



# Wylie City Council

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## Minutes

### City Council Meeting

Tuesday, February 28, 2017 – 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 Carole Ehrlich took roll call with the following City Council members present: Councilman David Dahl, Councilman Jeff Forrester, Councilman William Whitney III, Councilwoman Diane Culver, and Junior Mayor Blake Henderson. Councilwoman Candy Arrington and Mayor pro tem Keith Stephens were absent.

Mayor Hogue introduced Junior Mayor Blake Henderson and administered the oath of office of "Mayor for the Day."

Staff present were: City Manager, Mindy Manson; Assistant City Manager, Chris Holsted; Development Services Director, Renae Ollie; Fire Chief, Brent Parker; Police Chief, Anthony Henderson; Public Services Director, Mike Sferra; WEDC Executive Director, Sam Satterwhite; City Engineer, Tim Porter; City Secretary, Carole Ehrlich; Public Information Officer, Craig Kelly, and various support staff.

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#### INVOCATION & PLEDGE OF ALLEGIANCE

Fire Chief Brent Parker gave the invocation and Police Chief Henderson led the Pledge of Allegiance.

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#### PRESENTATIONS

- Employee Milestone Anniversary

Mayor Hogue and City Manager Manson presented awards for milestone years of service to:

Jasen Haskins – Senior City Planner – 10 years of service

Michael Ahlemeier – Driver/Engineer – 10 years of service  
Laura Condit – Technical Services Librarian – 10 years of service  
Officer Mike Hashimoto – School Resource Officer – 10 years of service

- **Women's History Month Proclamation**

Mayor Hogue presented a proclamation designating the month of March as "Women's History Month" to Brooke Lopez.

- **Black History Month Proclamation**

Mayor Hogue presented a proclamation designating February as "Black History Month" to longtime resident and owner of Ballard Street Music, Rob Hunter.

- **Blue Star Banner Presentation**

Mayor Hogue presented Blue Star Banner awards to Tom and Tina Brown. The Browns are the proud parents of Nate and Wesley Brown. Nate is a Private serving as chaplain's assistant in the Army National Guard and Wesley is a Private First Class serving as a carpentry and masonry specialist in the Army National Guard. Mayor Hogue on behalf of the Wylie City Council and citizens of Wylie thanked the Brown's and their sons for their service.

### **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.*

Steve Wright, longtime resident of Wylie and former Councilmember, addressed Council asking for a review of old road stripping and also asked if the City could find a way to allow residents to hear the Heritage and history of Wylie. He suggested it might be projected from an existing art piece near the Smith Public Library or by some other means. He noted that so much history is lost and new residents never hear the vast history of the City.

### **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 14, 2017 Regular Meeting of the Wylie City Council. (C. Ehrlich, City Secretary)**
- B. **Consider, and place on file, the City of Wylie Monthly Investment Report for January 31, 2017. (L. Bantz, Finance Director)**
- C. **Consider, and place on file, the City of Wylie Monthly Revenue and Expenditure Report for January 31, 2017. (L. Bantz, Finance Director)**
- D. **Consider, and act upon, the award of bid #W2017-29-B for Wylie Municipal Complex East Meadow Trail Development Project to Wall Enterprises in the amount of \$939,581.25, and**

authorizing the City Manager to execute any and all necessary documents. *(G. Hayes, Purchasing)*

- E. Consider, and act upon, the approval of the purchase of Utility Billing Services from Dataprose LLC in the estimated annual amount of \$120,000, through an existing City of Plano contract and authorizing the City Manager to execute all necessary documents. *(G. Hayes, Purchasing)*
- F. Consider, and act upon, the request from the Run for Heroes Event for a vendor fair at Olde City Park on April 1, 2017, with rain date of April 8, 2017. *(R. Diaz, Parks and Recreation Superintendent)*
- G. Consider, and act upon, Ordinance No. 2017-07 amending Planned Development 1999-32 to allow for flexibility of site signage requirements. Generally located at the northeast corner of McCreary Rd and McMillan Rd. (1400 McCreary Rd.) ZC 2016-17 *(R. Ollie, Development Services Director)*
- H. Consider, and act upon, Resolution No. 2017-06(R) of the City Council of the City of Wylie, Collin, Dallas and Rockwall Counties, Texas, amending Resolution No. 2017-02(R) which ordered the May 6, 2017 General Election; Modifying the method of voting in Dallas and Rockwall Counties to paper ballots; and providing that the entire City shall constitute one election precinct for the election. *(C. Ehrlich, City Secretary)*

### **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 Councilwoman Arrington and Mayor pro tem Stephens absent.

### **REGULAR AGENDA**

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- 1. Hold a Public Hearing and consider, and act upon, Ordinance No. 2017-08, supporting a Municipal Setting Designation to prohibit the use of groundwater in the designated area; generally located north of FM 544 and east of Commerce Street, and more specifically being 605 Commerce Street of the EC Davidson Survey; Tract 54, Abstract A0266, EC Davidson Survey; 900A W. Kirby; 900 W. Kirby; 908 W. Kirby of the Wallace Industrial Park MSD2017-01 *(R. Ollie, Development Services Director)*

### **Staff/Consultant Comments**

Development Services Director Ollie addressed Council stating that in January 2016, the City Council adopted Ordinance No. 2016-01 in accordance with Subchapter W of Chapter 361 of the Texas Health and Safety Code that authorizes the TCEQ to identify and designate certain areas as Municipal Setting Designations (MSD) to prohibit groundwater as potable water if there is contamination in excess of the applicable potable water protective concentration levels.

