

Wylie City Council Regular Meeting Minutes

June 28, 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 6:00 p.m. The following City Council members were present: Councilman David R. Duke, Councilman Dave Strang, Councilman Scott Williams, Councilman Timothy T. Wallis, and Councilman Garrett Mize. Mayor *pro tem* Jeff Forrester was absent.

Staff present included: City Manager Brent Parker; Deputy City Manager Renae Ollie; Police Chief Anthony Henderson; Finance Director Melissa Beard; Fire Chief Brandon Blythe; Public Information Officer Craig Kelly; Planning Manager Jasen Haskins; Project Engineer Jenneen Elkhaid; Public Works Director Tommy Weir; Parks and Recreation Director Carmen Powlen; City Engineer Tim Porter; City Secretary Stephanie Storm; and various support staff.

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Porter stated Reverend Kurt Ulmer from Faith Lutheran Church was unable to attend this evening and will conduct the invocation at a July meeting.

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

PRESENTATIONS & RECOGNITIONS

PR1. Presentation to outgoing Wylie Boards and Commission Members.

Mayor Porter and Councilman Wallis presented gifts of appreciation to outgoing board and commission members thanking them for their service. Outgoing board and commission members present included Cory Plunk and Michael Schwerin.

PR2. Oath of Office for Incoming Wylie Boards and Commission Members.

Associate Municipal Court Judge Ashley McSwain administered the Oath of Office to the newly appointed board and commission members in attendance.

PR3. Recognizing June 19, 2022 as Juneteenth 2022.

Mayor Porter recognized June 19, 2022 as Juneteenth 2022 in Wylie, Texas.

PR4. Proclaiming July 2022 as National Park and Recreation Month.

Mayor Porter presented a proclamation proclaiming July 2022 as National Park and Recreation Month in Wylie, Texas. Members of the Parks and Recreation Department were present to accept the Proclamation.

PR5. Recognizing June 2022 as Pride Month.

Mayor Porter recognized June 2022 as Pride Month in Wylie, Texas.

COMMENTS ON NON-AGENDA ITEMS

No citizens were present wishing to address Council on non-agenda items.

CONSENT AGENDA

- A. Consider, and act upon, approval of June 14, 2022 Regular City Council Meeting minutes.**
- B. Consider, and act upon, the approval of an agreement between Wylie Independent School District and the City of Wylie for the use of Facilities as Temporary Reception and Care during disasters and authorize the City Manager to execute any and all necessary documents.**
- C. Consider, and act upon, approval of a Park Event Application for the Wylie Independent School Council of PTAs to hold the Back to the Future Back to School fundraiser event at Olde City Park on September 17, 2022.**
- D. Consider, and act upon, approval of a Park Event Application for the Connection Point Church to hold a 5K/walk for the Fatherless and Fun Run event at Founders Park on November 19, 2022.**
- E. Consider, and act upon, a Final Plat, being a replat for Scenic Point Subdivision establishing one lot on 16.502 acres located at 111 Scenic Point Court in the City of Wylie Extra Territorial Jurisdiction.**
- F. Consider, and act upon, a Final Plat being an Amended Plat for Woodlake Village Addition Lot 1R-5, Block C, establishing one commercial lot on 1.0280 acres located at 2020 N State Highway 78.**
- G. Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of May 31, 2022.**
- H. Consider, and place on file, the City of Wylie Monthly Revenue and Expenditure Report for May 31, 2022.**
- I. Consider, and place on file, the City of Wylie Monthly Investment Report for May 31, 2022.**
- J. Consider, and act upon, Ordinance No. 2022-48 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.**

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

Council Action

A motion was made by Councilman Williams, seconded by Councilman Duke, to approve Items A and C-J on the Consent Agenda as presented. A vote was taken and the motion passed 6-0 with Mayor *pro tem* Forrester absent.

REGULAR AGENDA

- B. Consider, and act upon, the approval of an agreement between Wylie Independent School District and the City of Wylie for the use of Facilities as Temporary Reception and Care during disasters and authorize the City Manager to execute any and all necessary documents.**

Council Comments

Mayor Porter stated he wanted citizens aware that the City has reached this agreement with the Wylie ISD to assist with providing shelters when needed.

Council Action

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

- 1. Interview applicants for Board of Review vacancies for a term to begin July 1, 2022 and end June 30, 2024.**

Mr. Craig was not present for the interview. No action was taken.

