



Wylie City Council

Minutes

Regular Meeting

March 9, 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, Mayor *pro tem* Jeff Forrester, Councilman Timothy T. Wallis, and Councilman Garrett Mize. Councilman Dave Strang and Councilwoman Candy Arrington was absent.

Staff present included: City Manager Chris Holsted; Assistant City Manager Brent Parker; Assistant City Manager Renae Ollie; Assistant Police Chief Tommy Walters; Fire Chief Brandon Blythe; Public Information Officer Craig Kelly; Finance Director Melissa Beard; Planning Manager Jasen Haskins; Parks and Recreation Director Rob Diaz; Library Director Ofilia Barrera; Project Engineer Jenneen Elkhaid; Public Works Director Tim Porter; WEDC Executive Director Jason Greiner; Parks and Recreation Director Rob Diaz; 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. Recognition for the Smith Public Library being awarded the 2020 Texas Achievement in Library Excellence Award.

Mayor Porter recognized the Smith Public Library for being awarded the 2020 Texas Achievement in Library Excellence Award. Library staff members were present to accept the award.

PR2. Women's History Month.

Mayor Porter presented a proclamation proclaiming March 2021 as Women's History Month in Wylie, Texas. City of Wylie staff members were 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 February 20, 2021 Special Called Emergency Meeting and the February 23, 2021 Regular City Council and Work Session Meeting minutes.**
- B. Consider, and act upon, a Final Plat of Brookside Estates establishing 62 residential lots and six HOA lots on 14.599 acres, generally located on Stone Road approximately 1900' east of Kreymer Lane within the City of Wylie's Extra Territorial Jurisdiction.**
- C. Consider, and act upon, a Final Plat for Dominion of Pleasant Valley Phase 3, establishing 142 single family residential lots and four open space lots on 49.193 acres, generally located at the northeast corner of Pleasant Valley Road and Dominion Drive.**
- D. Consider, and act upon, Ordinance No. 2021-14 of the City of Wylie, Texas, altering the prima facie speed limits established for vehicles under the provisions of Transportation Code, Section 545.356 upon Farm to Market Highway No. 2514 or parts thereof, within the incorporate limits of the City of Wylie, as set out in this ordinance; and providing a penalty of a fine not to exceed \$200.00 for the violation of this ordinance; providing for repealing, savings and severability clauses; providing for an effective date of this ordinance.**
- E. Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of January 31, 2021.**
- F. Consider, and act upon, the acceptance of the resignation of Michael McCrossin and appointment of Jacques Loraine III as a new commission member to the City of Wylie Planning and Zoning Commission to fill the term of March 2021 to June 30, 2021.**

Mayor Porter requested Item B be pulled from Consent Agenda and considered individually.

Council Action

A motion was made by Councilman Duke, seconded by Councilman Wallis, to approve Consent Agenda Items A and C-F as presented. A vote was taken and motion passed 5-0 with Councilman Strang and Councilwoman Arrington absent.

Mayor Porter convened the Council into Executive Session at 6:15 p.m.

EXECUTIVE SESSION

Sec. 551.071. CONSULTATION WITH ATTORNEY; CLOSED MEETING.

A governmental body may not conduct a private consultation with its attorney except:

- (1) when the governmental body seeks the advice of its attorney about:
 - (A) pending or contemplated litigation; or
 - (B) a settlement offer; or
- (2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

ES3. Item #3 on the March 9, 2021 agenda

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

Mayor Porter convened the Council into Open Session at 6:33 p.m.

REGULAR AGENDA

- 3. Consider, and act upon, repealing Ordinance No. 2021-06 Continuing or Renewing the Mayor's Declaration of Local Disaster for a Public Health Emergency to help abate the COVID-19 public health crisis.**

Staff Comments

City Manager Holsted addressed Council stating in the most recent Governor's Order, he repealed the mandatory mask mandate and the occupancy capacity at businesses. With that being said, staff is recommending Council repeal Ordinance No. 2021-06. If Council would like to discuss or implement a mask requirement in City facilities that can be discussed.

