated design fee of \$340,000, and Option 3A: Aboveground (vertical walls) and Underground Detention with an estimated construction cost of \$6,100,000 and an estimated design fee of \$370,000; cost estimate summary; concepts for areas outside of downtown including Douglas Court/Akin Lane, Douglas Drive, and 1st Street/Stone Road.

Council questions included does the proposed cost include the cost of repaving parking lots and streets, regarding the Future Downtown Development what extent of ground coverage was used; along Birmingham Street, Lot 3, has that been looked at becoming detention in the future; if Option 1: Underground Detention were are inlets proposed; what is the cost to run inlets for a block; and asked if there was a way to do a groundwater recapture and reuse in that area.

Council feedback included communicating with NTMWD and EDC about detention in the area and bringing back a phased approach taking into consideration the upcoming projects in the area.

## **RECONVENE INTO REGULAR SESSION**

Mayor Porter reconvened the Council into Regular Session at 7:52 p.m.

## **EXECUTIVE SESSION**

Mayor Porter convened the Council into Executive session at 7:53 p.m. and invited Councilmembers-elect Sid Hoover and Gino Mulliqi.

### **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, FM 1378/Parker, Jackson/Oak, Regency/Steel, State Hwy 78/Alanis, State Hwy 78/Ballard, and State Hwy 78/Brown.**

**ES2. Discussion concerning real property for the FM 544 Capital Improvements Project.**

### **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).

**ES3. Deliberation regarding commercial or financial information that the WEDC has received from a business prospect and to discuss the offer of incentives for Projects: 2021-2d, 2021-5a, 2021-6a, 2021-6c, 2021-8a, 2021-9b, 2021-9f, 2022-1b, 2022-1c, 2022-7b, 2022-10d, 2023-1a, 2023-1b, 2023-1c, 2023-1d, 2023-2d, 2023-3a, 2023-3b, and 2023-4a.**

## **RECONVENE INTO OPEN SESSION**

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

Mayor Porter reconvened the Council into Open Session at 9:17 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. 2023-16, 2023-18, and 2023-19 into the official record.

## **ADJOURNMENT**

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang, to adjourn the meeting at 9:19 p.m. A vote was taken and the motion passed 6-0 with Councilman Williams absent.

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**Matthew Porter, Mayor**

**ATTEST:**

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**Stephanie Storm, City Secretary**