

Wylie City Council Regular Meeting

March 08, 2022 – 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 6:06 p.m. The following City Council members were present: Councilman David R. Duke, Mayor *pro tem* Jeff Forrester, Councilman Scott Williams, Councilman Timothy T. Wallis, and Councilman Garrett Mize. Councilman Dave Strang was absent.

Staff present included: Interim City Manager Brent Parker; Assistant City Manager Renae Ollie; Assistant Police Chief Tommy Walters; Budget Manager Debbie Przyby; Fire Chief Brandon Blythe; Parks and Recreation Director Rob Diaz; Public Information Officer Craig Kelly; Planning Manager Jasen Haskins; Project Engineer Jenneen Elkhaid; Purchasing Manager Glenna Hayes; Public Works Director Tommy Weir; City Secretary Stephanie Storm; and various support staff.

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor *pro tem* Forrester led the invocation, and Mayor Porter led the Pledge of Allegiance.

PRESENTATIONS & RECOGNITIONS

PR1. Recognition of Public Procurement Month - March 2022

Mayor Porter presented a proclamation proclaiming March 2022 as Public Procurement Month in Wylie, Texas. Purchasing Manager Glenna Hayes was present to accept the Proclamation.

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 February 22, 2022 Regular City Council Meeting minutes.**
- B. Consider, and act upon, Ordinance No. 2022-24 an ordinance of the City Council of the City of Wylie, Texas, declaring unopposed candidates in the May 7, 2022 General City Election, elected to office; canceling the election; providing a severability clause; and providing an effective date.**

- C. **Consider, and act upon, Ordinance No. 2022-25 regarding a change in zoning from Downtown Historic District – Residential only to allow commercial and/or residential uses, located at 401 N. Keefer within the Downtown Historic District (ZC 2022-04).**
- D. **Review, and place on file, the Wylie Police Department 2021 Racial Profiling Analysis.**
- E. **Consider, and act upon, Ordinance No. 2022-26 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 East Farm to Market Highway No. 544 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.**

Mayor Porter requested Items B and D, and Councilman Williams requested Item E be pulled from Consent Agenda and considered individually.

Council Action

A motion was made by Councilman Mize, seconded by Councilman Duke, to approve Consent Agenda Items A and C as presented. A vote was taken and motion passed 6-0 with Councilman Strang absent.

REGULAR AGENDA

- B. **Consider, and act upon, Ordinance No. 2022-24 an ordinance of the City Council of the City of Wylie, Texas, declaring unopposed candidates in the May 7, 2022 General City Election, elected to office; canceling the election; providing a severability clause; and providing an effective date.**

Council Comments

Mayor Porter requested staff give additional information on the cancelation of the May election. City Secretary Storm reported that the candidate filing and write-in period had passed, and there was an uncontested race for both Places 1 and 3. Mayor *pro tem* Forrester asked what the cost savings is. Storm replied roughly \$40,000-\$50,000.

Council Action

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

- D. **Review, and place on file, the Wylie Police Department 2021 Racial Profiling Analysis.**

Council Comments

Mayor Porter asked staff to summarize if there were any negative findings in the report. Assistant Police Chief Walters responded there were no negative findings and that the City was in compliance. Councilman Williams asked what type of data is collected. Walters explained the data entered from each traffic stop.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Wallis, to approve Items D as presented. A vote was taken and motion passed 6-0 with Councilman Strang absent.

- E. **Consider, and act upon, Ordinance No. 2022-26 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 East Farm to Market Highway No. 544 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.**

Council Comments

Mayor Porter asked for staff to give information on the location of the speed limit change. Project Engineer Elkhaid described the location is on FM 544 from Collins to County Line Road of the speed limit change, which will be 45 mph. Mayor *pro tem* Forrester asked what the current speed limit is. Elkhaid replied 55 mph. Councilman Williams commended staff on the study and lowering the speed limit and asked how the City is going to address the concerns from citizens regarding the condition and speed. Elkhaid reported they have spoken with some of the citizens and hope that once the speed limit is lowered it will give some comfort and once the roadway is reconstructed will result in a better roadway condition.

Council Action

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

EXECUTIVE SESSION

Mayor Porter announced Council would not be conducting ES1 this evening and reconvened the Council into Executive Session for ES2 at 6:26 p.m.

Sec. 551.071. CONSULTATION WITH ATTORNEY; CLOSED MEETING.