Council Comments

Forrester and Porter expressed concerns about being able to enforce a mask mandate in City facilities and asked what options do they have as a Council. Holsted stated he agreed enforcement would be challenging and agreed with the recommendation that staff and citizens continue to wear masks, social distance, and follow CDC guidelines. Council can give staff direction to require masks be worn in City facilities, or bring an Ordinance back at a future meeting for consideration. Staff's recommendation would be to recommend but not require masks in City facilities due to the lack of enforcement. Porter stated having a mask requirement could also put staff members at risk if someone is not wearing a mask in a City facility and may be unhappy about the requirement. Forrester agreed and stated he felt highly recommending, but not requiring is the route to go. Mize stated he would lean towards a requirement instead of recommendation as we have to do everything we can to slow the spread, but shared the same concerns with putting staff members in a situation, adding the Police might be the best for this type of situation to utilize educational steps to gain compliance and, if necessary, removal from premises. Duke stated he agreed with Forrester. Wallis stated he was more along the lines of strongly recommending as believes it would be difficult to enforce and could result in a potential argument that the City prohibited services to someone who did not wear a mask. Forrester stated this is not over with and we need to continue to take all precautions that we can as individuals. Mize stated the current disaster declaration provides guidance to citizens, it can stand on its own, and it should continue until the Governor's Disaster Declaration remains in place, or as long as it's necessary for the wellbeing of the residents to convey this is a serious issue to our residents. Porter asked what does our current disaster declaration allow and what would be the repercussions of leaving it in place. Holsted stated there would be some sections that would be in conflict with the Governor's most recent Order and the Governor's would overrule those, but staff would have to go line by line to review the current ordinance to see what would need to be removed, but with what the Governor's Order includes in conjunction with CDC guidelines, he is unsure if that needs to be in a City Ordinance from Council. Forrester asked, related to the EOC and vaccinations, would those items need to be revisited if the declaration is dissolved, and if the declaration is dissolved and something was to happen that required additional spending or oversight, would the City have to reissue a new disaster declaration. Holsted replied that purchases moving forward would fall under normal purchasing requirements, the City does not currently have any outstanding large purchases, and if something was to change, if the Mayor chose, could declare a new disaster declaration, but staff does not foresee the need for the relaxation of purchasing requirements moving forward.

Council Action

A motion was made by Councilman Duke, seconded by Mayor *pro tem* Forrester, to approve repealing Ordinance No. 2021-06 Continuing or Renewing the Mayor's Declaration of Local Disaster for a Public Health Emergency to help abate the COVID-19 public health crisis and the City of Wylie facilities will continue to highly recommend the wearing of masks and the following of CDC guidance. A vote was taken and motion

passed 4-1 with Councilman Mize voting against, and Councilman Strang and Councilwoman Arrington absent.

- B. Consider, and act upon, a Final Plat of Brookside Estates establishing 62 residential lots and six HOA lots on 14.599 acres, generally located on Stone Road approximately 1900' east of Kreymer Lane within the City of Wylie's Extra Territorial Jurisdiction.**

Council Comments

Mayor Porter stated he received a message from an individual expressing concerns that the detention area would not accommodate stormwater runoff, and asked if the developer has met the guidelines required and submitted a study that has been affirmed by an independent review. Holsted replied the engineering plans for this particular subdivision were reviewed by the City and Collin County and it meets the city requirements.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Mize, to accept Item B as written. A vote was taken and motion passed 5-0 with Councilman Strang and Councilwoman Arrington absent.

- 1. Consider, and act upon, the award of RFP #W2020-74-B for Construction Manager At Risk – Guaranteed Maximum Price Construction Agreement to Pogue Construction LLC, for the City of Wylie Fire Station No. 4 in the amount of \$7,074,843.00 and authorizing the City Manager to execute any and all necessary documents.**

Staff Comments

Purchasing Manager Hayes addressed Council stating the City chose Pogue Construction as the Construction Manager at Risk for this project. Pogue is required to bring the project in for the proposed Guaranteed Maximum Price (GMP).