- 2. Consider, and act upon, an appointment to fill a Board of Review vacancy for a term to begin July 1, 2022 and end June 30, 2024.**

Council Comments

Mayor Porter stated that while Mr. Craig was unable to attend the interview, he has not withdrawn his application, and Council is required to appoint a candidate to fill the vacancy. City Secretary Storm stated when staff spoke with Mr. Craig this morning he was still interested in serving and did not withdraw his application, and added staff looked to see if an alternate can be moved up to fill a regular seat; however, the way the term limits are written it is a firm two-year term and moving an alternate up would allow them to serve three years. Mayor Porter stated Council does have the option to make changes to the term limits in the future. Councilman Strang confirmed Mr. Jack Craig is the only candidate that is still eligible for the position. Storm replied that is correct. Councilman Williams confirmed that Mr. Craig confirmed his attendance for the past meetings and for this evening to be interviewed. Storm replied that was correct.

Council Action

A motion was made by Councilman Strang to appoint Jack Craig for the Board of Review vacancy for a term to begin July 1, 2022 and ending June 30, 2024. With no second received, the motion died for the lack of a second.

Councilman Mize confirmed in the future Council can discuss options for the term limits and alternate positions. Storm replied that Council can have a work session to discuss options where direction can be given to staff to bring back an item amending the ordinance at a future meeting.

A motion was made by Councilman Strang, seconded by Councilman Mize, to appoint Jack Craig for the Board of Review vacancy for a term to begin July 1, 2022 and ending June 30, 2024. A vote was taken and the motion passed 5-1 with Councilman Williams voting against and Mayor *pro tem* Forrester absent.

- 3. Hold a Public Hearing, consider, and act upon, a change in zoning from Agricultural (AG/30) to Planned Development - Townhome District (PD-TH) to allow for a Townhome development on 5.56 acres generally located east of the intersection of N Ballard Avenue and Harvest Bend Drive (ZC 2022-12).**

Staff Comments

Planning Manager Haskins addressed Council stating the applicant has requested to table this item until the July 26, 2022 meeting. The request is to rezone 5.560 acres for the construction of 43 townhomes. The purpose for the requested rezoning to a Planned Development (PD) is to allow for the townhome units with common front yard “mews” areas and five open space lots as depicted on the zoning exhibit. The mews areas in the proposal are shared common area front yards which have a unique and different design concept from the requirements of the Zoning Ordinance. Open space areas are being provided that will be owned and maintained by the HOA. This includes an aerated retention pond that will have walkways and seating provided. As part of the development an alleyway access closure and reroute are being proposed to avoid access drive spacing concerns with the Kingston Manor Estates subdivision. Access to the site is proposed by a newly created public street. Of the 39 notifications mailed two were

received in favor and nine were received in opposition to the request. Ten additional comments from outside the notification area were received in opposition to the request. After a presentation by the applicant with an overview of the property and the project, and citizen comments mainly focused on increased traffic concerns, the Planning and Engineering staff discussed the alley realignment, the expansion of Ballard, and the construction of the Park Blvd. extension. The Commissioners voted 5-1 to recommend approval.

Public Hearing

Mayor Porter opened the public hearing on Item 3 at 6:34 p.m. asking anyone present wishing to address Council to come forward.

Kourtney Thomas addressed Council with concerns about traffic and the increase in people. Thomas stated she liked the peaceful area and was against the proposal.

Stephanie Strait addressed Council and stated she liked the quiet area and added concerns that it would be too crowded, not what they wanted, had concerns with traffic, would increase accidents, and would prefer not having access for anyone to look into their backyard.

Gina Jimenez addressed Council stating she just purchased her home for the quiet neighborhood, the neighborhood is a community, and would like to protect this land for any future development.

Caitlin Worley addressed Council stating she chose a small town, this is where she wants to be and is putting down roots here, and expressed concerns with traffic.

Layne Parrish addressed the Council stating he has lived in the house all of his life, the house and neighborhood have importance to their family, does not want additional traffic, does not think the proposed development will help the look and feel of downtown, would like to keep the open field and not develop it, and do not want to take away from the small-town feel.

Ray Hulse addressed Council with concerns on safety issues including it being dangerous pulling out of the neighborhood onto Ballard, backyard used to flood and is concerned this is what will happen to the residents that back up to that property, and traffic.

Jolithe Zaragoza addressed Council stating their fence has been hit, asked how they would access the rear alley garages, stated it is a beautiful field, and added that people being able to see over the fence removes privacy.

Mayor Porter closed the public hearing at 6:53 p.m.

