

Wylie City Council Regular Meeting Minutes

May 10, 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 6:02 p.m. The following City Council members were present: Junior Mayor Alvin Velasquez, Councilman David R. Duke, Councilman Dave Strang, Mayor *pro tem* Jeff Forrester, Councilman Timothy T. Wallis, Councilman Scott Williams, and Councilman Garrett Mize.

Staff present included: Interim City Manager Brent Parker; Assistant 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; Library Director Ofilia Barrera; Public Works Director Tommy Weir; Human Resources Director Lety Yanez; Recreation Division Manager Carmen Powlen; Parks Manager Brent Stowers; WEDC Executive Director Jason Greiner; Project Engineer Jenneen Elkahlid; City Secretary Stephanie Storm; and various support staff.

INVOCATION & PLEDGE OF ALLEGIANCE

Keith Spurgin, New Hope Christian Church Pastor, led the invocation, and Scouts BSA Troop 1869 led the Pledge of Allegiance.

ISSUANCE OF CERTIFICATE OF ELECTIONS & ADMINISTRATION OF OATH OF OFFICE

Mayor Porter presented Certificates of Election and Municipal Court Associate Judge Ashley McSwain administered the Oath of Office to Councilmembers-Elect David R. Duke and Jeffrey Forrester.

PRESENTATIONS & RECOGNITIONS

PR1. Blue Star Banner Presentation.

Scott and LaNeigh Jones were present to accept the Blue Star Banner in honor of their son Mason Hartman who is currently serving in the U.S. Army. Ms. Jones stated he has been serving for 10 years and is currently stationed in Germany.

PR2. Proclamation recognizing May 15-21, 2022 as National Police Week.

Mayor Porter presented a proclamation proclaiming May 15-21, 2022 as National Police Week in Wylie, Texas. Members of the Wylie Police Department were present to accept the Proclamation.

PR3. Proclamation recognizing the week of May 9 - 13, 2022 as Economic Development Week.

Mayor Porter presented a proclamation proclaiming May 9-13, 2022 as Economic Development Week in Wylie, Texas. WEDC staff and board members were 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.

Damian Johnson, representing the local Juneteenth committee, addressed Council giving information on the history of Juneteenth and spoke about the upcoming Juneteenth celebration being held on Saturday, June 18, 2022 from 10 a.m. to 4 p.m. in Olde City Park. Johnson thanked the Wylie Police Department, the City of Wylie, and the Wylie community for their support.

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 April 26, 2022 Regular City Council Meeting minutes.**
- B. Consider, and act upon, a Final Plat, being an Amended Plat, for Woodlake Village Addition, establishing one commercial lot on 17.691 acres generally located at 2050 N State Highway 78.**
- C. Consider, and act upon, a Final Plat for Wyndham Ridge, establishing 119 residential lots and three open space lots on 23.527 acres in the City of Wylie Extra Territorial Jurisdiction, generally located on Sachse Road approximately 900' southwest of Pleasant Valley Road.**
- D. Consider, and act upon, a Final Plat being a Replat for Sanden Addition, establishing three light industrial lots on 90.309 acres. Property located at 601 Sanden Boulevard.**
- E. Consider, and act upon, approval of substantial renovations in accordance with Ordinance No. 2013-17 for the remodel of an existing residential structure, located at 307 N. Jackson St. within the Downtown Historic District.**
- F. Consider, and act upon, Ordinance No. 2022-37 regarding a change in zoning from Commercial Corridor (CC) to Commercial Corridor - Special Use Permit (CC-SUP) to allow for a restaurant with drive- thru on 1.02 acres, property located at 2020 N State Highway 78 (ZC 2022-07).**
- G. Consider, and act upon, Ordinance No. 2022-38 regarding a change in zoning from Commercial Corridor (CC) to Planned Development - Commercial Industrial (PD-CI) to allow for a commercial and light industrial development on 7.789 acres generally located on SH 78 1000' east of Eubanks Lane (ZC 2022-08).**
- H. Consider, and act upon, authorizing the Mayor to enter into a Cooperative Agreement for additional Law Enforcement Services, between the City of Wylie, Lavon Lake, Texas initiates Agreement No. W9126G22P0061 and the U.S. Army Corps of Engineers. This agreement is for the provisions of additional Law enforcement Services from May 20, 2022 through September 10, 2022 for a sum not to exceed \$52,228.75.**
- I. Consider, and act upon, Resolution No. 2022-15(R), repealing Resolution 2015-11(R), adopting Rules of Procedure for the Board of Review, adopted by Ordinance No. 2022-01.**

Council Action

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

Mayor Porter convened the Council into Executive Session at 6:37 p.m.

