



Wylie City Council

Minutes

City Council Meeting

Tuesday, February 23, 2016 – 6:00 p.m.
Wylie Municipal Complex – Council Chambers
300 Country Club Road, Bldg. 100
Wylie, TX 75098

CALL TO ORDER

Announce the presence of a Quorum.

Mayor Eric Hogue called the meeting to order at 6:10 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, Councilwoman Diane Culver, and Councilman Todd Winters. Councilman William Whitney III was 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; Police Chief, Anthony Henderson; City Engineer, Chris Holsted; City Secretary, Carole Ehrlich; Public Information Officer, Craig Kelly; and various support staff.

INVOCATION & PLEDGE OF ALLEGIANCE

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

PRESENTATIONS

- **Recognition of WHS student, Nikki Osborne, for her selection to the Naval Academy.** *(E. Hogue, Mayor)*

Mayor Hogue read a proclamation congratulating Wylie High School Senior Nikki Osborne for her nomination and acceptance to the United States Naval Academy. She was nominated by Senator Pete Sessions. Sessions also nominated her for the United States Air Force Academy which is still pending. Osborne is an outstanding student at Wylie High School and has been active with the Lady Pirate Soccer Team, Student Council, and the National Honor Society. Her parents were in attendance for the presentation.

- **Proclamation Designating February as Black History Month.** *(E. Hogue, Mayor)*

Mayor Hogue presented a proclamation honoring Black History Month and recognizing Charlene Foster for her dream of becoming a professional chef. She opened her successful business called Southern Goodness Catering in 2010.

- **CWD Annual Report.** (*J. Butters, Asst. City Manager*)

Community Waste Disposal representative Robert Medigovich presented the CWD 2015 Annual Report.

- **Presentation to Recognize the Participants of the Recent Active Shooter Drills in the City of Wylie.** (*B. Parker, Fire Chief and B. Blythe, Asst. Fire Chief*)

Fire Chief Parker gave a brief presentation regarding the recent Active Shooter drill that was conducted at the Municipal Complex City Hall. He recognized Wylie East Audio/Visual students who videotaped the active shooter drill last September and made a video of the day. Parker gave certificates of appreciation to film students in attendance. He also recognized the Wylie East Theatre Department, who were unable to attend, for their active participation.

CITIZENS COMMENTS ON NON-AGENDA ITEMS

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.

No citizens were present wishing to address Council during Citizens Comments.

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 the Minutes of February 9, 2016 Regular Meeting of the Wylie City Council.** (*C. Ehrlich, City Secretary*)
- B. **Consider, and act upon, Resolution No. 2016-06(R) authorizing the appointment of Art Maldonado as Municipal Court Judge for the City of Wylie effective April 1, 2016 setting terms and stipend of service.** (*L. Bantz, Finance Director*)
- C. **Consider, and place on file, the City of Wylie Monthly Investment Report for January 31, 2016.** (*L. Bantz, Finance Director*)
- D. **Consider, and place on file, the City of Wylie Monthly Revenue and Expenditure Report for January 31, 2016.** (*L. Bantz, Finance Director*)
- E. **Consider, and act upon, adoption of Resolution No. 2016-07(R) determining a public necessity to acquire certain property for public use by eminent domain for the purpose of, among other things, the construction, access, repair, maintenance and replacement of rights-of-way (in fee simple), drainage easements, temporary construction easements and**

related improvements necessary for the Woodbridge Parkway Project; giving notice of an official determination to acquire property for said rights-of-way and easements; authorizing the City Manager to establish procedures for acquiring the rights-of-way and easements on said property, offering to acquire the rights-of-way and easements voluntarily from the landowner through the making of bona fide offers; authorizing the use of eminent domain to condemn, appropriating funds; providing for repealing, savings and severability clauses; and providing for an effective date. (C. Holsted, City Engineer)

Council Action

A motion was made by Councilman Dahl, seconded by Councilman Winters to approve the Consent Agenda as presented. A vote was taken and the motion passed 6-0 with Councilman Whitney absent.

