

# Wylie City Council Regular Meeting

January 11, 2022 – 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 6:00 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 (6:13), and Councilman Garrett Mize.

Staff present included: Assistant City Manager Renae Ollie; Police Chief Anthony Henderson; Fire Chief Brandon Blythe; Finance Director Melissa Beard; Parks and Recreation Director Rob Diaz; Public Works Director Tim Porter; Public Information Officer Craig Kelly; Planning Manager Jasen Haskins; City Secretary Stephanie Storm, and various support staff.

## INVOCATION & PLEDGE OF ALLEGIANCE

Councilman Williams led the invocation, and Councilman Duke led the Pledge of Allegiance.

## PRESENTATIONS & RECOGNITIONS

### PR1. Fire Station 2 Life Save Award.

Mayor Porter announced this item was being moved to a future meeting so that the individuals being honored could attend.

### PR2. 2nd Term Wylie Way Students K - 4th Grade.

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.”

Councilman Wallis took his seat at the dias.

## 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 wishing to address 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 December 14, 2022 Regular City Council Meeting minutes.
- B. Consider, and act upon, a Final Plat for Ballers Elite Addition, establishing one commercial lot on 0.620 acres, located at 1400 Martinez Lane.
- C. Consider, and act upon, a Preliminary Plat for Fathulla Addition, establishing one industrial lot on 2 acres, located 280' west of the intersection of Hooper Road and Hensley Lane.
- D. Consider, and act upon, a Preliminary Plat for Wellstar Addition, establishing one industrial lot on 2.31 acres and replating lots 12R, Block C and 15R, Block B, generally located east of the cul-de-sac of Capital street.
- E. Consider, and act upon, the acceptance of the resignation of Charla Riner and appointment of James Byrne as a new commission member to the City of Wylie Planning and Zoning Commission to fill the term of January 2022 to June 30, 2022.
- F. Consider, and act upon, Ordinance No. 2022-01 of the City of Wylie, Texas, Repealing Ordinance No. 2014-19, creating a Code of Conduct; providing for a penalty for the violation of this ordinance; providing for repealing, savings, and severability clauses; providing for an effective date of this ordinance; and providing for the publication of the caption hereof.
- G. Consider, and act upon, the City of Wylie Monthly Revenue and Expenditure Report for November 30, 2021.
- H. Consider, and place on file, the City of Wylie Monthly Investment Report for November 30, 2021.
- I. Consider, and act upon, Ordinance No. 2022-02 amending Ordinance No. 2021-43, which established the budget for fiscal year 2021-2022; providing for repealing, savings and severability clauses; and providing for an effective date of this ordinance.
- J. Consider, and act upon, Ordinance No. 2022-03 amending Ordinance No. 2021-43, which established the budget for fiscal year 2021-2022; providing for repealing, savings and severability clauses; and providing for an effective date of this ordinance.
- K. Consider, and act upon, an Interlocal Cooperation Agreement for Jail Services between the City of Wylie and the cities of Farmersville, Murphy, Parker, Lavon, and Josephine, and authorizing the Interim City Manager to execute any necessary documents.

Mayor Porter requested Items A, E, and F be pulled from the Consent Agenda and considered individually.

#### **Council Action**

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Williams, to approve Items B through D, and G through K of the Consent Agenda as presented. A vote was taken and motion passed 7-0.

#### **REGULAR AGENDA**

- A. Consider, and act upon, approval of December 14, 2021 Regular City Council Meeting minutes.

#### **Council Comments**

Mayor Porter stated there was a typo on the agenda and the approval is for the December 14, 2021 minutes and not the December 22, 2022 minutes.

### **Council Action**

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Williams, to approve Item A with the change of approving the December 14, 2021 City Council minutes. A vote was taken and the motion passed 7-0.

- E. Consider, and act upon, the acceptance of the resignation of Charla Riner and appointment of James Byrne as a new commission member to the City of Wylie Planning and Zoning Commission to fill the term of January 2022 to June 30, 2022.**

### **Council Comments**

Mayor Porter confirmed with Board and Commission Interview Panel chair, that Mr. James Byrne is still the recommendation of the Interview Panel. Mayor *pro tem* Forrester replied he is still the recommendation.