Sec. 551.074. PERSONNEL MATTERS; CLOSED MEETING.

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

(1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or

(2) to hear a complaint or charge against an officer or employee.

(b) Subsection (a) does not apply if the officer or employee who is the subject of the deliberation or hearing requests a public hearing.

ES1. City Manager.

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

Mayor Porter convened the Council into Open Session at 6:54 p.m.

REGULAR AGENDA

1. **Consider, and act upon, the employment agreement between the City of Wylie, Texas and Brent Parker, and authorize the Mayor to execute the agreement.**

Council Action

A motion was made by Mayor Porter, seconded by Mayor *pro tem* Forrester, to approve Item 1 as presented. A vote was taken and motion passed 7-0.

2. **Consider, and act upon, the appointment of Mayor *pro tem* for a term beginning May 2022 and ending May 2023.**

Council Action

A motion was made by Councilman Williams, seconded by Councilman Duke, to appoint Councilman Forrester as Mayor *pro tem*. A vote was taken and motion passed 7-0.

3. **Hold a Public Hearing, consider, and act upon, a change in zoning from PD-SF-ED to PD-ED to allow for an Accessory Dwelling Unit, property located at 801 Lake Ranch Ln. (ZC 2022-09).**

Staff Comments

Planning Manager Haskins addressed Council stating the applicant is requesting an amended Planned Development (PD) to allow for an accessory dwelling unit (ADU) on the property. The purpose of the PD amendment request is to allow the construction and occupation of a new 4,000-square-foot single-family home while maintaining the existing structure that currently serves as the home for the property. The applicant bought the 27-acre property in 2015 with an existing 2,100-square-foot dwelling. In 2018 the applicant applied, and was approved for, a PD to allow for the construction of a 4,000 square foot log cabin style home. The PD was required at the time to allow for the log-style building materials. State law has since changed, allowing any building material that meets the building code. While the log-cabin design would be allowed by-right, the desire now is to also keep the existing 2,100 sq. ft. home after completion of the new larger house. However, the zoning ordinance allows for only one single-family home per lot in the Single-Family - Estate District (SF-ED). Having two habitable structures on the same lot requires a PD. The provided zoning exhibits show the existing home and the proposed new home. The surrounding properties are zoned Agricultural and are generally developed as SF-ED. Haskins reported seven notifications were mailed; with no responses returned in favor or in opposition of the request. As the property is over 27 acres, the surrounding properties are also large single-family lots, and no responses have been received in opposition to the request. The Planning and Zoning Commission did vote 4-0 recommending approval of the PD.

Staff Comments

Councilman Williams asked if there were minimum size lot deed restrictions on the lot, and asked if they would be better off replating the property. Haskins replied he was unsure of any deed restrictions, and added that the replating process on this property would be very difficult because of the layout of the property and the flood plain area. Councilman Wallis stated on this particular item which has plenty of acreage to accommodate two homes, it seems that we are making the residents jump through hoops. Haskins responded this is one of those items staff can bring back before the Commission and Council to recommend amending the Zoning Ordinance to allow properties that have over a designated number of acres, to allow two homes by right instead of having to go through this process.

Public Hearing

Mayor Porter opened the public hearing on Item 3 at 7:05 p.m. asking anyone present wishing to address Council to come forward.

No one came forward wishing to address the Council.

Mayor Porter closed the public hearing at 7:06 p.m.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang, to approve Item 3 as presented. A vote was taken and motion passed 7-0.