REGULAR AGENDA

Mayor Hogue announced Councilman Todd Winters was not attending the discussion or vote on Item #1 due to a conflict of interest on the item. (Conflict of Interest Affidavit on file) Councilman Winters left the chambers.

Tabled Item from 02-09-2016

Remove from the Table and Consider:

Council Action

A motion was made by Councilman Dahl, seconded by Councilman Winters to remove Item #1 ZC 2016-01 from the table and consider. A vote was taken and the motion passed 5-0-1 with Councilman Winters abstaining and Councilman Whitney absent.

1. **Continue 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. At the February meeting the Council tabled the subject request to allow the applicant time to revisit the parking count.

Ollie explained 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.

Ollie explained Section 2.1 of Exhibit "B" describes the proposed parking need. The parking needs are based on 32 units designated for memory care residents thereby requiring zero parking spaces and 32 units dedicated for Assisted living requiring 16 spaces; 1 per 6 for visitors for a total of 11 spaces; and a total of 17 spaces required for employees with a max shift count of 17 employees. This would result in an

overall total of 44 parking spaces required; however, the applicant will provide a total of 60 spaces if 9x18 parking stalls are utilized. If 10x20 parking stalls are required, then the total count reduces to 51 spaces.

Bill Thomas, representative of Global Senior Housing, addressed Council stating that the revised plan is showing sixty parking stalls of 9X18 parking spaces or fifty three 10X20 parking spaces. He noted the company is good with both and Council could choose the spacing they preferred.

Public Hearing

Mayor Hogue continued the Public Hearing on ZC 2016-01 at 7:08 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 7:09 p.m.

Council Action

A motion was made by Mayor pro tem Stephens, seconded by Councilwoman Culver to approve a change in zoning from Single Family Residential to Neighborhood Service with Specific Use Permit to allow for Assisted Living Facility with sixty 9X18 parking spaces 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, ZC2016-01. A vote was taken and the motion passed 5-0-1 with Councilman Wintters abstaining and Councilman Whitney absent.

2. **Hold a Public Hearing and consider, and act upon, an amendment to PD 2006-01 to allow R5.5 and R8.5 zoning categories for single-family residential development on approximately 104.82 acres, generally located between McCreary Road and Springwell Parkway approximately 1200 feet south of FM544. ZC 2016-02 (R. Ollie, Development Services Director)**

Staff Comments

Development Services Director Ollie addressed Council stating that the applicant is requesting to table at this time as this item has been scheduled for the February 8, 2016 Park Board meeting. Therefore the applicant would like to request the item be tabled until the March 1, 2016 P&Z meeting.

Ollie stated the PD currently specifies minimum lot sizes of 5,500 square feet with single family houses starting at 2,000 square feet and 8,500 square feet lots with houses starting at 2,200 square feet with the maximum number of lots not to exceed 436 lots. Set backs are typical except j-swing garages with a proposed 15 foot setback and side yards, except corner lots, of 5 feet.

Properties to the north are developed as retail and to the west as age restricted multi family.

Ollie reported the Parks Board will consider the dedication and park improvements at their February 22, 2016 meeting including the possibility of constructing a hike and bike trail within the Oncor property that runs east-west through the proposed subdivision. This trail could lead to a connection to the City of Murphy trail that ultimately leads, unbroken, to Breckenridge Park in Richardson.

The Planning Commissioners voted 5-0 for approval.

Public Hearing

Mayor Hogue continued the Public Hearing on ZC 2016-02 at 7:11 p.m. asking anyone present wishing to address Council to come forward.

No one was present wishing to address Council.