Council Comments

Councilman Strang stated he was concerned with the stacking of vehicles entering Ballard and blocking the alleyway and added that it seems odd that the applicant is removing the alleyway when it is not their property. Haskins replied the alley is a public right of way and the applicant could ask to share the alleyway with the current homeowners but thought by having a street the other residents could utilize it as well. Councilman Williams stated he is not in favor of closing the alleyway, not in favor of a City street below it as it affects the current homeowners, is not in favor of the proposed density, and understands the need to line up the entrances with Harvest Bend neighborhood but not in favor of the layout as it does not offset the current neighborhood, and added he is in favor in tabling but not in favor of moving forward with the proposed layout. Councilman Mize asked for additional information on the proposal to close off the alleyway and asked if trash service would be affected. Haskins replied the alley entrance would be closed from Ballard and the residents that live on Windsor would access the alley by the new City street, and added the applicant would work with engineering and staff to ensure access is available for larger vehicles, and trash service would remain as is. Mayor Porter also expressed concerns with trash pickup and how it will function, and asked what variances they are requesting. Haskins stated they are requesting lot size minimums of 1,848 square feet and normal is 3,000 square feet, proposing to go higher for minimum square footage at 1,500 square feet where we require 1,200 square feet, proposing garages at 400 square feet instead of 500 square

feet, requesting a five-foot setback but are using a common space (25-foot mews) as front yards where our requirement is 25 foot but these are rear entry units, and the backyards are 20 foot for the driveway which would allow for the parking of two vehicles. Strang stated he had concerns with large vehicles accessing the alleyway and asked why did the Planning and Zoning Commission approve without the changes made, and asked for the number of variances requested. Haskins replied from his understanding, the access was an engineering issue and if zoning was approved it would be handled, and about 10 variances are requested. Williams stated he had concerns with changing the zoning from AG to Townhome when the property is surrounded by single-family. Councilman Duke stated he agreed with Williams about no townhomes in the area, and expressed concerns with traffic and drainage. Porter stated he had concerns with some of the variances being requested especially regarding smaller lots and higher density next to existing single-family.

Council Action

A motion was made by Councilman Strang, seconded by Councilman Williams, to deny Item 3 as presented. A vote was taken and the motion passed 5-1 with Councilman Mize voting against and Mayor *pro tem* Forrester absent.

Mayor Porter convened the Council into a break at 7:08 p.m.

Mayor Porter reconvened the Council at 7:21 p.m.

WORK SESSION

Mayor Porter reconvened the Council into Work Session at 7:21 p.m.

WS1. Budget Overview for the General Fund, 4B Sales Tax Fund, and Utility Fund.

City Manager Parker addressed Council giving a presentation on the General Fund Summary, proposed revenue assumptions, proposed expenditures, recurring recommendations for General Fund, non-recurring recommendations for General Fund, American Rescue Plan Act (ARPA), Utility Fund summary, North Texas Municipal Water District (NTMWD), recommended additions to budget Utility Fund, 4B Sales Tax Fund summary, recommended additions to budget 4B Sales Tax Fund, and 4B Fund Balance and Debt.

Parker stated the General Fund Summary includes an audited General Fund unassigned ending balance for September 30, 2021 of \$30,403,003, projected 2022 revenues of \$49,026,908, available funds of \$79,429,911, projected 2022 expenditures of \$57,086,890, and an estimated ending fund balance for September 30, 2022 of \$22,343,021. Parker stated the estimated beginning fund balance for October 1, 2022 of \$22,343,021, proposed revenues of \$51,425,695, proposed expenses of \$51,425,695, use of fund balance for Woodbridge/Hensley Signal Light of \$350,000, and an estimated ending fund balance for September 30, 2023 of \$21,993,021 which is 42.5 percent of expenditures. Parker stated the proposed revenue assumptions include certified total estimated value as of April 30, 2022 of \$6,021,687,780, certified estimated value of new construction as of April 30, 2022 of \$172,511,500 (equates to \$1,009,094 in revenue), assumes an estimated No New Revenue Tax Rate of .584943 (a 5.88 cent decrease from current rate), absorbs payment associated with 2022 debt issuance (\$358,387 loss to the General Fund or \$.00595 to the M&O tax rate), and proposed sales tax is an 8.8 percent increase over the FY 2022 projected and projected FY 2022 is 100 percent of the budgeted amount (six-month actuals at 52 percent). Parker added the proposed expenditures include a five percent increase in health insurance at \$159,248, an adjustment to the General pay plan (COLA effective October 1, 2022) at \$519,744, a two percent average merit increase for the General employees (effective January 2023) at \$189,000, and an annual step increase for Public Safety personnel at \$109,000.