- 4. Consider, and act upon, the award of bid #W2022-41-B Standby Generators for East Brown Street, Newport Harbor and Nortex Pump Stations in the amount of \$1,382,469.00 to McDonald Municipal & Industrial, a division of C.F. McDonald Electric Inc., and authorizing the Interim City Manager to execute any and all necessary documents.**

Staff Comments

Purchasing Manager Hayes addressed Council stating this item was put out to bid with a set of specs with an award methodology of "the lowest responsive, responsible bidder", and received offers from four different vendors. The bid specification contained a section titled "Manufacturer Requirements" with the definition that "to be classified as a manufacturer, the builder of the generator set must manufacture at a minimum, engines or alternators." The requirement was included in the bid specification to assure the City is receiving bids from established contractors that have a proven record of successful projects, using equipment with parts that are readily available. Section E5 of the bid specification listed three acceptable manufacturers, and in response to a vendor inquiry during the bid process, Addendum No. 1 was issued allowing for the consideration of alternative manufacturers subject to final determination by the City and the engineering firm of record Birkhoff Hendricks & Carter (BHC). The City received five offers from four firms. Four of the offers received were for alternative manufacturers, and one offer was for a pre-approved manufacturer. The City requested technical documents which were reviewed by BHC, and the final determination is that alternative manufacturers did not meet the requirements of the bid specification, which left the fourth lowest bid out of the five bids.

Council Comments

Mayor Porter added this would allow potable water to continue to flow through the City in the event of an electricity outage. Councilman Williams asked how this compares to what was budgeted. Hayes replied the budget was \$1.7 million. Williams confirmed that going with the fourth-lowest out of five is still under budget. Hayes confirmed that was correct.

Council Action

A motion was made by Councilman Williams, seconded by Councilman Duke, to approve Item 4 as presented. A vote was taken and motion passed 7-0.

5. **Consider, and act upon, Ordinance No. 2022-39 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

Finance Director Beard addressed Council stating this item is to replace outdated hardware for meeting streaming services, the monthly cost of the streaming services, and also includes closed captioning. The total cost is \$83,180 and will increase the general budget and will decrease the fund balance by that exact same amount.

Council Comments

Mayor *pro tem* Forrester confirmed this was the annual cost. Beard replied it is the cost for the remainder of the budget year, which is \$2,045 a month. City Manager Parker added this is a part of the technology upgrade for the Council Chambers. Councilman Williams confirmed that \$150,000 had been budgeted for this project. Parker replied that is correct and the \$150,000 covers a majority of the project and this is an additional cost. Councilman Mize stated he was excited about this project as it will increase accessibility for residents. Williams asked if this has already gone out for bid and if the contract has already been awarded. Parker replied that a purchase order has not been issued yet and Purchasing Manager Hayes is currently reviewing the contract. Williams asked if this was the lowest responsive or part of the Co-op. Hayes replied it is part of a co-op contract and will come before Council at a future meeting.

Council Action

A motion was made by Councilman Strang, seconded by Councilman Duke, to approve Item 5 as presented. A vote was taken and motion passed 7-0.

6. **Consider, and act upon, the appointment of a 2022 Board and Commissions City Council Interview Panel to conduct the May 2022 board applicant interviews.**

Council Comments

Mayor Porter stated historically the Mayor *pro tem* has served as the Chair of the Interview Panel, and asked for any volunteers that would like to serve on the Panel. Councilmen Williams and Duke volunteered to serve on the Panel.

Council Action

A motion was made by Councilman Strang, seconded by Mayor *pro tem* Forrester, to appoint Mayor *pro tem* Forrester, Councilman Duke, and Councilman Williams to serve on the 2022 Boards and Commissions City Council Interview Panel. A vote was taken and motion passed 7-0.

7. **Consider, and act upon, casting a recommendation for a candidate for the Executive Board of the North Central Texas Council of Governments (NCTCOG).**

Council Comments

Mayor Porter stated that the City received a letter and the individual cities can put forth a representative that will be presented to a board.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Mize, casting a recommendation for Matthew Porter as a candidate for the Executive Board of the North Central Texas Council of Governments (NCTCOG). A vote was taken and motion passed 7-0.