### **Council Action**

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

- F. Consider, and act upon, Ordinance No. 2022-01 of the City of Wylie, Texas, Repealing Ordinance No. 2014-19, creating a Code of Conduct; providing for a penalty for the violation of this ordinance; providing for repealing, savings, and severability clauses; providing for an effective date of this ordinance; and providing for the publication of the caption hereof.**

### **Council Comments**

Mayor Porter stated the Code of Conduct that was discussed at the previous meeting. The Council Code of Ethics subcommittee which consisted of Mayor Porter and Councilmen Mize and Strang met with the City Attorney to update and expand the Code of Conduct. Ollie reported that staff will bring back the appointment of a reviewing attorney at the next Council meeting.

### **Council Action**

A motion was made by Councilman Williams, seconded by Councilman Mize, to approve Item F as presented. A vote was taken and the motion passed 7-0.

- 1. Tabled from 12-14-2021**

*Remove from table and consider*

### **Council Action**

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Duke, to remove Item 1 from the table to consider. A vote was taken and motion passed 7-0.

**Consider, and act upon, Ordinance No. 2021-55 of the City of Wylie, Texas, amending Chapter 110 (Traffic and Vehicles) of Article VI. (Stopping, Standing, and Parking) of Section 110-173 (Stopping, Standing, or Parking prohibited in certain places) of the Wylie Code of Ordinances; creating Section 110-173 (g) prohibiting the stopping, standing, or parking of a vehicle along the north side of Cloudcroft Dr. from S. Ballard Ave. east to the west property line of 115 Cloudcroft (approximately 582 feet) and the south side of Cloudcroft Dr. from S. Ballard Ave. east to the point of intersection with Vail Ln. (approximately 560 feet) and on both sides of Stoneybrook Dr. from S. Ballard Ave. west to the point of intersection with Willow Way (approximately 360 feet) during those times set forth in this ordinance; establishing an offense; providing for a penalty for the violation of this ordinance; providing for repealing, savings and severability clauses; providing for an effective date of this ordinance; and providing for the publication of the caption hereof.**

### **Staff Comments**

Assistant City Manager Ollie addressed Council stating based on discussion with Council at previous meetings, the proposed Ordinance establishes no parking along specific portions of Cloudcroft Dr. within the Southplace Estates subdivision and Stoneybrook Dr. within the Westwind Meadows subdivision during specified hours.

### **Council Action**

A motion was made by Councilman Duke, seconded by Councilman Strang, to approve Item 1 as presented. A vote was taken and the motion passed 7-0.

### **2. Tabled from 12-14-2021**

*Remove from table and consider*

### **Council Action**

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang, to remove Item 2 from the table to consider. A vote was taken and motion passed 7-0.

**Hold a Public Hearing to consider, and act upon, a change of zoning from Commercial Corridor (CC) to Commercial Corridor Special Use Permit (CC-SUP), to allow for a restaurant with drive-through service on 1.03 acres, property generally located at the northwest corner of State Highway 78 and Birmingham Street. (ZC 2021-23)**

### **Staff Comments**

Planning Manager Haskins addressed Council stating at the December 14, 2021, City Council meeting the applicant requested a Special Use Permit (SUP) for a drive-thru restaurant on 1.03 acres generally located at the northwest corner of State Highway 78 and Birmingham Street. After some discussion regarding the proposal, the applicant requested, and Council granted, the item be tabled so the proposal could be amended to address some Council concerns. The amendments are: the maximum size of the structure has been reduced from 11,100 square feet to 10,000 square feet; total maximum restaurant space was reduced from 7,800 square feet to 4,800 square feet; restaurant size was further designated as drive-thru, without a drive-thru, and without drive-thru (limited seating which is usage designated for generally carry-out restaurants such as pizza, smoothies, or sandwiches); the zoning exhibit was amended to reduce parking on the curve on Industrial Court; total parking was reduced from 57 to 55; on-street parking was reduced from 19 to 15; 25 spaces were increased to a minimum 10'x20', the zoning ordinance standard; and parking was amended to be per use by the zoning ordinance and not at a fixed 1:250 ratio.

### **Public Hearing**

Mayor Porter opened the public hearing on Item 2 at 6:32 p.m. asking anyone present wishing to address Council to come forward.