Council Action

A motion was made by Councilwoman Arrington, seconded by Councilman Winters to continue the public hearing and table Item #2 - an amendment to PD 2006-01 to allow R5.5 and R8.5 zoning categories for single-family residential development on approximately 104.82 acres, generally located between McCreary Road and Springwell Parkway approximately 1200 feet south of FM 544 (ZC 2016-02) to the March 22, 2016 City Council Meeting. A vote was taken and the motion passed 6-0 with Councilman Whitney absent.

3. **Hold a Public Hearing and consider, and act upon, a change in zoning from Commercial Corridor (CC) and Light Industrial (LI) to Planned Development-Light Industrial (PD-LI) to allow for proposed Mixed Use Development for retail and self-storage use on 6.25 acres, generally located southeast of SH 78 between Century Way and old Alanis Drive. ZC 2016-03 (R. Ollie, Development Services Director)**

Staff Comments

Development Services Director Ollie addressed Council stating that the applicant is requesting to table the item until the second meeting in March to address the recommendations posed by the Planning Commission.

The original proposal included development of 9,300 square feet of commercial retail space and 106,800 gross square feet of self-storage along the frontage of Highway 78 on approximately 2-1/2 acres, currently zoned Commercial Corridor. The balance of the property would consist of 2 three-story self-storage buildings and one single story self-storage building totaling 145,749 square feet and is currently zoned Light Industrial.

Public Hearing

Mayor Hogue opened the Public Hearing on ZC 2016-03 at 7:14 p.m. asking anyone present wishing to address Council to come forward.

No one was present wishing to address Council.

Mayor Hogue continued the public hearing.

Council Action

A motion was made by Councilwoman Culver, seconded by Councilman Dahl to continue the public hearing and table ZC 2016-03 to a future City Council meeting to allow the applicant time to address recommendations posed by the Planning Commission. A vote was taken and the motion passed 6-0 with Councilman Whitney absent.

4. **Hold a Public Hearing and consider, and act upon, amending PD 2014-42 & Concept Plan of the Kingsbridge subdivision to decrease the front yard setback a maximum of five feet for floor plans with an in-side or outside swing garage, provided the garages for the dwellings are in a swing configuration and any garages that does face the street is not less than the minimum front yard setback of 20 feet in Tract A and 25 feet in Tract B. Generally located south of Parker Road and approximately ½ mile west of Country Club Road.**
ZC 2016-04 (R. Ollie, Development Services Director)

Staff Comments

Development Services Director Ollie addressed Council stating that the subject tract was part of a Planned Development approved on March 27, 2001 in order to develop a master planned residential community. A Final Plat was approved in 2012 and created 63 single-family residential lots and three open space lots.

Ollie explained the applicant is requesting the reduction of the front yard setback a maximum of five feet in Tract A and Tract B for dwellings with garages in a swing configuration as it will allow for floor plan designs with more rear yard space. All garages facing the street will be required to be no less than the planned developments standard minimum front yard setback, being 20 feet in Tract A and 25 feet in Tract B.

Front yard setbacks typically take into account parking space requirements in their reasoning. The reduction of five feet from the front yard setback is warranted for dwellings with swing configuration garages as the floor plan allows for driveways to have more depth which in turn reduces the chances of vehicles that would otherwise be parked perpendicular to the street frontage encroaching onto the right of way. Councilman Wintters asked Ollie if this came before the council about a year ago to reduce the front set back from 25 to 20 feet. Ollie replied yes. Councilman Wintters stated this request was then taking the front setback from 20 feet to 15 feet from the edge of the sidewalk. Ollie replied that was correct.

Applicant Matthew Alexander provided a short PowerPoint showing the layout of homes and examples of model homes that would be used in the development. Mr. Alexander noted that this was an interesting project as it flows from Wylie to Parker and back again. The proposed homes will range in cost from the mid \$400,000 to mid \$600,000. Mayor Hogue asked Mr. Alexander if he was requesting similar setbacks for the homes to be built in Parker. Alexander replied they were not as the requirement for Parker was one acre lots. Councilwoman Culver and Councilman Wintters had concerns with the proposed additional front yard set-backs and the distance from the sidewalk to the swing garage door.

