



Wylie City Council Minutes

June 8, 2021 – 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, Mayor *pro tem* Jeff Forrester, Councilman Scott Williams, 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; Finance Director Melissa Beard; Planning Manager Jasen Haskins; Human Resources Director Lety Yanez; Project Engineer Jenneen Elkhali; Parks and Recreation Director Rob Diaz; Public Works Director Tim Porter; Library Director Ofilia Barrera; Digital Media Specialist Amber Hamilton; City Secretary Stephanie Storm, and various support staff.

INVOCATION & PLEDGE OF ALLEGIANCE

Councilman Williams led the invocation and Mayor Porter led the Pledge of Allegiance.

PRESENTATIONS & RECOGNITIONS

PR1. Wylie Way Students.

Mayor Porter and Mayor *pro tem* Forrester 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. Recognizing June 2021 as Pride Month.

Mayor Porter recognized June 2021 as Pride month within the United States and Wylie.

PR3. Recognizing Juneteenth 2021.

Mayor Porter recognized Juneteenth, which occurs in the month of June, and announced there will be an event held on June 19, 2021 from 10:00 a.m. to 3:00 p.m. in Olde City Park.

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 May 25, 2021 Regular City Council Meeting minutes.

B. Consider, and act upon, Ordinance No. 2021-31, finding that the settlement agreement between the City and CoServ Gas, Ltd. is reasonable; ordering CoServ Gas, Ltd. to implement the rates agreed to in the settlement agreement; requiring reimbursement of cities’ rate case expenses; finding that the meeting at

which this ordinance is passed is open to the public as required by law; requiring notice of this ordinance to the company and legal counsel.

- C. Consider, and act upon, Resolution No. 2021-14(R) authorizing the application for a Collin County Park and Open Space Grant for the purpose of the Municipal Complex Trail Lighting Project.
- D. Consider, and act upon, a Preliminary 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.
- E. Consider, and act upon, the final art design by Quad C student, Shea Ameen and approval of a \$500 scholarship to the winning art design.
- F. Consider, and act upon, the award of JOCPO #W2021-73-I for Brown House ADA Ramp - Phase 1 Improvements and Exterior Siding Repairs to ERC, Inc. in the amount of \$71,477.24, and authorizing the City Manager to execute any necessary documents.
- G. Consider, and act upon, the approval of the purchase of Emergency Preparedness & Safety Equipment from Delta Fire & Safety, Inc. in the estimated annual amount of \$50,000.00 through a cooperative purchasing contract with HGAC Buy, and authorizing the City Manager to execute any necessary documents.

Councilman Williams requested Item F be removed 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-E and G as presented. A vote was taken and motion passed 7-0.

REGULAR AGENDA

- F. Consider, and act upon, the award of JOCPO #W2021-73-I for Brown House ADA Ramp - Phase 1 Improvements and Exterior Siding Repairs to ERC, Inc. in the amount of \$71,477.24, and authorizing the City Manager to execute any necessary documents.

Council Comments

Councilman Williams stated he had requested additional information from staff, received it prior to the meeting, and is still reviewing the information; therefore, requested Council table this item to the next Council meeting.

Staff Comments

Purchasing Manager Hayes stated she was available for questions and added if this item is tabled until the next Council meeting, with it being close to the end of the month, the pricing could be affected. Williams stated he would like to see the actual units of measure and line item details for this item. Hayes replied she will get with the contractor to obtain that information.

Council Action

A motion was made by Councilman Williams, seconded by Councilman Wallis, to table Item F until the June 22, 2021 City Council meeting. A vote was taken and motion passed 7-0.

1. Interview applicants for Board of Ethics vacancies for a term to begin July 1, 2021 and end June 30, 2023.

Council interviewed applicants James Koch, Michelle Langloys, and Aaron Coleman.

2. **Consider, and act upon, Ordinance No. 2021-32, amending Wylie's Code of Ordinances, Ordinance No. 2021-17, as amended, Chapter 2 (Administration), Article IV (Boards and Commissions), Section 2-61 (appointments to more than one Board or Commission); modifying certain provisions on appointments to and tenure on Boards and Commissions; providing a savings/repealing clause, severability clause and an effective date.**

Staff Comments

City Secretary Storm addressed Council stating while performing research, staff found that the City Charter reads that no person shall be appointed to or serve on more than two permanent boards, commissions, or committees at any given time; however the Code reads that citizens shall be appointed to and serve on only one board or commission except for the Wylie Economic Development Corporation and the Parks and Recreation Facilities Development Corporation where an individual can serve on those two boards simultaneously. Staff is proposing amending the Code of Ordinances to follow the City Charter, and added all appointments are at the discretion of Council.