8. **Consider, and act upon, authorizing the Mayor to request an extension with DART for the Collin County Rides Program.**

Staff Comments

City Manager Parker addressed Council stating in June 2016, the city of Wylie entered into an agreement with DART to provide rider assistance at a reduced or no cost rate. The funding for the program came through the Council of Government (COG), Toyota, and the City. The City's portion of the program was \$32,000 annually. The DART Board has decided to limit its service to non-service area cities who have a plan to become part of the DART service area through an election to dedicate sales tax. The service will end on September 30, 2022. Staff met with DART representatives to discuss options moving forward. The recommendation was made to request an extension with DART until options can be presented to council on a solution.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang, to approve Item 8 as presented. A vote was taken and motion passed 7-0.

WORK SESSION

Mayor Porter reconvened the Council into Work Session at 7:26 p.m.

Mayor Porter convened the Council into a break at 7:26 p.m.

Mayor Porter reconvened the Council into Work Session at 7:35 p.m.

WS1. Provide an overview of the concept creation and implementation of Tax Increment Reinvestment Zones.

David Pettit and Natalie Moore, representing David Pettit Economic Development, LLC, addressed Council giving a presentation on Tax Increment Financing (TIF) "Common Approaches for Facilitating TIF Public/Private Investments" including the concept of TIF including Tax Increment Reinvestment Zones (TIRZ), TIRZ Revenues, why create a TIRZ, example of TIF, TIRZ creation process, common questions, public/private partnerships, TIRZ expenditures, Program 380, and process; key stages for facilitating new investment including key stages, project analysis, incentive package, and payment method; case studies; tasks necessary to create a TIRZ; and questions.

Council questions included what is the optimum time for setting a TIRZ up, what would be the minimum size of a TIRZ, how are the risk and loss calculated, asked for additional information regarding encouraging the relocation of a targeted business, and would general categories be used or would specific buckets be identified.

Mayor Porter convened the Council into a break at 8:29 p.m.

Mayor Porter reconvened the Council into Work Session at 8:38 p.m.

WS2. Discuss and receive direction on the future operations of the Wylie Recreation Center.

Recreation Division Manager Carmen Powlen addressed Council giving a follow up since the March 12 meeting including meeting with the City of McKinney, conducting a market study, reviewing resident unique user subset, breaking out the rentals and activities from the grouping of passes, and preparing the second draft of proposed rec pass fees. Powlen reviewed the resident unique user-registered use-only document with benchmarks and drafted proposed rec fees. Powlen explained that the goal is to move fees to a sustainable long-term plan and some fees, e.g. Adult pass fees, will initially be inconsistent and need time to catch up; even with the irregularities and keeping senior rates flat, the initial proposed recovery rate of 61 percent may be achieved on this plan.

Council questions and feedback included what encompasses rentals, who were the major consumers of the Friday Workshops and Health and Fitness classes, the proposed Adult fees do not include a discount for the auto renewal until year two, understand prioritizing auto renew but the one year should not exceed the cost of the auto renew, like the auto renew over yearly contracts, concerns that the adults and families do not have enough increase to offset the cost, what is the recovery rate that staff is looking at, would like to offer autorenewal, offer structured sports league with a more competitive nature, less of a free for all on the court, like that senior citizen rates remain flat, can staff send a copy of the spreadsheet to Council, what does the 2.4 target represent from PROS Consulting, what

areas would be used to recoup costs, how many members does the Recreation Center have not including day pass users, balancing classes better, multi-use floor in classrooms in order to be more available, do not like day passes, having a guest pass is ok but not consistent day passes, see the gym floor split with a divider and have a court dedicated to specific sports and a specific age, have great ideas, look at a summer pass option, keep as affordable for residents but remain competitive, and it is overdue for a fee evaluation.

Council direction included a 70 percent recovery rate target and to give the City staff the chance to make changes.

Citizen Comments

Carl Dulac addressed the Council stating the Recreation Centers problem is a marketing issue, and suggested when trash service is set up provide the resident with the Recreation rates, and thanked Council for not choosing the YMCA.