Public Hearing

Mayor Hogue continued the Public Hearing on ZC 2016-04 at 7:45 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 7:46 p.m.

Council Action

A motion was made by Councilman Dahl, seconded by Councilwoman Arrington to approve amending PD 2014-42 & Concept Plan of the Kingsbridge subdivision to decrease the front yard setback a maximum of five feet for floor plans with an in-side or outside swing garage, provided the garages for the dwellings are in a swing configuration and any garages that does face the

street is not less than the minimum front yard setback of 20 feet in Tract A and 25 feet in Tract B. Generally located south of Parker Road and approximately ½ mile west of Country Club Road. (ZC 2016-04) A vote was taken and the motion failed 3-3 with Councilwoman Arrington, Mayor pro tem Stephens and Councilman Dahl voting for approval and Mayor Hogue, Councilwoman Culver and Councilman Winters voting against approval, with Councilman Whitney absent.

5. **Consider, and act upon, the acceptance of the resignation of Lauren Howard and the appointment of member to the Public Arts Advisory Board for the unexpired term of July 2015 to June 2017.** *(C. Ehrlich, City Secretary)*

Staff Comments

City Secretary Ehrlich addressed Council stating that there is a vacancy on the Public Arts Advisory Board due to the resignation of Lauren Howard. Staff is requesting the appointment of a new Public Arts Advisory Board member to replace Lauren Howard. Three applications indicating a desire to serve on the Public Arts Advisory Board had been received. Ehrlich reported all applicants had been contacted and were willing to serve if appointed.

Mayor Hogue asked the 2015 Board Interview Panel if they had any recommendations. Councilwoman Culver stated that she was in favor of appointing Nancy Peirce who had been chosen as a replacement for the Animal Advisory Board in 2015 but was unable to serve in that capacity due to no vacancies occurring.

Council Action

A motion was made by Councilwoman Culver, seconded by Councilman Winters to accept the resignation of Public Arts Advisory member Lauren Howard and appoint Nancy Peirce to fill the vacancy for the unexpired term of July 2015 to June of 2017. A vote was taken and the motion passed 6-0 with Councilman Whitney absent.

WORK SESSION

- **Discussion regarding possible City of Wylie Charter Amendments.** *(C. Ehrlich, City Secretary)*

City Manager Manson addressed Council stating that The City Home Rule Charter had not been amended since 1998.

The Wylie City Charter states that amendments to the Charter may be framed and submitted to the qualified voters of the City in the manner provided by law. On average cities amend their charters every five to ten years. Manson explained amendments are periodically required due to ever changing state and federal laws and local government procedures.

Staff and the City Attorney are recommending a review of the current Charter to identify areas of conflict, ambiguity and inconsistency with state or federal law. Manson noted staff had included a few such examples in the agenda packet.

Manson explained the next uniform election date available for Charter amendments would be November 8, 2016. The review would be performed by management and the City Attorney's office and brought to Council for further discussion.

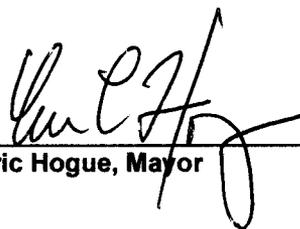
Direction from Council was to review the current Charter and bring back to Council areas needing amendments.

RECONVENE INTO REGULAR SESSION

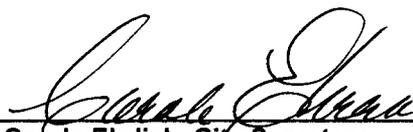
Mayor Hogue reconvened into Regular Session at 7:54 p.m.

ADJOURNMENT

A motion was made by Councilwoman Culver, seconded by Councilman Dahl, to adjourn the meeting at 7:56 p.m. A vote was taken and the motion passed 6-0 with Councilman Whitney absent.


Eric Hogue, Mayor

ATTEST:


Carole Ehrlich, City Secretary

