



# Wylie City Council

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## Minutes

### City Council Meeting

Tuesday, February 9, 2016 – 6:00 p.m.  
Wylie Municipal Complex – Council Chambers  
300 Country Club Road, Bldg. 100  
Wylie, TX 75098

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#### CALL TO ORDER

*Announce the presence of a Quorum.*

Mayor Eric Hogue called the meeting to order at 6:00 p.m. City Secretary Ehrlich took roll call with the following City Council members present: Mayor Eric Hogue, Mayor pro tem Keith Stephens, Councilman David Dahl, Councilwoman Candy Arrington, and Councilwoman Diane Culver. Councilman Todd Winters and Councilman William Whitney III were absent.

Staff present were: City Manager, Mindy Manson; Assistant City Manager, Jeff Butters; Development Services Director, Renae Ollie; Finance Director, Linda Bantz; WEDC Executive Director, Sam Satterwhite; Fire Chief, Brent Parker; City Secretary, Carole Ehrlich; Public Information Officer, Craig Kelly; and various support staff.

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#### INVOCATION & PLEDGE OF ALLEGIANCE

Mayor pro tem Stephens gave the Invocation and Councilwoman Arrington led the Pledge of Allegiance.

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#### PRESENTATIONS

- **Wylie Way Students.** *(Mayor E. Hogue)*

Mayor Hogue and Mayor pro tem Stephens 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."

- **Recognition of the judges in The American Legion High School Oratorical Scholarship Program "A Constitutional Speech Contest" – Mindy Manson, Mike Agnew, Tom Kollman, Diane Culver, Keith Stephens, and Kevin Finnell.** *(American Legion Hale-Combest Post 315)*

Mary Lange, representing the American Legion Hale-Combest Post 315, presented certificates of recognition to Mindy Manson, Tom Kollman, Diane Culver, Keith Stephens, and Kevin Finnell. Mike Agnew was unable to attend. Lange thanked them for their service in judging the student speech contest.

- **1st Lt. Robert Welch Run for our Heroes Race and Vendor Fair and Food Drive.** *(Diane Culver, Becky Welch, Charlie Waller, Jerry Barrera, and CSM. Delacruz)*

Becky Welch invited those present to participate in the 5<sup>th</sup> Annual 1LT Robert F. Welch III Run for Our Heroes to be held April 2, 2016 in Olde City Park. Also present were Jerry Barrera, Charlie Waller, Diane Culver, and CSM Delacruz. Culver asked for food drive donations during the event to benefit the local Wylie National Guard Armory. The food drive is sponsored by the East Fork Lodge, Wylie American Legion Auxiliary, Wylie Rotary Club, and Joining Forces.

Council was in favor of supporting the food drive event scheduled for April 2, 2016.

### **CITIZENS COMMENTS ON NON-AGENDA ITEMS**

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*Residents may address Council regarding an item that is not listed on the Agenda. Residents must fill out a non-agenda form prior to the meeting in order to speak. Council requests that comments be limited to three (3) minutes. In addition, Council is not allowed to converse, deliberate or take action on any matter presented during citizen participation.*

Councilwoman Culver thanked staff and council for the letters, cards, and e-mails received during her recent illness. She also thanked the Wylie Fire Rescue.

### **CONSENT AGENDA**

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*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 the Minutes of January 26, 2016 Regular Meeting of the Wylie City Council.** *(C. Ehrlich, City Secretary)*
- B. **Consider, and act upon, an Election Contract by and between the City of Wylie and the Collin County Elections Administrator for administration of the May 07, 2016 Wylie General Election for the City's Voters residing in Collin County.** *(C. Ehrlich, City Secretary)*
- C. **Consider, and act upon, approval of a Final Plat for Covington Estates Phase Two consisting of 13.927 acres for 43 single family residential lots, generally located south of Alanis Drive, west of South Ballard Avenue, and north of Colonial Drive.** *(R. Ollie, Development Services Director)*
- D. **Consider, and act upon, approval of a Final Plat for Creekside Estates Phase IX, consisting of 11.076 acres for 31 single family residential lots, generally located on Lewis Drive north of McMillian Road.** *(R. Ollie, Development Services Director)*

- E. **Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of December 31, 2015.** *(S. Satterwhite, WEDC Director)*
- F. **Review, and place on file, the 2015 Wylie Police Department Annual Traffic Contact Report.** *(A. Henderson, Police Chief)*

**Council Action**

A motion was made by Councilwoman Culver, seconded by Councilman Dahl to approve the Consent Agenda as presented. A vote was taken and the motion passed 5-0 with Councilmen Wintters and Whitney absent.

**REGULAR AGENDA**

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- 1. **Hold a Public Hearing and consider, and act upon, approval of a Replat for Freddy's Addition, creating three lots on 3.789 acres, generally located on the southeast corner of FM 544 and Regency Drive. RP2016-02** *(R. Ollie, Development Services Director)*

**Staff Comments**

Development Services Director Ollie addressed Council stating that the property totals 3.789 acres and will create three lots. Lot 1 will contain a Freddy's Custard Restaurant, Lots 2 and 3 are the remaining acreage that may be further subdivided and used as permitted under the Commercial Corridor zoning. The Planning and Zoning Commission voted 6-0 to recommend approval subject to additions and/or alterations to the engineering plans as required by the Engineering Department.

