

Wylie City Council Regular Meeting

August 09, 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 6:01 p.m. The following City Council members were present: Councilman David R. Duke, Councilman Dave Strang, Mayor *pro tem* Jeff Forrester, Councilman Scott Williams, and Councilman Garrett Mize. Councilman Timothy T. Wallis was absent.

Staff present included: City Manager Brent Parker; Deputy City Manager Renae Ollie; Assistant City Manager Lety Yanez; Police Chief Anthony Henderson; Finance Director Melissa Beard; Fire Chief Brandon Blythe; Digital Media Specialist Kristina Kelly; Public Works Director Tommy Weir; Parks and Recreation Director Carmen Powlen; Parks Manager Brent Stowers; City Engineer Tim Porter; EDC Executive Director Jason Greiner; Purchasing Manager Glenna Hayes; Library Director Ofilia Barrera; City Secretary Stephanie Storm; and various support staff.

INVOCATION & PLEDGE OF ALLEGIANCE

Councilman Strang led the invocation and Councilman Williams led the Pledge of Allegiance.

PRESENTATIONS & RECOGNITIONS

PR1. Recognize Wylie's Better Cities for Pets program designation.

Mayor Porter recognized Wylie's Better Cities for Pets program. Parks and Recreation Director Powlen stated that Wylie is one of seven cities in Texas and one of fifty cities in the United States to receive this recognition.

PR2. Presentation of North American Hazardous Materials Management Association award to the City of Wylie.

Robert Medigovich, representing Community Waste Disposal, presented the City of Wylie with the National North American Hazardous Materials Management award that was presented at their annual conference in Fort Myers, FL.

PR3. Recognizing August 2022 as Black-Owned Business Month.

Mayor Porter recognized that August 2022 is Black-Owned Business month in Wylie, Texas.

COMMENTS ON NON-AGENDA ITEMS

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

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 July 26, 2022 Regular City Council Meeting minutes.**
- B. Consider, and act upon, approval of the Park Event Application from North Star Dance Project to hold a Fall Dance Fest event at Olde City Park on October 9, 2022.**
- C. Consider, and act upon, Ordinance No. 2022-51 for a change in zoning from Commercial Corridor - Special Use Permit (CC-SUP) to Planned Development - Commercial Corridor (PD-CC) to allow for a distillery, events center, and food truck park on 2.02 acres located at 702 North State Highway 78 (ZC 2022-11).**
- D. Consider, and act upon, a Preliminary Plat of Lots 1, 2 and 3, Block A of LI 78 Logistics Center, establishing three lots on 22.052 acres, generally located on the southwest corner of State Highway 78 and Wylie East Drive.**
- E. Consider, and act upon, a Final Plat of Lot 2R, Block 1 of the Platinum Storage Country Club Addition, being a Replat of Lot 2, Block 1 of Platinum Storage Country Club Addition and two acres of tract 22 of the Charles Atterbury Survey, establishing one commercial lot on 10.40 acres, located at 570 Country Club Rd.**
- F. Consider, and act upon, Resolution No. 2022-21(R) authorizing the City Manager to execute an Interlocal Agreement between the City of Wylie and Collin County for county road and bridge improvements that are located within City limits in accordance with Court Order No. 2021-109-02-01.**
- G. Consider, and act upon, approval of Ordinance No. 2022-52 amending Wylie's Code of Ordinances, Ordinance No. 2021-17 as amended, Appendix C (Wylie Comprehensive Fee Schedule), Section I (Water and Sewer Fees), Subsection B (Water Rates), and Subsection C (Sewage Collection and Treatment Rates).**
- H. Consider, and act upon, the award of a professional services project order (PSPO) #W2022-111-E for the Traffic Signal Design for the Intersection of McCreary Road and Hensley Lane to Garver, LLC in the amount of \$55,223.50, and authorizing the City Manager to execute any necessary documents.**
- I. Consider, and act upon, Resolution No. 2022-22(R), of the City Council of the City of Wylie, Texas, approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the Company's 2022 Rate Review Mechanism filing; declaring existing rates to be unreasonable; adopting Tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attachment establishing a benchmark for pensions and retiree medical benefits; approving an attached exhibit regarding amortization of regulatory liability; requiring the company to reimburse ACSC's reasonable ratemaking expenses; determining that this Resolution was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this Resolution to the Company and the ACSC's legal counsel.**