No person was present wishing to address Council.

Mayor Porter closed the public hearing at 6:32 p.m.

### **Council Comments**

Mayor Porter asked the applicant if they would be willing to enter into a Development Agreement for design standards. Bobby Mendoza, representing Victory Real Estate Group, said they are willing to enter into a Development Agreement. Mayor *pro tem* Forrester asked questions about the proposed flow of traffic and asked if the changes made since the last meeting alleviates Public Works Director Porter's concerns expressed at the last meeting. Porter replied he still had the same concerns. Councilman Williams stated he is excited about this project; however, has some concerns with the entrance on Highway 78 and the exit onto Industrial being so close to an intersection. Public Works Director Porter replied, with today's standards they typically do not put an entrance or exit close to an intersection; however, there is a driveway straight across the street. Mendoza responded they understand the off-street parking issues and have tried to alleviate some of the traffic concerns and feel this is the best orientation of the property. Mayor Porter stated that Council is currently considering a zoning change and that the applicant will have to bring back a site plan that fits the requirements for the site. Forrester commended the applicant for listening to the feedback and bringing back changes.

### **Council Action**

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Mize, to approve Item 2 as presented. A vote was taken and the motion passed 7-0.

3. **Hold a Public Hearing to 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 a restaurant with drive-through on 0.832 acres, property located at 2812 W FM 544 (ZC 2021-24).**

#### **Staff Comments**

Planning Manager Haskins addressed Council stating due to a member absent and a 3-3 tie vote for a recommendation to City Council, and in accordance with the P&Z Commission rules and procedures, the Commission is requesting Council table the item until after the P&Z Commission can reconsider the item at the January 18, 2022 P&Z Commission meeting.

#### **Public Hearing**

Mayor Porter opened the public hearing on Item 3 at 6:52 p.m. asking anyone present wishing to address Council to come forward.

Susan McClure, expressed concerns with the restaurant not being designed to have a drive through and could result in potential traffic accidents due to location of entrance and drive through.

Mayor Porter closed the public hearing at 6:55 p.m.

#### **Council Action**

A motion was made by Councilman Williams, seconded by Councilman Duke, to table Item 3. A vote was taken and the motion passed 7-0.

4. **Hold a Public Hearing to consider, and act upon, a change of zoning from Light Industrial (LI) to Light Industrial - Special Use Permit (LI-SUP), to allow for the installation of an updated communications tower, property located at 200 Regency Drive. (ZC 2021-25)**

#### **Staff Comments**

Planning Manager Haskins addressed Council stating the applicant is requesting a Special Use Permit (SUP) for an existing Electric Substation Use on 2.946 located at 200 Regency Drive to install a 120-foot-tall communications tower on the site. The site was originally constructed in 2000-2001, is zoned Light Industrial, and is currently legally non-conforming due to the lack of a SUP as required for an Electric Substation Use. The Zoning Ordinance requires an expansion of a non-conforming use, in this case the expansion is the proposed installation of a 120-foot-tall communications tower, to become legally conforming, which approval of this SUP would accomplish. The current communications tower is approximately 60 foot tall. After some discussion regarding improving the access drive and the landscaping around the area the Commission voted 6-0 to recommend approval with the condition that the access drive be improved in conjunction with the installation of the new communications tower.

#### **Public Hearing**

Mayor Porter opened the public hearing on Item 4 at 6:59 p.m. asking anyone present wishing to address Council to come forward.

No person was present wishing to address Council.

Mayor Porter closed the public hearing at 6:59 p.m.

#### **Council Action**

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Duke, to approve Item 4 as presented. A vote was taken and the motion passed 7-0.