If 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.

ES1. Discussion about the solicitation ordinance.

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.

ES2. Properties adjacent to McMillen Rd. between McCreary Rd. and Country Club Rd.

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

Mayor Porter reconvened the Council into Open Session at 6:58 p.m.

REGULAR AGENDA

- 1. Hold a Public Hearing to consider, and act upon, a request from the North Texas Municipal Water District for the use of parkland in Meadowview Park for a waterline easement.**

Staff Comments

Parks and Recreation Director Diaz addressed Council stating The North Texas Municipal Water District (NTMWD) has requested an additional easement in Meadowview Park to relocate a 42-inch water line that is in direct conflict with the upcoming construction of FM 2514 by the Texas Department of Transportation (TxDOT). This easement will overlay an existing NTMWD water line easement in the same area. The reason for the additional easement is due to the limitations of the current easement only allowing up to two water lines. The proposed 42-inch main would be a third line in the easement area. To align with the direction of our City Attorney and comply with Chapter 26 of the Texas Parks and Wildlife Code, staff has initiated this Public Hearing. Diaz stated the City Council approved an Interlocal Agreement with the NTMWD on January 25, 2022 that relates to this easement.

Meadowview Park is located at 406 Carver Drive in the Meadowview Subdivision. The park consists mainly of a concrete trail and landscape located within a majority of the current NTMWD easement. Due to the nature of this trail being located within a utility easement, there is always potential for construction. NTMWD staff have been working with City staff to coordinate the construction of the additional water lines and to minimize the impact to the park. Construction is expected to start on this project in the spring of 2022 and be completed in the summer of 2022. Any landscape and trail affected by the construction in the easement will be restored as part of the project by the NTMWD and their contractor.

Council Comments

Mayor *pro tem* Forrester asked what the short-term solution for the trail that will be torn out will be, and also stated he did notice there were no benches for people to sit on along the trail. Diaz stated staff can look at some benches. Forrester stated maybe it could be a partnership with NTMWD and they could add some benches. Diaz stated he will speak with NTMWD. Councilman Mize agreed with Forrester. Parker stated as part of the swap for the easement, NTMWD is giving property on Eubanks for the widening project.

Public Hearing

Mayor Porter opened the public hearing on Item 1 at 7:05 p.m. asking anyone present wishing to address Council to come forward.

There were no persons present to address Council.

Mayor Porter closed the public hearing at 7:05 p.m.

Council Comments

Councilman Wallis confirmed that the individual present at the meeting representing NTMWD heard Mayor *pro tem* Forrester's request about the benches. The Deputy Director of Engineering and Construction from NTMWD addressed Council stating he heard the request and will take it back to staff to see if the request can be accommodated.

Council Action

A motion was made by Councilman Williams, seconded by Mayor *pro tem* Forrester, to approve Item 1 as presented. A vote was taken and the motion passed 6-0 with Councilman Strang absent.

- 2. Hold a Public Hearing to consider, and act upon, a change in zoning from Agricultural District (AG/30) to Planned Development - Single Family (PD-SF) to allow for single family residential development on 47.2995 acres generally located on Country Club Road approximately 2000' south of Parker Road (ZC 2022-02).**

Staff Comments

Planning Manager Haskins addressed Council stating the applicant and staff are requesting to table this item to allow additional time for changes based on P&Z and Council feedback at previous meetings.

Public Hearing

Mayor Porter opened the public hearing on Item 2 at 7:09 p.m. asking anyone present wishing to address Council to come forward.

There were no persons present to address Council.

Mayor Porter closed the public hearing at 7:09 p.m.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Williams, to accept the request to table Item 2 until the April 26, 2022 City Council meeting. A vote was taken and the motion passed 6-0 with Councilman Strang absent.

3. **Consider, and act upon, Ordinance No. 2022-27 for a change in zoning from Neighborhood Services (NS) to Planned Development - Multi-Family (PD-MF) to allow for an income adjusted multi-family social services development on 2.472 acres located at 511 West Brown Street (ZC2022-01).**

Staff Comments

Planning Manager Haskins addressed Council stating on February 22, 2022, City Council approved a zoning change with four stipulations (reduce the total number of allowed units from 40 to 38, require 1.5 parking spaces per residential unit, allow the Community Center to be parked at 1:500, and landscaping buffer on south side to be consistent in PD Conditions and Zoning Exhibit). The stipulations were integrated into both the Zoning Exhibit and PD Conditions.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Williams, to approve Item 3 as presented. A vote was taken and the motion passed 6-0 with Councilman Strang absent.