Council Action

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

REGULAR AGENDA

1. **Consider, and act upon, Resolution No. 2022-23(R) of the City Council of the City of Wylie, Texas, accepting the proposed property tax rate for the fiscal year 2022-23, accepting the calculation of the no new revenue tax rate and the voter approval tax rate, establishing August 23, 2022 at 6:00 p.m. at the City of Wylie Municipal Complex for a public hearing and vote on the proposed property tax rate, and providing for the publication as provided by the Texas Property Tax Code, Chapter 26.**

Staff Comments

Finance Director Beard addressed Council stating the City is required by law to follow the certain meeting and notice guidelines identified in the “Truth in Taxation” Tax Codes. This year’s no new revenue rate is \$0.562333 and the voter approval tax rate is \$0.580038. The Voter Approval Tax Rate including Unused Increment is \$0.614854, the maximum tax rate that can be adopted without triggering an election. The proposed 2022-23 budget is based on a tax rate of \$0.562333 per \$100 valuation. The proposed rate is the no new revenue tax rate and is \$0.081418 less than the current rate. This rate reduction continues an eleven-year trend of reducing the tax rate cumulatively by \$0.337 or 36.7%. If adopted, this will be the sixth consecutive year to adopt the No New Revenue Rate (or Effective Tax Rate) or lower. The proposed budget was placed on file with the City Secretary’s office on August 4 and any changes in the proposed tax rate will require revision of the proposed budget. The City Council is required to vote on the proposed tax rate tonight and publish the required information at least five days before the public hearing on August 23. The notice of the public hearing will include how each council member voted. This year, the Council may adopt the tax rate at the same meeting as the public hearing. If a tax rate is not adopted on August 23, a special called meeting must be held within seven days (August 30) to adopt a rate.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang, to approve Resolution No. 2022-23(R) of the City Council of the City of Wylie, Texas, accepting the proposed property tax rate for the fiscal year 2022-23, accepting the calculation of the no new revenue tax rate and the voter approval tax rate, establishing August 23, 2022 at 6:00 p.m. at the City of Wylie Municipal Complex for a public hearing and vote on the proposed property tax rate, and providing for the publication as provided by the Texas Property Tax Code, Chapter 26. A vote was taken and the motion passed 6-0 with Councilman Wallis absent.

2. **Establish a date, time and place to hold a Public Hearing on the fiscal year 2022-2023 Proposed Budget so that all interested persons may be heard, either for or against any item in the proposed budget before final approval. The date, time and place for the hearing and the final vote will be published in the City’s official newspaper, as provided by the Texas Local Government Code, Section 102.006.**

Staff Comments

Finance Director Beard addressed Council stating Texas Local Government Code and the City’s Charter require a public hearing to be held on the 2022-2023 Proposed Budget. Council must establish a date, time and place for the public hearing so that all interested persons may be heard, either for or against any item on the proposed budget before final approval. The hearing date must be at least 15 days after the proposed budget was filed with the City Secretary (August 5) and the notice must be published at least five days before the hearing. Staff recommends August 23, 2022, at 6:00 p.m. in the Council Chambers of the Municipal Complex.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Williams, to approve establishing August 23, 2022, at 6:00 p.m. in the Council Chambers of the Wylie Municipal Complex, 300 Country Club Road, Wylie, Texas as the date, time and place at which the public hearing will occur and Council will vote on the final budget. A vote was taken and the motion passed 6-0 with Councilman Wallis absent.