5. **Hold a Public Hearing to consider, and act upon, a change of zoning from Planned Development (PD) to Planned Development - Multi-Family (PD-MF), to allow for an affordable age-restricted multi-family development, property generally located adjacent and southwest of 2300 FM 544. (ZC 2021-26)**

### **Staff Comments**

Planning Manager Haskins addressed Council stating based on City Council guidance during a July 2021 work session and a resolution recognizing Roers intent to apply for affordable housing tax credits passed in September 2021, the applicant is requesting a Planned Development for an affordable age-restricted multi-family development on 15.88 acres located adjacent to 2300 FM 544. The proposal includes a maximum of 200 units at a density of no more than 13 units per acre. This is down from approximately 205 units in the original work session proposal due to fire code restrictions. The units include studio, one-bedroom, and two-bedroom apartments at 530, 710, and 1,000 square feet, respectively and are parked at 1.25 parking spaces per unit. Haskins reported nine notifications were mailed; with no responses returned in favor or in opposition to the request. After some discussion regarding the nature of Section 42 housing, the size of the apartments, and the limits imposed by age restrictions, the Commission voted 6-0 to recommend approval.

### **Public Hearing**

Mayor Porter opened the public hearing on Item 5 at 7:03 p.m. asking anyone present wishing to address Council to come forward.

No person was present wishing to address Council.

Mayor Porter closed the public hearing at 7:04 p.m.

### **Council Comments**

Mayor Porter thanked the developers for implementing the dog park. Mayor *pro tem* Forrester asked the applicant about the funding and how long it would take for the project to start construction. Logan Schmidt, representing Roers Companies, replied they have not received their tax credits yet, and depending on the award of the bonds, could have an October/November start date. Forrester asked if they do not receive the tax credits if the project is null and void. Schmidt explained some options available for funding. Forrester replied that he is concerned with the funding of the project going forward, and added that the project is beautiful and they listened to the feedback. Councilman Williams stated he is excited about the project and asked if their project does not go through if there are any open-ended zoning issues if the property is sold. Haskins replied that he did not believe so as it stipulates Section 42 Funds. Mayor Porter asked if there is anything in the PD that makes the development age-restricted. Haskins stated there is wording in the Planned Development. Forrester asked if this project does not come to fruition, what would it require for a development like this to be constructed with private fees. Haskins replied it could be a simple PD amendment. Mayor Porter thanked the applicant for coming forward with a project such as this.

### **Council Action**

A motion was made by Councilman Williams, seconded by Councilman Strang, to table Item 5. A vote was taken and the motion passed 7-0.

- 6. Consider, and act upon, Resolution No. 2022-01(R) casting a vote for a candidate to the Board of Directors of the Dallas Central Appraisal District for a two-year term beginning January 1, 2022.**

### **Council Comments**

Mayor Porter stated Council had previously cast a vote for Brett Franks and there is currently a runoff between two candidates; therefore, Council is being requested to cast a vote for one of the candidates.

### **Council Action**

A motion was made by Mayor Porter, seconded by Mayor *pro tem* Forrester, to cast a vote for Brett Franks. A vote was taken and the motion passed 7-0.

Mayor Porter recessed the Council into a break at 7:14 p.m.

Mayor Porter reconvened the Council into Regular Session at 7:22 p.m.

## **WORK SESSION**

Mayor Porter convened the Council into Work Session at 7:22 p.m.

### **WS1. Discuss and review proposed facility improvements for the Wylie Senior Recreation Center.**

Parks and Recreation Director Diaz addressed Council stating the City Council approved the use of \$750,000 of the General Fund Balance in the fall of 2021 for facility improvements to the Wylie Senior Recreation Center. Based on the facility feasibility study performed by BRW Architects in 2018 and with the current needs of the facility based on staff input, a list of potential improvements has been compiled. Staff is seeking City Council direction on finalizing the list of improvements so a design agreement with BRW Architects can be completed. The list of improvements is prioritized from the highest needed items to the least needed. All of the costs presented as part of the projections are for planning purposes only, final costs will be determined once a final design is completed and the project is prepared for bidding.

Council asked questions regarding the soft cost, and the proposed dumpster enclosure, cover patio, storage, porte-cochere, and sprinkler system. Council gave feedback which included: would like the numbers to be tightened up more, would like to see competitive bids used in the process, would like to see more architectural designs and visual representation of changes, the long-term plan for future expansion, do the dumpster enclosure internally, and move forward with the design process.

### **WS2. Discuss the purchase of Fire Department Apparatus Replacements.**

Fire Chief Blythe addressed Council giving a presentation on Heavy Equipment Replacement Update including: heavy duty apparatus inventory, Utility 143 detail update, Utility 143 replacement request, three truck opportunities offered by truck dealer, discounts offered, looking forward, and heavy-duty truck replacement plan.