Carolyn Dulac addressed the Council stating because of the affordability of the Recreation Center she was able to recover from a serious illness and thanked the Council for keeping the Recreation Center with the City.

Darnell Marshall addressed the Council stating the activities that he participates in, expressed gratitude for taking the opportunity to be objective and consider the constituents and membership as it is the heartbeat of the community, and thanked Council for listening to the citizens.

WS3. Discuss City of Wylie trash services.

City Manager Brent Parker addressed Council stating this work session is to discuss the possibility of bringing solid waste in-house or continue utilizing a vendor as our current solid waste contract ends in 2023. Utility Billing Manager Orie Lealan addressed Council giving a presentation on trash services which included: proposed Utility Division organization chart, area cities with Solid Waste Departments, residential trash user data, rendering of DuraPack with rapid rail arm - 33 yard/14 tons, rendering of Palfinger Epsilon M100L97- 33' of reach, 45-yard body - 4 tons, and Vision Software. Finance Director Beard reviewed the projected start-up, recurring, and personnel costs.

Council questions and discussion included do other cities split the residential/commercial/recycle duties, would there be any increases with Community Waste Disposal (CWD) in the future, impressive information, would like to see an RFP for solid waste and review references concerning their service, City staff doing the work would care more about the City than a contractor so bringing it in house may be something to look at, what would it look like if the City took the recycling on, would want to know where we think the market will go with CWD and others, concern with the increase in cost, survey customers to see if they are okay with an increase if a better service can be provided, try to determine what the new contract with CWD will be, this is a great starting point, open to the idea of bringing solid waste in house, senior citizen discount a great idea, look at single cart versus additional cart rates, look at recycling, the positive with CWD is they do accept a robust amount of materials and do not want to see the City step backwards with what we accept for recycling, open to both paths but would like to compare, like the idea of having more control over the operation, continue to do both services on the same day if the City does the solid waste and contracts the recycling out, and what will be the availability of equipment and personnel if the City brings it in house.

Staff answered questions from Council.

Mayor Porter convened the Council into a break at 10:21 p.m.

Mayor Porter reconvened the Council into Work Session at 10:29 p.m.

WS4. Human Resources Department Presentation.

Human Resources Department Director Yanez addressed Council giving a presentation on the Human Resources Department including department responsibilities, Workforce Solutions National Trends, employment data, accidents and injuries, accomplishments for FY 2022, employee engagement, training, medical statistics, current

medical enrollment by tier, monthly medical premiums, monthly cost share by tier, annual City cost by tier based on current enrollment, high claims utilization \$10,000+, spousal coverage statistics, peer comparison, peer information, and what's ahead. Yanez gave a few options and requested Council direction moving forward.

Questions from Council included are we looking at retention programs for high turnover positions, what is the cause for the increases in accidents and injuries, do most employees leave for more money or better benefits, send total pay statements including benefits to employees annually, is the number of accidents and injuries similar to other cities, offer choices for compensation, and what is the reason for the high cost for employee and spousal insurance. Staff answered the questions from Council.

Council's direction was to leave spousal coverage as is and make no changes at this time.

WS5. Presentation providing an overview of the Smith Public Library Department.

Library Director Barrera addressed Council giving a presentation on the Library Department including: how the library is more than a book, statistics from the library, partnerships, and FY21 accomplishments.

RECONVENE INTO REGULAR SESSION

Mayor Porter reconvened the Council into Regular Session at 11:22 p.m.

EXECUTIVE SESSION

Mayor Porter convened the Council into Executive Session at 11:22 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.

ES2. Discuss possible lease of City facilities to the Wylie Historical Society.

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

Mayor Porter convened the Council into Open Session at 11:35 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. 2022-37, 2022-38, and 2022-39 into the official record.

ADJOURNMENT

A motion was made by Councilman Duke, seconded by Councilman Strang, to adjourn the meeting at 11:37 p.m. A vote was taken and motion passed 7-0.

Matthew Porter, Mayor

ATTEST:

Stephanie Storm, City Secretary