3. **Consider, and act upon, Resolution No. 2022-24(R) of the City Council of the City of Wylie, Texas to approve emergency repairs of a drainage pipe generally located at 403 Bentwood Drive from Moss Utilities in the estimated amount of \$200,000.00.**

Staff Comments

Purchasing Manager Hayes addressed Council stating the homeowner at 403 Bentwood Dr. contacted the City of Wylie Public Works department regarding sinkholes that had developed in their backyard. After further investigation by the Stormwater Division staff, it was determined to be a safety and liability issue that would need to be addressed as soon as possible. Hayes stated there was a correction that needed to be noted in the report as it states “this amount also includes a \$10,000 contingency fee” as the bonds came in a little higher than anticipated and leaves a \$9,859 contingency fee.

Council Comments

Councilman Williams stated he appreciated staff moving fast on this emergency item and asked if staff felt comfortable with the cost of the bid submitted and felt it was a fair price. Public Works Director Weir replied that staff does feel the vendor is on target concerning price.

Council Action

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

- 4. Consider, and act upon, the acceptance of the resignation of Sandra Stone and appointment of Laurie Sargent as a new board member to the City of Wylie Cemetery Advisory Board to fill the term of August 2022 to June 30, 2023.**

Council Comments

Mayor Porter asked Board and Commission Interview Panel Chair Forrester if this fits within the recommendations that came from the interviews with the subcommittee. Forrester confirmed it does.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang, to accept the resignation of Sandra Stone and appointment of Laurie Sargent as a new board member to the City of Wylie Cemetery Advisory Board to fill the term of August 2022 to June 30, 2023. A vote was taken and the motion passed 6-0 with Councilman Wallis absent.

WORK SESSION

Mayor Porter convened the Council into a Work Session at 6:21 p.m.

WS1. Discuss Senior Recreation Center Renovation Project.

Parks and Recreation Director Powlen addressed Council stating a list of renovation options was presented to Council earlier this year for the Senior Recreation Center renovation project. Based on the feedback from Council, staff revisited the list and conducted focus groups with staff and guests to further prioritize needs. Staff would like to discuss the outcome with Council and would like to discuss the popularity of election polling at this location and how it may impact the project.

Council comments and questions included: are there any other locations that could be utilized for polling sites on the east side of the City; how much money is in the Parks and Recreation 4B Fund balance; be cautious on the use of fund balance for this project as there are other uses for various projects; if bonds are proposed look at pending projects, the baseline, and come back to look at the total cost of all of the projects; debt falls off in 2025-2026, and do not want to bite off more than the City can chew; asked about the reference to the four to five-month displacement due to election; asked about the estimated sustainability of offerings; asked what library and recreation rooms are available to keep the programs going during construction, and stated to reach out to faith congregations on the east side of the City for a potential polling location.

Council direction included continuing with option 1, conducting a phased approach by starting the project with the \$750,000 designated funds, paying the architect to design Phase 1 and 2 at the same time to put together a phased timeline for future expansion, and ensuring that any renovations completed will not have to be removed and redone later during the phased approach.

Mayor Porter convened the Council into a break at 6:49 p.m.

Mayor Porter reconvened the Council into a Work Session at 6:55 p.m.

WS2. Discuss dog park and splash pad schematic designs - Joint Work Session with Parks and Recreation Board.

Parks Manager Brent Stowers addressed Council giving a presentation on the dog park schematic design including the project schedule, initial program list, “Prairie Tails Dog Park” vision and renderings, the cost estimate with all of the amenities, and the base project construction total with items removed to be closer to the budgeted cost.

Parks and Recreation Board members present included Gerald Dyson and Gloria Suarez. Adam Brewster, representing Dunaway Associates was also present.

Council comments and questions included: questions regarding the cost of the fencing, the future large dog paddock, getting all three paddocks ready to open at the same time, asked if decomposed granite would be a good alternative instead of turf as it can be labor-intensive to keep sanitary, engage the Public Arts Advisory Board on the project, look at doing a shared shade structure for both the small and large paddock,

Parks and Recreation Board member Suarez recommended two large dog paddocks and to look at adding additional funding for additional security lighting.