Parker stated the recommended recurring General Fund expenses include two sworn officers, police officer upgrade to sergeant, police mental health coordinator-upgrade to full time, two crossing guards, crossing guard supervisor, six firefighters, upgrade fire prevention clerk to fire records analyst, budget and transparency software, facilities Trane building management software upgrade, third full-time ambulance for a half of a year, code enforcement software, and Zoning Ordinance hosting.

Parker stated the recommended one-time General Fund expenses include budget and transparency software implementation, facilities scissor lift, IT security camera system replacement, animal services keycard access control, streets sand/salt spreader for dump truck, streets mini track loader, streets angle broom 84 inches, streets paint striper replacement, Woodbridge Parkway and Hensley Lane signal construction, two new CID vehicles, police FY 2024 replacement vehicles, streets unit #324 replacement one-ton utility truck, and streets traffic signal technician crew leader vehicle.

Parker spoke about the American Rescue Plan Act (ARPA) stating \$3,049,825 was received in July 2021 and \$3,049,825 was requested in June 2022 and the money can be used on government services. Staff's potential recommendations include McMillen Road unfunded amount, East FM 544 (Stone Road Phase III), and any unplanned construction cost increases.

Parker stated the Utility Fund Summary includes an audited Utility Fund unassigned ending balance for September 30, 2021 of \$20,956,639, projected 2022 revenues of \$25,211,725, available funds of \$46,168,364, projected 2022 expenditures of \$25,738,001 (includes a budget amendment for \$1.2 million for two advanced funding agreements with TxDOT to move water lines), and an estimated ending fund balance for September 30, 2022 of \$20,430,363. Parker stated an estimated beginning fund balance for October 1, 2022 of \$20,430,363, proposed revenues of \$26,027,619 (assumes a seven percent water rate increase and a 2.75 percent sewer rate increase per the 2020 rate study), proposed expenses of \$24,005,877 (includes a five percent increase in healthcare and a two percent average merit and adjustments to the pay plan), new/replacement fleet and equipment and one time uses of \$657,600, and an estimated ending fund balance for September 30, 2023 of \$21,794,505 (policy requirement is 90 days of operating expenditures and this ending fund balance is 322 days).

Parker gave an update on the North Texas Municipal Water District costs including member city water rate is expected to be \$3.39 per 1,000 gallons (up from \$2.99) which is increasing by over 13 percent, Muddy Creek interceptor costs are estimated to decrease 12.5 percent, Muddy Creek Wastewater Treatment Plant costs are estimated to increase 20 percent, and Wastewater Pretreatment Program costs are estimated to increase 12 percent.

Parker stated the recommended additions to the Utility Fund include: lead and copper rule revision, SCADA pack/PLC and radio replacement, sample stations replacement, backhoe replacement with a mid-size excavator, portable parallel analyzer Hach SL1000 (backup), cold climate automatic flushers/de-chlorinators, utility line locator, hydraulic chainsaw, Dogwood Drive waterline replacement design, and wastewater pump replacement.

Parker stated the 4B Sales Tax Fund Summary includes an audited 4B Sales Tax revenue fund ending balance for September 30, 2021 of \$5,121,099, projected 2022 revenues of \$4,589,466, available funds of \$9,710,565, projected 2022 expenditures of \$4,571,940, and an estimated ending fund balance for September 30, 2022 of \$5,138,625. Parker stated an estimated beginning fund balance for October 1, 2022 of \$5,138,625, proposed revenues of \$4,941,346 (includes sales tax revenue and revenue from the Recreation Center), proposed expenses of \$4,005,210 (includes a five percent increase in healthcare, two percent average merit and adjustments to the pay plan), recommended requests (one time uses and equipment) of \$352,800, and an estimated ending fund balance for September 30, 2023 of \$5,721,961 (policy requirement is 25 percent of budgeted sales tax revenue which is \$1,031,037).

Parker stated the recommended additions to the 4B Sales Tax Fund include an irrigation technician, replacement of Birmingham Farms Park playground, new rear discharge zero turn mower, drainage flume areas for Founders Park, two sets of soccer goals for Dodd Park, parks HVAC replacement, pour and play surfacing for Olde City Park, and holiday yard decorations for Olde City Park.