Danny Scroggins, representing Pogue Construction, addressed Council stating they are prepared, upon acceptance of the GMP, to move forward and select a steel contractor. Steel construction has gone up exponentially over the last two months. Pogue received notice today that there will be other increases such as drywall, wall board, cement board, and insulation as of April 1; therefore, it is Pogue's intent over the next three weeks to try to mitigate the cost increases as much as possible.

Blythe addressed Council stating currently the schedule is for one-year construction time, putting the project completed in March to April 2022.

Council Action

A motion was made by Councilman Wallis, seconded by Mayor *pro tem* Forrester, to approve the award of RFP #W2020-74-B for Construction Manager At Risk – Guaranteed Maximum Price Construction Agreement to Pogue Construction LLC, for the City of Wylie Fire Station No. 4 in the amount of \$7,074,843.00 (Note: amount read aloud was \$7,074,834.00; however, the intent was \$7,074,843.00) and authorizing the City Manager to execute any and all necessary documents. A vote was taken and motion passed 5-0 with Councilman Strang and Councilwoman Arrington absent.

- 2. Consider, and act upon, Resolution No. 2021-08(R) providing the City Manager authority related to a utility credit, and city code and policy decisions necessary for issues related to the local, state, and federal emergency declarations related to the severe winter storms in the State of Texas in February 2021.**

Staff Comments

City Manager Holsted addressed Council stating during the winter storm cities were encouraging citizens to drip their faucets to help minimize freezing pipes and associated issues with broken pipes. Staff pulled data usage and dripping faucets seem to result in an increased usage of 1,000 to 2,000 gallons of water. Holsted showed NTMWD daily water consumption usage and the City of Wylie February water delivery for Brown, Newport Harbor, and Nortex pump stations. Staff is recommending a residential bill credit of \$10.00 which is equivalent to over 1,700 gallons of usage on next month's bill to all City of Wylie residents that have City water, and is not proposing a commercial bill credit.

Council Comments

Mayor Porter stated extraordinary efforts were done by staff to ensure citizens had clean running water in Wylie during the severe winter storm event.

Forrester clarified that some Wylie citizens have water from other entities and they would not be receiving the bill credit from the City. Holsted replied that is correct. Wallis asked Holsted to clarify regarding residential line breaks. Holsted stated if a resident experienced a line break, the City can credit them back with proof of a repair receipt, to last year's February usage.

Council commended staff for the measures that were taken during the severe winter storm event.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Mize, to approve Resolution No. 2021-08(R) providing the City Manager authority related to a utility credit, and city code and policy decisions necessary for issues related to the local, state, and federal emergency declarations related to the severe winter storms in the State of Texas in February 2021. A vote was taken and motion passed 5-0 with Councilman Strang and Councilwoman Arrington absent.

Mayor Porter convened the Council into Work Session at 7:27 p.m.

WORK SESSION

WS1. Discuss the development of the Monroe property located on Country Club Drive.

John Allums, representing Capstar Real Estate, addressed Council giving a presentation regarding a concept for the Monroe Property including: a location map of the property, conceptual site plan of the project, single-family rental information, courtyard housing prototype images, and townhome and single-family inspiration images.

Mike Arbour, representing JHP Architects, addressed Council reviewing the architecture of the townhomes, which is based on the California courtyard prototype, and single-family rental homes, which are similar to cottage/garden style homes and would be around 1,200-1,500 square feet in size. The goal of the development is a walkable pedestrian community around the village green taking advantage of the central community building and open space.

Allums addressed Council stating they are proposing 248 units; about 12 townhome units per acre, and about five single-family units per acre. There would be a combination of one, two, and three-bedroom units. The single-family homes would be larger in size, and a minimum of 850 square feet in the townhomes.