4. **Consider, and act upon, Ordinance No. 2022-28 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.**

Staff Comments

Interim City Manager Parker addressed Council stating City Council authorized the expenditures of \$1,300,000 for two splash pads and \$700,000 for a dog park from the General Fund fund balance.

Council Comments

Mayor *pro tem* Forrester asked if this item is approved, how will this affect the fund balance requirement. Budget Manager Przyby replied the fund balance requirement is 25% of sales tax revenue which is less than one million dollars, and the City has a healthy fund balance with around \$4.8mm after this expense. Councilman Williams confirmed 4B funds can only be used for specific things. Przyby confirmed that is correct.

Council Action

A motion was made by Councilman Williams, seconded by Councilman Wallis, to approve Item 4 as presented. A vote was taken and the motion passed 6-0 with Councilman Strang absent.

5. **Consider, and act upon, the award of a Professional Services Project Order (PSPO) #W2022-40-E for the Site Evaluation, Design and Bid Plans for a Dog Park and two (2) Splash Pads to Dunaway Associates, LLC in the amount of \$301,615.00 and authorizing the Interim City Manager to execute any necessary documents.**

Staff Comments

Purchasing Manager Hayes addressed Council stating staff contacted all five firms who were awarded a master agreement (MAPES) in the Landscape Architecture category, and requested their specific qualifications and work experience for the design and development of dog parks and splash pads. The City received three responses, evaluated each response and entered into negotiations with Dunaway Associates, LLC as the most qualified firm. Hayes stated this amount is a maximum amount because the proposal is based on three separate sites and could be less if less sites are utilized for the projects.

Council Comments

Councilman Wallis asked if staff has reached out to businesses in the community for dog park sponsors. Parks and Recreation Director Diaz replied staff can look into that. Mayor Porter agreed with Wallis and added there are multiple businesses in town that are part of large chains that have charity networks within them that will associate their names with a project and encouraged staff to look at those opportunities.

Council Action

A motion was made by Councilman Duke, seconded by Councilman Williams, to approve Item 5 as presented. A vote was taken and the motion passed 6-0 with Councilman Strang absent.

- 6. Consider, and act upon, the acceptance of the resignation of Cemetery Advisory Board member Sandra Mondy and appointment of Jami Lindquist to fill the unexpired term of March 2022 to June 2023.**

Council Comments

Mayor Porter confirmed with Board and Commission Interview Panel Chair Forrester that this was still the panel's recommendation. Forrester confirmed it is.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Duke, to accept the resignation of Cemetery Advisory Board member Sandra Mondy and appoint Jami Lindquist to fill the unexpired term of March 2022 to June 2023. A vote was taken and the motion passed 6-0 with Councilman Strang absent.

- 7. Consider, and act upon, the approval of Amendment #6 to Wylie Agreement #W2009-3-E for Engineering Services for the Reconstruction of McMillen Road from McCreary Road to Country Club Road in the amount of \$261,500.00 with Binkley & Barfield, Inc., and authorizing the Interim City Manager to execute any and all necessary documents.**

Staff Comments

Purchasing Manager Hayes addressed Council stating the original design contract with Binkley & Barfield, Inc. was signed in 2010. As the design of McMillen Road continues to evolve, several items need to be addressed by Binkley & Barfield, Inc., and the plans were revised.

Council Comments

Councilman Williams highlighted the last change in cost was in 2012 and the increase requested is a small increase since that time, and commended Binkley & Barfield, Inc. for keeping their fees reasonable.

Council Action

A motion was made by Councilman Williams, seconded by Councilman Duke, to approve Item 7 as presented. A vote was taken and the motion passed 6-0 with Councilman Strang absent.

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. 2022-24, 2022-25, 2022-26, 2022-27, and 2022-28 into the official record.

ADJOURNMENT

A motion was made by Councilman Mize, seconded by Mayor *pro tem* Forrester, to adjourn the meeting at 7:29 p.m. A vote was taken and motion passed 6-0 with Councilman Strang absent.

Matthew Porter, Mayor

ATTEST:

Stephanie Storm, City Secretary