Ollie introduced Frank Clark, P.E., P.G. Technical Director of Site Investigation & Remediation Services for W&M Environmental Group, LLC.

She explained W&M conducted a limited Phase II investigation as well as additional subsurface investigations between February 2015 through February 2016 which consisted of soil and groundwater sampling.

Mr. Clark presented a short review of the process taken for the Municipal Setting Designation (MSD) that restricts the use of groundwater from the "designated property" for potable purposes. It does not affect other off-site properties. He noted that shallow groundwater in most urban settings is not used. This eliminates the need to clean up groundwater to potable standards and is a tool used in conjunction with voluntary cleanup programs to address environmental contamination.

Mr. Clark explained that he was a registered engineer and Geo-scientist in the State of Texas. He displayed a diagram of the property showing the main plume (Class 3) of contamination and the area in which the plume has spread over the past 20 years (Class 1), and not suitable for drinking water. He explained the entire City including this area is serviced by North Texas Municipal Water District for potable water and water for other uses. This water is not obtained from groundwater but rather reservoirs for supply of public water in Wylie.

He noted that after a thorough investigation of properties surrounding the area no public or private potable water wells were at risk from the identified groundwater contamination. The source of contamination was caused 20 years ago by a dry cleaning business and has been closed since 2013. The affected groundwater is from 3 to 10 feet. This material overlies the Taylor Marl with a thickness estimated to be 400 feet. The site meets the City and State criteria for an MSD and would place a restriction on the deed of the property restricting the use of underground water.

### **Council/Consultant Discussion**

Mayor Hogue asked Mr. Clark if this MSD restriction would cause limitation to what could be built on the property. Mr. Clark replied the property is currently proposed for commercial, nonresidential use. Any prospective property buyer would be advised of the precautions for digging a foundation and putting in utility lines. He explained the property can be used for the uses mentioned, however it would be more costly to the buyer. The buyer would have to take steps to insure any contaminated soil and vapors were addressed prior to construction.

Mayor Hogue asked if the exterior plume could possibly spread. Mr. Clark replied that it was possible but looking at it over the past 20 years the contamination seems to have stabilized. He explained what happens in these aquifers can degrade into other compounds the parent plume has degraded but a daughter product increases; however, we believe that the data shown is pretty stable.

The Mayor asked if the water district would need to insure their water lines don't become corrupt. Clark stated the due diligence in real estate will require the buyer be told of the MSD along with any restrictions the State may place on the property. In the case of a tie-in by utility companies, they will be aware of the contamination and may double case the lines to insure no contamination is exposed to the lines.

Councilman Forrester asked if the contamination was to move over time for some reason and during construction, the plume had spread would there be a requirement for a re-investigation of the MSD by TCEQ. Mr. Clark replied accentually by closing the plume area with this designation and the State approval of the MSD, they are stating the areas of contamination are acceptable therefore there would be no further remediation required. There are also adequate real estate requirements in place that will insure the correct measures are taken by any buyer of the property through TCEQ.

### **Public Hearing**

Mayor Hogue opened the public hearing on the Municipal Setting Designation at 6:56 p.m. asking anyone present wishing to address Council to come forward.

Jal Dennis addressed Council and asked Mr. Clark if, as the plume continues to grow, and a deed restriction for use of underground water is implemented, could the water be used for landscaping, a non-potable use? He stated he wanted to discuss the option of the City drilling ground water wells to capture the water in the affected area and install tanks to store the water to be used for irrigation. This would eliminate purchasing as much water for irrigation from North Texas Municipal Water District.

Mr. Clark explained during 1960's through the 1980's no one knew the effects of using highly toxic chemicals and there were few restrictions enforced by the State. During the late 1990's to 2013 while the dry cleaners was operating, there were many more restrictions and these types of companies were watched diligently with the use of solvents that could harm the environment. Let's say the contamination happened in the late 90's, it has had twenty plus years of time to leak, spill and get into the ground to migrate away. We now have a plume that has had a twenty year start. When we investigated the water in the area which is drilled down twenty to thirty feet, it took weeks for water to even enter the boring. When we slowly tested these wells, very little water was obtained. The shallow clay affected soil will not yield water for a well. You could drill ten wells and may not obtain any water. This would be a very inefficient way to collect water. If it were possible, transferring water from a contaminated area to uncontaminated areas by irrigation would be a bad idea.