Forrester recommended the applicant gather input from WISD since the schools are nearing capacity, and asked if there were any plans for amenities in the open space area. Adams replied they planned to continue the trail section and add a pedestrian bridge. Forrester stated he would like to see more improvement in the open space to utilize it as a space where people can gather. Mize agreed with Forrester regarding the open space. Porter asked if the townhomes and single-family would be all rentals, be overseen by the same organization,

and offered as separate or one holding. Adams replied they would be all rentals overseen by a professional management company and would be one holding. Porter clarified there would be two access points, and asked about the median breaks on Country Club. Adams replied there are two access points and the applicant would update the Traffic Impact Analysis for the median breaks based on the recommendations received for the proposed development. Duke asked if they had a use in mind for the commercial space. Adams replied that question would have to be asked to the land owner as he is not purchasing the commercial space. Wallis expressed concerns with this type of development proposed on property zoned AG 30, not speaking with ISD to ensure this development would not burden the school district, and ensuring the open space to be able to be utilized by the community. Porter asked if the applicant would be willing to work with staff to do a development agreement for the building materials. Adams replied they would be willing to work with staff on a development agreement for building materials.

WS2. Discuss Wylie Recreation Center revenues.

Parks and Recreation Director Diaz addressed Council stating prior opening in 2011, a consultant was utilized to come in and complete a study on how to staff, where to set the fees, etc. Once a plan was in place staff worked with the Parks Board and Council regarding staffing and fees. The Recreation Center was never intended to operate at a 100% recovery facility. The main focus of the Recreation Center was to bring a quality of life service to citizens and was designed with an emphasis placed on fitness and classes.

Diaz reported in 2014 the consultant looked at how to restructure the fees and provided information on staffing and the restructuring of fees. Staff offered a few options to Council in May 2015 and the Council chose no fee increases at that time.

Diaz stated since 2011, positions have been added and the cost of doing business and utilities have increased. The total operation of the Recreation Center is funded out of 4B ½ cent sales tax, in which approximately \$1.8 million was budgeted to operate the facility this year. The membership fees are the highest revenue generator, and staff was projecting, pre-Covid, \$400,000 from membership fees and \$554,000 total from membership fees, classes, facility rentals and other miscellaneous fees. Due to Covid, the Recreation Center is looking at a reduction in revenue this year.

Diaz stated staff is requesting direction on the following: what does the recovery rate for the Wylie Recreation Center need to be, do fees need to be increased based on the recovery rate set, does a plan to deal with a recovery rate need to extend beyond FY22, and do residency restrictions need to be continued and should they dictate setting any future fees. Staff would like to have general direction before starting the next FY budget process.

Porter asked for the breakdown of residents versus nonresidents. Diaz replied currently the Recreation Center is a 70% resident and 30% non-resident use facility, with a larger Senior group user as the non-resident. Porter asked how we compare our rates with private gyms. Diaz replied the rates are all over the place, the operation models are different, and to compare a private facility to the City facility is comparing apples to oranges as they have amenities that we do not such as personal trainers, classes offered with membership, pool, sauna, etc. Diaz stated McKinney operates a facility that is close to 100% recovery. The City of Southlake operates a recreation facility that operates at a 100% recovery as their fee schedule is completely different than ours and is more like a private club. The Recreation Center was seen as a facility for the citizens like the Library by the past Council. Porter expressed concerns with raising fees in that it could make us non-competitive with other facilities and we could see a revenue drop where fewer patrons utilize our services. Diaz replied there are life cycles of facilities like this and we try to mitigate that by offering newer equipment, programs that other gyms do not offer, absorb credit card fees, customer friendly, and make it least impactful to the citizen's dollar. Porter asked out of the \$1.8 million, how much is operating staff cost. Diaz replied it is a little over \$1 million for staff. Forrester stated the Recreation Center creates community. Forrester stated the value of the consultants view on the City's business model is important, and asked what the cost of a consultant would be to review the local and regional area, and added he would not recommend increasing the senior citizen rate no matter