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 7-0.

3. **Consider, and act upon, appointments to fill the Board of Ethics vacancies for a term to begin July 1, 2021 and end June 30, 2023.**

Council Comments

Mayor Porter stated there are two regular positions and two alternate positions available on the Board of Ethics. Lori Villarreal and Jal Dennis interviewed at the May 25 meeting, Aaron Coleman, Michelle Langloys, and James Koch interviewed this evening, and Fernando Martinez was unable to attend the interviews.

Councilman Williams recommended Lori Villarreal for one of the positions. Councilman Mize recommended Aaron Coleman for a position. Councilman Wallis recommended Aaron Coleman and James Koch for the two regular positions. Councilman Duke recommended Lori Villarreal and James Koch for the two regular positions. Councilman Strang recommended Aaron Coleman and James Koch for the two regular positions.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang, to place Aaron Coleman and James Koch, and alternates Lori Villarreal and Michelle Langloys for the Board of Ethics vacancies for a term to begin July 1, 2021 and end June 30, 2023. A vote was taken and the motion passed 6-1 with Councilman Mize voting against.

4. **Consider, and act upon, the recommendations of the 2021 Boards and Commission Council Interview Panel for appointments to the Animal Shelter Advisory Board, Cemetery Advisory Board, Construction Code Board, Historic Review Commission, Library Board, Parks and Recreation Board, Parks and Recreation Facilities Development Corporation Board (4B), Planning and Zoning Commission, Public Arts Advisory Board, Wylie Economic Development Corporation, and the Zoning Board of Adjustments to fill board vacancies for a term to begin July 1, 2021 and end June 30, 2023/24.**

Council Comments

Mayor Porter asked the Board and Commission Interview Panel Chair Forrester for recommendations.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang to appoint the following members to the Animal Shelter Advisory Board: appoint Kali Patton as replacement one and Becky Welch as replacement two. A vote was taken and the motion passed 7-0.

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Williams to appoint the following members to the Cemetery Advisory Board: appoint Gloria Suarez, Juan Azcarate, and Allison Stowe for one-year terms and appoint Sandra Stone, Keith Stephens, Sandra Mondy, and Kimberly Summers for two-year terms; appoint alternate Jami Lindquist for a one-year term and alternate Erin Williams for a two-year term. A vote was taken and the motion passed 7-0.

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang to appoint the following members to the Construction Code Board: re-appoint Lowell Davis; appoint James Byrne to replace Bobby Heath, Jr., Brian Ortiz to replace Philip Timmons, and Bruce Moilan to replace Billy McClendon; and appoint Michael Innella to replace Jacques Loraine III as alternate. A vote was taken and the motion passed 7-0.

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Duke to appoint the following members to the Historic Review Commission: re-appoint Joe Chandler; appoint Bethany Sullivan to replace Debbie Loraine, Krisleigh Hoermann to replace John Pugh; Sandra Stone to replace Kirstin Dodd; and appoint Allison Stowe as replacement one and Kali Patton as replacement two. A vote was taken and the motion passed 7-0.

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Duke to appoint the following members to the Library Board: re-appoint Carla McCullough, Rosalynn Davis, and Juan Azcarate; appoint Kristina Jones to replace Arthur Borgemenke and Kristin Botsford to replace Janice Borland; and appoint Monica Munoz as replacement one and Julia Moses as replacement two. A vote was taken and the motion passed 7-0.

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang to appoint the following members to the Parks and Recreation Board: re-appoint Brian Willeford, Brett Swendig, and Gloria Suarez; and appoint Justin Dumlao as replacement one and Donald Folsom as replacement two. A vote was taken and the motion passed 7-0.

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang to appoint the following members to the Parks and Recreation 4B Board: re-appoint David Duke, Emmett Jones, and Scott Hevel; appoint Scott Williams to replace Candy Arrington for a one-year term; and appoint Brian Willeford to replace Daniel Chestnut. A vote was taken and the motion passed 7-0.

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Williams to appoint the following members to the Planning and Zoning Commission: re-appoint Jacques Loraine III and Bryan Rogers; appoint Joshua Butler to replace Brian Ortiz; and appoint Matthew Soto as replacement one and James Byrne as replacement two. A vote was taken and the motion passed 7-0.