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

### **Council Action**

A motion was made by Councilwoman Culver, seconded by Councilman Whitney to approve Ordinance No. 2017-08, supporting a Municipal Setting Designation to prohibit the use of groundwater in the designated area; generally located north of FM 544 and east of Commerce Street, and more specifically being 605 Commerce Street of the EC Davidson Survey; Tract 54, Abstract A0266, EC Davidson Survey; 900A W. Kirby; 900 W. Kirby; 908 W. Kirby of the Wallace Industrial Park MSD2017-01 A vote was taken and the motion passed 5-0 with Councilwoman Arrington and Mayor pro tem Stephens absent.

2. **Hold a Public Hearing and consider, and act upon, approval of a Replat for Creekwood Estates, creating twenty-two single family residential lots, one open space lot and a private street on 20.613 acres, generally located in the City of Wylie ETJ southeast of the intersection of Whiteley Road and Hunters Glen Drive. (R. Ollie, Development Services Director)**

### **Staff Comments**

Development Services Director Ollie addressed Council stating that the 20.613 acre tract is located in the City's ETJ in the county of Dallas and is southeast of the intersection of Whiteley Road and Hunter's Glen Drive. The Replat will abandon a public street and replace it with a private street that will also be known as Creekwood Place. The two open space lots and private street will be maintained by a home owners association. The Replat will also be subdividing the existing lot 21 into 3 lots to be labeled as lot 10, 11, and 12.

### **Public Hearing**

Mayor Hogue opened the public hearing on a re-plat for Creekwood Estates at 7:10 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 7:11 p.m.

### **Council Action**

A motion was made by Councilman Dahl, seconded by Councilwoman Culver to approve a Replat for Creekwood Estates, creating twenty-two single family residential lots, one open space lot and a private street on 20.613 acre, generally located in the City of Wylie ETJ southeast of the intersection of Whiteley Road and Hunters Glen Drive. A vote was taken and the motion passed 5-0 with Councilwoman Arrington and Mayor pro tem Stephens absent.

3. **Hold a Public Hearing and consider, and act upon approval of Ordinance No. 2017-09, establishing a curfew for minors in the City of Wylie; creating offenses for minors, parents, guardians of minors and business establishments for violating curfew regulations; defining terms and providing for defenses; providing for enforcement; providing for waiver of jurisdiction by the court when required under the Texas Family Code; providing for review of this ordinance; providing a penalty for the violation of this ordinance; providing for repealing, savings and severability clauses; providing for an effective date of this ordinance; and providing for the publication of the caption thereof. (A. Henderson, Police Chief)**

### **Staff Comments**

Police Chief Henderson addressed Council stating that the Curfew Ordinance requires Public Hearing and review every three years in order to abolish, modify, or continue the ordinance.

Henderson explained the Ordinance gives officers a tool to reduce juvenile crime by specifying times and locations where unsupervised juveniles under the age of 17 can be. Statistics have shown that when unsupervised juveniles gather late at night they are at higher risk of becoming a victim of crime or becoming involved in criminal activity. In 2015 Wylie officers issued 14 citations for curfew violations. From January 1, 2016 to December 31, 2016, officers responded to 6 calls in regards to curfew violations and issued 15 curfew citations. Since the last ordinance review in 2013 Wylie officers have responded to 14 calls in regards to curfew violations and issued 48 citations. Henderson noted, staff is recommending approval of the Curfew Ordinance.

One change in the Ordinance under Section 2 – Definitions - 2.2 (A) (2) needs to be revised to read 12:01 a.m. until 6:00 a.m. on any Friday or Saturday is required within the motion.

### **Council Action**

A motion was made by Councilman Forrester, seconded by Councilwoman Culver to approve Ordinance No. 2017-09, establishing a curfew for minors in the City of Wylie; creating offenses for minors, parents, guardians of minors and business establishments for violating curfew regulations; defining terms and providing for defenses; providing for enforcement; providing for waiver of jurisdiction by the court when required under the Texas Family Code; and revising Section 2.2 (A) (2) to read 12:01 a.m. until 6:00 a.m. on any Friday or Saturday. Providing for review of this ordinance; providing a penalty for the violation of this ordinance; providing for repealing, savings and severability clauses, an effective date, and providing for the publication of the caption thereof. A vote was taken and the motion passed 5-0 with Councilwoman Arrington and Mayor pro tem Stephens absent.

### **READING OF ORDINANCES**

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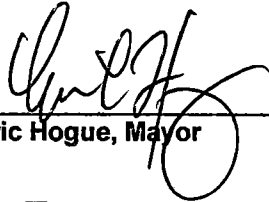
*Title and caption approved by Council as required by Wylie City Charter, Article III, Section 13-D.*

City Secretary Ehrlich read the captions to Ordinance No.'s 2017-07, 2017-08, and 2017-09 into the official records.

**ADJOURNMENT**

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A motion was made by Councilwoman Culver, seconded by Councilman Dahl to adjourn the meeting at 7:26 p.m. A vote was taken and the motion passed 5-0 with Councilwoman Arrington and Mayor pro tem Stephens absent.

  
Eric Hogue, Mayor

ATTEST:

  
Carole Ehrlich, City Secretary