where they reside. Diaz replied a consultant would cost about \$20,000-\$30,000 and the City could utilize a different consultant to get a different viewpoint. Forrester recommended a flexible recovery rate and to look at the surrounding area including private gyms and other municipalities in order to make an educated decision on the best way to proceed. Wallis stated creativity and keeping us fresh and on the mind of the citizens is important, and stated he does not expect it to be a 100% recovery rate as we offer these for our citizens. Wallis stated he agreed with Forrester to get an idea of what other municipalities are doing to make sure we are in the ballpark, seeing where we sit and what we can achieve. Wallis stated we need to look at the fees as not many fees stay the same for 10 years, and citizens upfronted the money to have the facility built; therefore, there should be an advantage to the citizens. Porter stated the recovery rate does need to be evaluated, as the City is subsidizing about \$1.25 million annually on the Recreation Center. Porter stated he agreed with Forrester in looking at how we approach this long-term. Porter stated increased fees have to go hand in hand with recovery rate; however, it could become counterproductive. Porter stated the plan needs to go beyond FY 2022. and the City needs to look at it as part of the Master Plan. Porter stated regarding residency fees, when it comes to amenities in the City, except for the Senior Center, there should be a discount for citizens as the capital costs came out of the General Budget which is paid directory through property tax rates. Porter agreed he would like to see a consultant consider all the other projects in the Master Plan to see how the City is going to be able to afford all the projects long range. Duke stated the Recreation Center offers different services than a traditional gym and it is an apple to oranges comparison; however, the concern is the amount subsidized. He stated he felt the citizens do not know what the Recreation Center offers and is torn with increasing prices in order to stay competitive. He would agree the City needs a consultant to see where we need to go, the long-term plan past FY 22, including other projects in the Master Plan, and residency rates need to be continued. Mize stated learning more about what peer municipalities offer and charge would be an important baseline and with that information, hopefully the City can maintain a competitive advantage as the Recreation Center and Senior Recreation Center are important and provide a sense of community in our community, allows and encourages a healthy lifestyle which increases a quality of life. Mize stated it is important to maintain affordable rates for senior citizens and young families because it is a service being provided by the City. Mize stated if the recovery rate can maintain or preserve the burden, and not increase, from the 4B sales tax money available; an increase in fees may be appropriate if compared to peers but lean towards maintaining a competitive advantage and making it affordable; and residency discounts are important to maintain to the extent that it does not drive away customers.

WS3. Discuss the development of a Citizens Bond Advisory Committee.

Mayor Porter stated on February 25, 2020, a work session was held to discuss the makeup of a Citizens Bond Advisory Committee. The direction received from Council was that each Council member would appoint two representatives, and the committee would be formed after the May 2020 election. The election was subsequently moved to November 2020. The committee would need to be formed at the next meeting in March to allow sufficient time to develop a potential list of projects for a November bond election. Porter asked if Council would be comfortable with appointing two members each at the next Council meeting.

The direction from Council was to proceed with each bringing two names forward at the next Council meeting.

City Manager Holsted addressed Council asking for direction on the following items: who appoints the Chair and vice chair, should the members be City of Wylie registered voters; set a date for the work to be completed and back to Council; and a minimum amount of times the committee has to meet.

The direction from Council was to let the Committee vote at the first meeting for Chair and Vice Chair, members should be City of Wylie registered voters, the committee should meet a minimum of four times, and a recommendation should come back to Council at the June 22, 2021 City Council meeting.

RECONVENE INTO REGULAR SESSION

Mayor Porter convened the Council into Regular Session and into a break before Executive Session at 8:39 p.m.

Mayor Porter convened the Council into Executive Session at 8:47 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, Regency and Steel, State Hwy 78 and Alanis, State Hwy 78 and Birmingham, 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 2017-10a, 2018-9b, 2020-11b, 2021-1d, 2021-1f, and 2021-2a.

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

Mayor Porter convened the Council into Open Session at 9:36 p.m.

READING OF ORDINANCES

City Secretary Storm read the caption to Ordinance No. 2021-14 into the official record.

ADJOURNMENT

A motion was made by Councilman Duke, seconded by Councilman Mize, to adjourn the meeting at 9:38 p.m. A vote was taken and motion passed 5-0 with Councilman Strang and Councilwoman Arrington absent.

ATTEST:

Matthew Porter, Mayor

Stephanie Storm, City Secretary