Parker stated the 4B Fund balance and debt includes an estimated ending fund balance for September 30, 2023 of \$5,721,961, less policy requirement which is 25 percent of budgeted sales tax revenue of \$1,031,037, for an available fund balance for one-time expenses of \$4,690,924. The current debt for GO Refunding Series 2013 (originally issued in 2005) is \$400,000 and it will be paid off in FY 2025. The new 20-year tax-exempt debt rates are currently at 4.50 - 4.75 percent and \$5 million in proceeds would cost approximately \$450,000/year.

Questions and comments from Council included: additional information on the third-full time ambulance, what is the timeline to assign and spend ARPA funds, what is the Muddy Creek Interceptor, what are cold climate automatic flushers, what is pour and play surfacing, requested an update on the splash pad and dog park, appreciate the thoroughness of the presentation, appreciate conservative budget to maintain our excellent rating, appreciate that the City is trying to do our best to be competitive in the market, and appreciate thoughts on public safety for the future. Parker and staff answered questions from Council.

WS2. Discuss proposed development of 47.2995 acres generally located on Country Club Road approximately 2000' south of Parker Road.

Mayor Porter confirmed with staff that there were no representatives present tonight, and with Council already ruling on this proposal, no action is needed by Council this evening.

WS3. Discuss options for improving E Stone Road, WA Allen Boulevard to Bennett Road.

City Engineer Porter addressed the Council stating staff was tasked with looking into the maintenance of Stone Road. The City has been operating off of a map provided by the County for maintenance in which the County was maintaining about 71.59 percent and the City about 28.41 percent, and the County has since provided the City with a new map for maintenance of the roadway that identifies the County maintaining about 27.88 percent and the City about 72.12 percent. Porter provided future alternatives including a two-lane replacement of the existing asphalt roadway with a nine-inch surface and an eight-inch base for an estimated cost of \$4,738,024.50; a two-lane concrete with no drainage improvements with an eight-inch surface and eight-inch base for an estimated cost of \$7,104,139.00; a two-lane concrete with drainage improvements for an estimated cost of \$9,738,933.29; or a three-lane concrete that includes curb, gutter, and drainage for an estimated cost of \$15,551,639.00.

Questions from Council included: is the County saying the roadway sits 100 percent within City of Wylie limits, who do we need to hire to get to the nuts and bolts of what is there, could staff consider a two-lane asphalt with drainage option, not a fan of right of way acquisition for this project at this time, like the asphalt option and how long would it last, and would like to explore drainage along the side of the roadway.

Council feedback included: Councilman Mize stated he leaned towards three lanes and is open to asphalt, and added it should be expanded to prepare for the future and include drainage improvements, and the City work towards taking control over the road maintenance to control the quality for the residents. Councilman Wallis stated he liked a two-lane asphalt with improved drainage to improve the life span and safety of the roadway, and would like to fight over the maintenance but does not want to fight it at the cost of the citizens. Councilman Williams stated he liked the two-lane asphalt with improved drainage and liked the concrete with asphalt overlay for long-term purposes. Williams stated he would like to maintain what the County says is the City's and have the County fix their portion, and consider taking over full maintenance of the road later when the City has funding. Mayor Porter stated he liked the two-lane asphalt with drainage, and take maintenance responsibility for the time being on the respective portions outlined by the County and then potentially take over full maintenance later. Councilman Strang stated he liked the two-lane asphalt with drainage improvements and maintaining the County split. Councilman Duke stated he liked the two-lane asphalt and improved drainage, and to continue the County maintenance split and take full ownership of the road when the City has funds to do so.

The majority of feedback from Council was a two-lane asphalt roadway with drainage improvements, and to continue with the County maintenance split until the City has funds to take ownership.

Mayor Porter convened the Council into a break at 9:01 p.m.
Mayor Porter reconvened the Council at 9:11 p.m.

WS4. Fire Department Presentation.

Fire Chief Brandon Blythe addressed Council giving a presentation on the Fire Department including a 2021 recap, the 2021 annual report, a 2021 response summary, calls by year and month, response times, district call volume

summary, unit summary, fire loss “effectiveness”, mutual aid given and received, fire prevention division, communications division, fleet status, financial review, Fire Station 4, current Wylie Fire-Rescue projects, and Station 4 impact.

RECONVENE INTO REGULAR SESSION

Mayor Porter reconvened the Council into Regular Session at 9:41 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 caption to Ordinance No. 2022-48 into the official record.

ADJOURNMENT

A motion was made by Councilman Strang, seconded by Councilman Williams, to adjourn the meeting at 9:42 p.m. A vote was taken and the motion passed 6-0 with Mayor *pro tem* Forrester absent.

Matthew Porter, Mayor

ATTEST:

Stephanie Storm, City Secretary