Council direction for the dog park included designing the entire project, shrinking the two large dog paddocks down to a smaller size, and using the cost savings to sod the areas that need to be sodded, irrigate all three paddocks, get two paddocks (one large and one small) ready to open at the same time, open the future large dog paddock after the first two to allow the hydro-mulch to take root; try to provide basic shade structures in the beginning if possible and do a phased approach for the amenities.

Parks Manager Brent Stowers addressed Council giving a presentation on the splash pad schematic design including the initial program list, “East Meadow” sprayground key features and renderings, the cost estimate with all of the amenities, and the base project construction total with items removed to be closer to the budgeted cost.

Council comments and feedback included concerns that the proposed layout of the sprayground is too far up for any future parking, consider shifting the sprayground down to the southwest or southeast to expand parking later, construct a restroom, would want the base project with the additional parking to save money on items that can be phased in in the future, the current trail runs right through the proposed splash pad, like the design but do not like the cost, in favor of the \$1.3 million plan, add as much parking as possible, if fabric coverings are needed now to save money then that is fine, do a phased project approach, complete full construction documents at the same time, get with the Public Arts Advisory Board regarding art at the site, remove decorative items to save cost, remove the gateway, and keep the group shelter instead of a fabric shade.

Council direction for the splash pad in the “East Meadow” included shifting the sprayground to the southeast or southwest, constructing a restroom facility, completing the full design now with a phased approach later for amenities, and continuing with the base project with additional parking but construct the permanent shelter instead of a fabric shade.

Parks Manager Brent Stowers addressed Council giving a presentation on the splash pad schematic design including the initial program list, “Community Park” sprayground key features and renderings, the cost estimate with all of the amenities, and the base project construction total with items removed to be closer to the budgeted cost.

Parks and Recreation Board member Suarez addressed Council with parking concerns at Community Park, moving the trail outside of the splash pad in the East Meadow splash pad, and asked if the facilities have water fountains.

Council direction for the splash pad at Community Park included relocating the mechanical room to go by the restrooms, like the design, like the drop-off lane, and moving forward with the design of this project.

Mayor Porter requested funding recommendations and options from staff be brought back at a later date regarding the overages in cost on these projects.

RECONVENE INTO REGULAR SESSION

Mayor Porter reconvened the Council into Regular Session at 8:16 p.m.

EXECUTIVE SESSION

Mayor Porter convened the Council into Executive Session at 8:16 p.m.

Sec. 551.072. DELIBERATION REGARDING REAL PROPERTY; CLOSED MEETING.

A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on its negotiating position.

ES1. Consider the sale or acquisition of properties located at Ballard/Brown, Brown/Eubanks, FM 1378/Parker, FM 544/Cooper, FM 544/Sanden, Jackson/Oak, State Hwy 78/Alanis, and State Hwy 78/Brown.

Sec. 551.087. DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS; CLOSED MEETING.

This chapter does not require a governmental body to conduct an open meeting:

- (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or
- (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

ES2. Deliberation regarding commercial or financial information that the WEDC has received from a business prospect and to discuss the offer of incentives for Projects: 2020-11b, 2021-2d, 2021-4a, 2021-5a, 2021-6a, 2021-6c, 2021-8a, 2021-9a, 2021-9e, 2021-9f, 2021-11a, 2021-12a, 2021-12b, 2022-1a, 2022-7a, 2022-7b, and 2022-7c.

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

Mayor Porter reconvened the Council into Open Session at 9:44 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 of Ordinance Nos. 2022-51 and 2022-52 into the official record.

ADJOURNMENT

A motion was made by Councilman Strang, seconded by Councilman Duke, to adjourn the meeting at 9:46 p.m. A vote was taken and the motion passed 6-0 with Councilman Wallis absent.

Matthew Porter, Mayor**ATTEST:**

Stephanie Storm, City Secretary