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Williams to appoint the following members to the Public Arts Advisory Board: re-appoint Minerva Bediako and John Treadwell; appoint Esther Bellah to replace Anita Jones; and appoint Pardeep Kaur as replacement one and Michael Rauscher as replacement two. A vote was taken and the motion passed 7-0.

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Williams to appoint the following member to the Wylie Economic Development Corporation Board: re-appoint Demond Dawkins and appoint Blake Brininstool to replace John Yeager. A vote was taken and the motion passed 7-0.

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang to appoint the following members to the Zoning Board of Adjustment: appoint Aaron Lovelace to replace Shaun Chronister and appoint Zewge Kagnew to replace Daniel Cooper as alternate one. A vote was taken and the motion passed 7-0.

Mayor Porter thanked members of the 2021 Boards and Commissions Interview Panel (Mayor *pro tem* Forrester, Councilman Strang, and Councilman Williams). Porter and Forrester also thanked the citizens for their service on the Boards and Commissions over the years, and welcomed the new board members.

5. Hold a Public Hearing, consider, and act upon, a request for a change of zoning from Agricultural (AG/30) to Planned Development - Single Family (PD-SF), to allow for a single-family development on 4.6 acres, located at 601 and 595 Parker Road. (ZC2021-14).

Mayor Porter convened the Council into a break at 7:15 p.m.

Mayor Porter reconvened the Council into Regular Session at 7:23 p.m.

Staff Comments

Planning Manager Haskins addressed Council stating the applicant is requesting to rezone 4.6 acres generally located 100 feet west from the intersection of Parker Road and Valley Mills Drive. The property is currently zoned Agricultural (AG/30). The purpose for the requested rezoning to a Planned Development (PD) is to allow for the construction of 20 single-family lots and two open space lots. The PD proposes a minimum residential lot size of 7,200 square feet. These standards are similar to the existing Harvest Bend subdivision located east of the subject property. Haskins stated the PD contains exterior building material requirements of 85 percent masonry with 15 percent of a cementitious fiber cement material and allows for garage sizes of 400 square feet. All open space lots shall be owned and maintained by the Homeowners Association (HOA). In addition, at the request of the Planning and Zoning Commission, an HOA maintained 8-foot-wide sidewalk will be required to connect the subdivision to the open space to the south. Haskins stated the properties adjacent to the subject property are generally zoned single family residential, and the subject property lies within the General Urban Sector of the Comprehensive Land Use Plan. While the General Urban Sector generally recommends commercial development or mixed-use high density residential, the proposed zoning, being adjacent to existing medium density residential on two sides, may be compatible with the plan. Haskins reported 27 notifications were mailed with 14 responses received in opposition and none in favor of the request. After some discussion regarding the existing tree line on the east side of the property and fencing, the Commission voted 6-1 to recommend approval with the condition of a pedestrian trail being constructed to connect the subdivision to the Oncor open space.

Council and Applicant Comments

Mayor Porter asked how much of the designated open space will go away when Parker Road is widened. Tim Bennett, applicant, addressed Council stating TxDOT should not be acquiring any of the open space for the widening. Mayor *pro tem* Forrester stated he had reviewed the public comment forms and asked how the drainage concerns would be addressed if the item is approved. Bennett replied a five-foot drainage easement channel was previously created when the Harvest Bend neighborhood was built; however, over the years it has filled in with soil and dirt and no longer functions the way it was intended. Bennett stated in the proposed development the street will capture water as the lots will be graded to ensure water is captured into the existing storm sewer inlet, and he proposes to have the backyards continue to drain as they currently do. Councilman Wallis asked who maintains the current five-foot drainage easement to see if the current drainage issues could be remedied. Holsted replied staff would have to look at the construction plans to see the maintenance requirements. Councilman Williams expressed concerns with the drainage, and asked why there is no required fencing on the east and west sides of the proposed development. Haskins stated if there is already fencing that exists, which there currently is, staff does not recommend another fence as it creates space that cannot be maintained and allows for trash and rodents. Williams asked the applicant, if a consensus could be reached with the neighbors, could he do a uniform eight-foot fence. Bennett replied he would be willing to do a uniform fence but would not want eight feet written into the documents to ensure it can be worked out with the neighbors as their fence currently sits a little inside their property. Porter expressed concerns with the five-foot drainage easement on the neighbor's property. Williams asked if wording could be added to the PD to protect both sides, Mr. Bennett and the current neighbors, regarding the fence. Haskins explained that PD Conditions cannot be imposed that are not on the property under consideration. Councilman Strang asked how the water on the west side of the property gets in the proposed storm sewer. Bennett replied water will stay on the west side and the cul de sac will be graded toward the inlet so that all the water in the street will flow into the storm sewer inlet and ensures it will not be a problem. Holsted replied in the City's design standards, a secondary positive overflow is required. Strang expressed concerns with traffic on Parker Road and asked if a protective right turn has been considered. Bennett replied that it is a good idea and not sure if Engineering/TxDOT will require it. Holsted replied TxDOT would have to approve it as it is based on different criteria. Williams reiterated the eight-foot fence to help alleviate the line of site. Bennett stated townhomes are allowed on this