**Public Hearing**

Mayor Hogue opened the public hearing on RP2016-02 at 6:45 p.m. asking anyone present wishing to address Council to come forward.

No one was present wishing to address Council.

Mayor Hogue closed the public hearing at 6:46 p.m.

Applicant Juan Vasquez, representing Vasquez Engineering, addressed Council stating that the site plan has been submitted and once approved by P&Z the company plans to begin construction.

**Council Action**

A motion was made by Councilman Dahl, seconded by Mayor pro tem Stephens to approve a Replat for Freddy's Addition, creating three lots on 3.789 acres, generally located on the southeast corner of FM 544 and Regency Drive. RP2016-02. A vote was taken and the motion passed 5-0 with Councilmen Wintters and Whitney absent.

- 2. **Hold a Public Hearing and consider, and act upon, approval of a Replat for Railroad Addition, Lot 1R, Block 31; Being a Replat of Lots 1A, 2A, and 3A of Block 31, establishing one multi-family residential lot on 0.129 acres, generally located on the southwest corner of**

**2nd Street and Masters Avenue (200 South Second Street). RP 2016-01.** *(R. Ollie, Development Services Director)*

### **Executive Summary**

Development Services Director Ollie addressed Council stating that the purpose of the Replat is to reconfigure three lots to establish one multi-family residential lot on 0.129 acres. The property is zoned Multi-Family (MF).

Applicant Bobby Heath addressed Council stating there would be two duplexes on the property. Mayor Hogue asked when construction would start. Heath reported construction would begin in 60 to 90 days.

### **Public Hearing**

Mayor Hogue opened the public hearing on RP2016-01 at 6:50 p.m. asking anyone present wishing to address Council to come forward.

No one was present wishing to address Council.

Mayor Hogue closed the public hearing at 6:51 p.m.

### **Council Action**

A motion was made by Councilwoman Culver, seconded by Councilman Dahl to approve a Replat for Railroad Addition, Lot 1R, Block 31; Being a Replat of Lots 1A, 2A, and 3A of Block 31, establishing one multi-family residential lot on 0.129 acres, generally located on the southwest corner of 2nd Street and Masters Avenue (200 South Second Street). RP 2016-01. A vote was taken and the motion passed 5-0 with Councilmen Wintters and Whitney absent.

- 3. Hold a Public Hearing and consider, and act upon, a change of zoning from Single-Family Residential to Neighborhood Service with Specific Use Permit to allow Assisted Living Facility on 3.126 acre tract of land situated in the D. Williams Survey, Abstract 1021. Property generally located northeast corner of West Brown Street and Westgate Way. ZC 2016-01** *(R. Ollie, Development Services Director)*

### **Staff Comments**

Development Services Director Ollie addressed Council stating that the applicant is requesting to develop a 64 unit Assisted Living complex. The complex will consist of 32 units designated for memory care, and 32 units designated for assisted living quarters. The proposed project consists of 4 buildings of 11,800 s.f. each, with 16 units per building.

Ollie reported that in accordance with current zoning regulations, the subject development would require 64 parking spaces. However, the developer is proposing a reduction based on industry standards and specified uses. Thirty-two of the 64 units are designated for memory care residents thereby requiring zero parking spaces. Section 2.1 of Exhibit "B" describes the industry standard that is being proposed to satisfy the parking need. Forty-four spaces are required per the operator. The plan is proposing a total of 47 parking spaces.

Ollie noted, the applicant is proposing to install a 6' ornamental metal fencing along the northern and eastern property line. The wrought iron fence will also have landscaping along the fence to soften the appearance. The openness of the screening will provide an unconfined view for residents whose rooms have windows that face out to adjacent properties.

Mayor Hogue had some concerns with the entrance off Brown Street being close to the school campus. Ollie explained the applicant had noted there would not be many vehicles entering the facility during school hours. Mayor pro tem Stephens had concerns with parking, stating that if there were 17 to 20 employees parking at one time, this would take up half the proposed parking spaces. He asked if staff and Council were comfortable with a maximum of 47 spaces. Ollie replied that the number of parking spaces was, in part, dependent upon the applicant's information. This number of spaces could be a gamble.

Councilman Dahl stated that he had parking concerns as well during peak times.

### **Applicant Comments**

Applicants Ron Walsh, Global Senior Housing, and Bill Thomas, Engineering Concepts, addressed Council stating that the parking, based on other facilities the applicant owns, would have the majority of parking for staff and visitors. The residents would not have vehicles and would not utilize the parking area. No more than 17 staff members would be on duty during the busiest part of each day; leaving the remainder of parking for visitors. Most of the visitor parking would take place in the evenings and on weekends, not during week days. He suggested if overflow was needed on weekends and evenings the overflow could park at the school parking lot. Mayor Hogue asked if the applicants had requested the use of the parking lot from WISD.

### **Public Hearing**

Mayor Hogue opened the public hearing on ZC2016-01 at 7:14 p.m. asking anyone present wishing to address Council to come forward.