Council asked questions regarding the timeline for receiving the truck and the selling/transfer of the old vehicle.

Direction from Council was to move forward with purchasing Utility 143 replacement, and to bring back the Heavy Truck Replacement Plan at a future meeting.

### **WS3. Discuss a potential townhome development generally located on North Ballard and Harvest Bend Drive.**

Planning Manager Haskins addressed Council stating the applicant is present to give a presentation on a potential townhome development on Ballard Avenue. The proposed development consists of approximately 43 units on five acres in which lots are a minimum size of 1,826 square feet with townhome sizes ranging from 1,381-1,667 square feet.

Jerry Sylo, JBI Partners representing the Developers, gave a presentation on the Villas on Ballard including the development team, project specifics, concept plan, front elevation, front-rear, and side elevations with material percentiles, and floor plans.

Council asked questions regarding the proximity of the Parker Road expansion to the townhomes, single point of access, ROW acquisition location, the start date for construction, and TxDOT expansion target finish date. Some concerns expressed by Council included: the traffic impact, the location of the roadway, the alley next door, the street directly across the street, and the addition of children in the schools.

Council provided feedback which included: it is an appropriate use of the land, a long-term viable project, would like to review TxDOT plans before saying to move forward, nice looking development but have to solve the real-world issues, and the project is a good fit for the area.

Mayor Porter recessed the Council into a break at 9:06 p.m.  
Mayor Porter reconvened the Council into Regular Session at 9:16 p.m.

**WS4. Discuss a proposed townhome development generally located on the southwest corner of Troy Road and County Line Road in the City of Wylie's Extraterritorial Jurisdiction.**

Planning Manager Haskin addressed Council stating the developer has requested a Work Session with City Council to discuss a townhome development on County Line Road. The proposed development consists of approximately 101 units on 15.36 acres. Lots and home sizes are proposed to be in line with current zoning ordinance standards (3,000 square feet and 1,200 square feet, respectively). The developer has provided a presentation for review and discussion. The property is mostly within the City of Wylie's ETJ, the southeast corner is within the City of Rowlett's ETJ, and the property is not within the City's current sewer CCN.

Henok Abebe, representing the Developers, gave a presentation on the KF Homes including the property, participant parties, survey plat, proposal, site plan exhibit, and renditions.

Council questions and feedback included: if the CCN is extended does the City have the capacity to take on the additional units; a CCN Study would need to be completed; two points of access; Rowlett would have to release property to the City; connects to a county dirt road which is potentially a private road; accessibility concerns; discuss development agreement with annexation; have concerns with lack of infrastructure in the area; a good fit for the area but have big hurdles; impressive project and good use of land; like the incorporation of solar panels; CCN connection be developer-funded; like the proposed green space; getting utilities to the site, and would like a playground or dog park added in green space.

**WS5. Discuss and present Sidewalk Repair List.**

Public Works Director Porter addressed Council stating staff has created a 2021-2022 Sidewalk Repair List to identify to City Council potential projects for which to use outlined \$600,000 FY2021 excess fund balance. The list was put together based on sidewalk repair requests from the public as well as new sidewalk additions (projects) staff anticipates are needed throughout the community. Note that due to the nature of the sidewalk replacement program, this list grows/changes weekly. Staff seeks approval of this initial list to move forward with spending the aforementioned funds. Porter stated the white boxes on the spreadsheet are a firm number from the contractor, and the blue boxes are an estimated number not from the contractor.

Council feedback included areas of residential homes in downtown historic areas that should be part of the Public Works list; however, commercial areas in the downtown historic district should be funded with the Bond proposition funds.

**RECONVENE INTO REGULAR SESSION**

Mayor Porter reconvened the Council into Regular Session at 10:23 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. 2021-55, 2022-01, 2022-02, and 2022-03 into the official record.



## **ADJOURNMENT**

A motion was made by Councilman Strang, seconded by Councilman Williams, to adjourn the meeting at 10:25 p.m. A vote was taken and motion passed 7-0.

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**Matthew Porter, Mayor**

**ATTEST:**

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**Stephanie Storm, City Secretary**