property but thought single-family homes were better for the surrounding neighborhoods and thinks this is a fair submission. He added he planted 35 trees along the east line when he moved in 22 years ago and he will thin them out, instead of 25 feet apart they will be 50 feet, so they can grow to their mature height. Councilman Mize stated he appreciated the comments on the trees and clarified the intention is to preserve as many as practical. Bennett responded that was correct.

Public Hearing

Mayor Porter opened the public hearing on Item 5 at 7:54 p.m. asking anyone present wishing to address Council to come forward.

Bruce Bauman addressed Council regarding concerns with traffic, drainage and slope, and privacy.

Doug Hunt addressed Council regarding concerns with fencing, privacy, traffic, and drainage.

Gloria Suarez addressed Council regarding concerns with drainage and fencing and added Mr. Bennett has been a good neighbor.

Lisa Blood addressed Council regarding concerns with two story homes and drainage, expressed gratitude to Mr. Bennett for considering the neighbors with no townhomes and commercial, and stated the drainage easement is not maintained by an HOA.

Vijay Thangughal addressed Council expressing appreciation to Mr. Bennett for not proposing high density on the property and stated he is in support of this item.

Linda Wallace addressed Council regarding concerns with drainage, fencing, and traffic.

Mayor Porter closed the public hearing at 8:05 p.m.

Council Comments

Wallis expressed concerns with traffic and privacy regarding tree removal and two-story homes. Mize stated drainage concerns are important and he understands the concerns. He confirmed the location of the drainage easement, retaining wall and fence, and added he is comforted with the 100-year ability to take the water, and with appropriate grading believes that could be achieved. Mize added he appreciates Mr. Bennett's willingness to work with everyone on an eight-foot fence where desired for privacy concerns. Strang clarified the location of the retaining wall and easement, and stated he is not opposed to single family homes on this property but has concerns with drainage and traffic. Williams asked how close the existing fence is to the property line. Bennett replied most of them are two feet inside their property line, and stated he feels confident he can reach an agreement with the neighbors for a new fence. Forrester stated he has no doubt Mr. Bennett wants to work with his neighbors to do the right thing; however, there is a lot of fluidity that is not in the proposed PD and to ensure nothing is missed, he recommended allowing staff to work with Mr. Bennett to add language so that traffic, drainage, and privacy concerns are addressed. Porter stated he shares some of the same concerns put forth including drainage, smaller lots, smaller garages, traffic, fencing, and saving trees, and stated Council has turned down PDs in the past that did not include a unique offering. Strang stated he agrees if items are not accounted for they can get overlooked and missed, or an obligation that cannot be enforced. Mize stated an important question is what is the best use of this land which currently calls for high density and multi-family; and what are the consequences of not moving forward with this development, and stated Council has to be careful before adding too many restrictions. Mize stated single family on this property is an appropriate use, traffic concerns will be addressed with the future widening of the road, and he understands the need to have items in writing and asked what Mayor *pro tem* Forrester would want in writing that is not currently. Forrester stated he called for the question.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang, to call for the question. A vote was taken and motion passed 5-2 with Mayor Porter and Councilman Mize voting against.

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang, to table Item 5 to allow staff to work with the landowner to produce the concerns from this evening into writing. A vote was taken and the motion passed 6-1 with Mayor Porter voting against.