Mary Lange addressed Council stating that she had some experience with a family member in an assisted living facility and it was always difficult to find parking.

Mayor Hogue closed the public hearing.

Mayor Hogue asked Development Services Director Ollie how many parking spaces were required for this facility. Ollie replied 64 parking spaces were required. She noted that the applicant was requesting a total of 48 spaces.

Councilwoman Arrington and Councilwoman Culver reiterated their concerns with the proposed parking.

Mayor Hogue addressed Mr. Walsh stating that he could see the concerns Council had with regard to parking space. He explained everyone on Council recognizes the need for senior housing. He asked if Mr. Walsh wanted to have Council table the item and review the proposed zoning or if he wished to move forward with a vote.

Mr. Welch requested the item be tabled so his staff could revisit the proposed zoning.

### **Council Action**

A motion was made by Mayor pro tem Stephens, seconded by Councilman Dahl to table a change in zoning from Single-Family Residential to Neighborhood Service with Specific Use Permit to allow Assisted Living Facility on 3.126 acre tract of land situated in the D. Williams Survey, Abstract 1021. Property generally located northeast corner of West Brown Street and Westgate Way. ZC 2016-01 to allow the applicant to review and revise the concerns addressed during the discussion of this item. A vote was taken and the motion passed 5-0 with Councilmen Wintters and Whitney absent.

4. Consider, and act upon, Ordinance No. 2016-03 authorizing the annexation of 1.207 mile segment of Pleasant Valley Road from Elm Grove to the Dallas County Line. 2016-01A  
(R. Ollie, Development Services Director)

#### **Staff Comments**

Development Services Director Ollie addressed Council stating that this annexation is at the request of Dallas County and defined as Orphan Roads. Orphan Roads are all, or part, of a street or road right-of-way, which is outside the incorporated limits of a municipality (or municipalities) and the incorporated area of the municipality (or municipalities) abuts or extends into the right-of-way. These roadway segments have, in effect, been "orphaned" by the abutting city (or cities) that they serve in that they have been left unincorporated.

Mayor Hogue noted that the annexation was for a portion of Pleasant Valley Road and not for any residential property and was at the request of Dallas County.

#### **Council Action**

A motion was made by Mayor pro tem Stephens, seconded by Councilwoman Arrington to approve Ordinance No. 2016-03 authorizing the annexation of 1.207 mile segment of Pleasant Valley Road from Elm Grove to the Dallas County Line. 2016-01. A vote was taken and the motion passed 5-0 with Councilmen Wintters and Whitney absent.

#### **READING OF ORDINANCE**

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*Title and caption approved by Council as required by Wylie City Charter, Article III, Section 13-D.*

City Secretary Ehrlich read the caption to Ordinance No. 2016-03 into the official record.

#### **WORK SESSION**

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- Discussion of Building Code options related to smoking in restaurants.

Development Services Director Ollie and Interim Building Official Bret McCullough addressed Council stating that the City of Wylie is governed by the 2012 Mechanical Code as it relates to ventilation of occupied spaces. Cities have adopted ordinances that regulate the movement of smoke in an effort to separate smoking areas from non-smoking areas with Independent Ventilation Systems and other regulations. Although Independent Ventilation Systems have been proven to improve air quality, they are not 100% effective.

Councilman Dahl stated that he had years of experience in HVAC units and air ventilation and quality. He stated that in his opinion, the smell of smoke could be eliminated with separate ventilation units and separate areas for smokers and non-smokers but could not remove gases and other small particles.

Mayor Hogue commented that he did not frequent restaurants that allowed smoking due to the smell. He asked if these systems would take the smell of the smoke away. Ollie replied not 100% but close.

Council directed staff to draft an ordinance for Council consideration to put in place requirements that govern the circulation of air flow in restaurants that choose to allow smoking.

Smoking and non-smoking areas must be separated by Independent Ventilation Systems and would not affect existing businesses.

### **RECONVENE INTO REGULAR SESSION**

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Mayor Hogue reconvened into Regular Session.

Mayor Hogue convened into Executive Session at 7:57 p.m. reading the captions below.

### **EXECUTIVE SESSION**

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*Recess into Closed Session in compliance with Section 551.001, et seq. Texas Government Code. to wit:*

#### **§§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.

- **Discussion regarding property generally located near the intersection of Country Club and Brown St.**

### **RECONVENE INTO OPEN SESSION**

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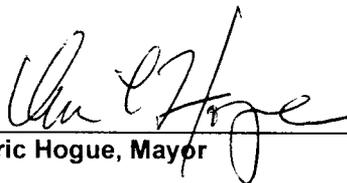
*Take any action as a result from Executive Session.*

Mayor Hogue reconvened into Open Session at 8:17 p.m.

### **ADJOURNMENT**

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A motion was made by Mayor pro tem Stephens, seconded by Councilman Dahl, to adjourn the meeting at 8:22 p.m. A vote was taken and the motion passed 5-0 with Councilman Winters and Councilman Whitney absent.

  
Eric Hogue, Mayor

ATTEST:

  
Carole Ehrlich, City Secretary