- 6. Consider, and act upon, Ordinance No. 2021-33 for a change of zoning from Commercial Corridor (CC) and Heavy Industrial (HI) to Planned Development (PD-CC-HI), to allow for a warehousing, light industrial and manufacturing use on 225.1 acres, generally located at the northeast corner of State Highway 78 and Spring Creek Parkway. (ZC2021-11).**

Staff Comments

Planning Manager Haskins addressed Council stating on May 25, 2021 City Council approved a zoning change from Commercial Corridor and Heavy Industrial to Planned Development (PD) for industrial and commercial development located at the northeast corner of State Highway 78 and Spring Creek Parkway. Since approval, the applicant has requested a change to the zoning exhibit that combines two buildings, previously buildings 4 and 5, into one larger building, noted as building 2 on the revised exhibit. The net effect is to increase the overall square footage of the buildings by 1,000 square feet, increase the number of trailer stalls by seven, decrease parking by 73 spaces which is still meeting the approved PD requirements, decrease overall concrete in that area of the development by six percent, and modify the PD language regarding the screening of loading and service areas to include landscape berms.

Council Action

A motion was made by Councilman Strang, seconded by Mayor *pro tem* Forrester, to approve Item 6 as presented. A vote was taken and the motion passed 7-0.

Mayor Porter convened the Council into Work Sessions at 8:33 p.m.

WORK SESSIONS

WS1. Public Works Department Presentation.

Public Works Director Porter addressed Council giving a presentation including: the five divisions of Public Works; Utility Administration responsibilities, capital projects completed, capital projects in-progress, and development projects; Streets paving and stormwater/traffic/fleet statistics, and paving, stormwater, traffic, and fleet responsibilities; Water and Wastewater statistics, and water, water quality, and wastewater responsibilities.

Council thanked the Public Works staff for their hard work.

Mayor Porter convened the Council into a break at 8:48 p.m.

Mayor Porter reconvened the Council into Work Session at 8:54 p.m.

WS2. Comprehensive Master Plan Advisory Committee and preliminary schedule for the Plan Discussion.

Planning Manager Haskins addressed Council giving a brief presentation including a tentative schedule and potential makeup of the Comprehensive Plan Advisory Committee (CPAC), with a change that the first meeting listed on the schedule would potentially occur in September instead of August and they hope to have the Plan complete by summer 2022. Haskins requested direction from Council regarding the composition of the proposed Comprehensive Plan Advisory Committee (CPAC). The proposed makeup is thirteen members in which one member is appointed by each Council member and six members represent designated organizations identified by Council.

Council consensus was they were okay with the general proposed format, and to potentially reach out to board and commission applicants who were not placed on boards for the seven council appointed positions. The consensus of Council was for the seven Council appointed members to be City of Wylie registered voters and reside within the City for at least one year. The consensus from Council regarding the six members from organizations was to allow

the organizations to make those appointments and those members do not have to be City of Wylie registered voters. The six organizations decided upon included: Wylie Independent School District, Wylie Economic Development Corporation, Downtown Merchants Association, Historic Review Commission, Parks and Recreation Board, and Planning and Zoning Commission. Council consensus was to include one additional member from ETJ resulting in a 14-member Committee.

WS3. General Fund Budget Discussion.

City Manager Holsted addressed Council giving a presentation on the General Fund Summary which included a projected ending fund balance for September 30, 2021 of \$25,320,874 and proposed excess revenues over expenses of \$2,409,245; General Fund FY 2022 budget projections including the projected revenues with a no new revenue tax rate, which is projected to be \$.02 lower than existing tax rate, of \$48,289,668, proposed total expenditures of \$45,880,423 resulting in a revenue less expenditures amount of \$2,409,245; recommended uses of excess revenues over expenditures including recurring health insurance, general fund step and merit two percent increase, and market adjustment, and one-time expenses including tech upgrades for Council Chambers, ambulance replacement, two additional Police Department Tahoe replacements, partnership with WISD for tennis court lighting, and security for Parks maintenance facility totaling \$2,190,000; rating agency comments; and next steps.

Holsted answered questions from Council regarding sales tax data, market study projections, merit and market adjustments, and lighting.

RECONVENE INTO REGULAR SESSION

Mayor Porter reconvened the Council into Regular Session at 9:46 p.m.

READING OF ORDINANCES

City Secretary Storm read the captions to Ordinance Nos. 2021-31, 2021-32, and 2021-33 into the official record.

ADJOURNMENT

A motion was made by Councilman Strang, seconded by Councilman Williams, to adjourn the meeting at 9:48 p.m. A vote was taken and motion passed 7-0.

Matthew Porter, Mayor

ATTEST:

Stephanie Storm, City Secretary