



Wylie City Council

Minutes

City Council Meeting

Tuesday, March 14, 2017 – 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 6:00 p.m. City Secretary Carole Ehrlich took roll call with the following City Council members present: Mayor Eric Hogue, Mayor pro tem Keith Stephens, Councilman David Dahl, and Councilwoman Candy Arrington. Councilman Jeff Forrester, Councilwoman Diane Culver, and Councilman William Whitney III, were absent.

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; City Engineer, Tim Porter; Finance Director, Linda Bantz; City Secretary, Carole Ehrlich; Public Information Officer, Craig Kelly, and various support staff.

INVOCATION & PLEDGE OF ALLEGIANCE

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

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.

Mayor Hogue stated he would like to make a public comment regarding the Wylie News article alluding to the lack of the City's response to a request for records by the Wylie News. He read the legal requirements for submitting a public information request and the Attorney General's requirements for responding to the request; noting it must be done in writing and submitted to the Public Information Officer of the City. He reported the amount of requests just in the last twelve months handled by the City Secretary's Office and the Police Department. These

requests totaled over 3,154, of which all were handled as required by law; showing the City is an "open and transparent" government.

It is however not an employee's duty to send out information that is not requested in writing, especially when it deals with police investigations. Only written requests trigger the processing of a public information request. To clarify, the request noted in the Wylie News article, was initiated by the paper contacting the Police Chief by phone requesting incident reports prior to the release of a police blotter report, due to the paper's press deadlines. Mayor Hogue explained that police incident reports include factual reports and information about a criminal police incident. These reports are used to determine if criminal charges will be filed and to further the investigation. Some information in these reports may be excepted from release by law. The newspaper asked to review any and all incident reports without full supervision of police staff. None of this request complied with the Public Information Act as required by the Attorney's General's Office, as alluded to in the newspaper article.

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 28, 2017 Regular Meeting of the Wylie City Council. *(C. Ehrlich, City Secretary)*
- B. Consider, and act upon, Resolution No. 2017-07(R) authorizing the appointment of Don High as Municipal Court Prosecutor for the City of Wylie effective April 1, 2017 setting terms and stipend of service. *(L. Davis, Municipal Court)*
- C. Consider, and act upon, approval and final acceptance of the reconstruction of FM 1378 (Country Club Road) from S. Parker Road to N. Parker Road and authorize final payment to Ed Bell Construction Company in the amount of \$118,206.77, and accept the project as complete. *(C. Holsted, Asst. City Manager)*
- D. Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of January 31, 2017. *(S. Satterwhite, WEDC Director)*
- E. Consider, and act upon, approval of a Preliminary Plat for Holiday Inn Express Wylie Addition, creating two commercial lots on 5.901 acres, generally located south of FM 544 and west of Sanden Boulevard. *(R. Ollie, Development Services Director)*

Council Action

A motion was made by Mayor pro tem Stephens, seconded by Councilman Dahl to approve the Consent Agenda as presented. A vote was taken and the motion passed 4-0 with Councilmembers Culver, Whitney and Forrester absent.

REGULAR AGENDA

1. **Hold a Public Hearing and consider, and act upon, an amendment to PD 2006-01 to allow R7.0 and R8.4 zoning categories for single-family residential development on approximately 104.15 acres, generally located between McCreary Road and Springwell Parkway approximately 1200 feet south of FM544. ZC 2017-01 (R. Ollie, Development Services Director)**

Staff Comments

Development Services Director Ollie addressed Council stating that the applicant is requesting to amend PD 2006-01 to allow R7.0 and R8.4 single family zoning categories on approximately 105 acres of land. The land is generally located south of FM 544 between McCreary Road and Springwell Parkway, directly south of the property that includes Target and Kohl's.

The proposed revisions would add two single family categories to the PD and would be laid out as shown on Exhibit C. The single family categories, R7.0 and R8.4 would allow for lot sizes of 7,000 and 8,400 square foot minimums with minimum house sizes of 2,000 and 2,200 respectively. The overall density of the proposed project is 3.5 dwellings per acre (or 1 per 12,500 sq. ft.). For reference, a PD amendment was submitted and sequentially withdrawn in early 2016 that differed in that minimum lot sizes were 5,500 square feet and 8,500 square feet with a density of 4.18 lots per acre (or 1 per 10,400 sq ft).

Other differences from standard zoning include (Exhibit B):

- 75% of the houses are required to be larger than the standard 2,400 sq. ft. required by the Zoning Ordinance
- Lot width is decreased from 75' to 70' (8400) or 60' (7000)
- Lot depth is increased from 100' to 110'
- Set backs are reduced to 5' side and 10' rear from 10' and 25'
- Masonry requirement reduced from 100% to 75% minimum

The Parks Board has approved the park improvements proposed by the applicant (Exhibit D) including the construction of a new city park and nearly 9,000 feet of hike and bike trails 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.

If this PD and a forthcoming PD amendment for property directly to the east as approved, in addition to the above improvements, the developer will be required to construct Hensley Lane from Hooper Road to McCreary Road (slightly less than one mile/approx. \$2.5 million).

Properties to the north are developed as retail and to the west as age restricted multi-family as allowed in the original PD (2006-01).

Applicant Presentation

Applicant Don Herzog addressed Council stating that the property is located between Maxwell Creek Road and Springwell. Phase I and Phase II will be constructed simultaneously to provide two points of access into the community. The Western portion of Hensley Lane will be constructed with Phase I.

Lot sizes would be a combination of 7,000, 8,400, and 10,000 square feet. The 7,000 sq. ft. lots would have a width of 60 feet and a depth of 116.7 feet rear yard. The front setback would be 25 feet as required by the City. This would leave a 16.7 ft. rear yard. Herzog stated that he would like a 10 ft. rear setback in some cases to allow for lots located in a cul-de-sac.

The varied lot sizes, choice of one or two story, and options for set-backs are in response to our aging population and empty nesters that would like to avoid stairs and yard maintenance. Herzog gave some lot and home size comparisons in the immediate area of the proposed development that were similar to those requested in this PD. He requested a 15 foot setback on J-swing homes. Mayor pro tem Stephens asked if there would be any exceptions coming back to Council due to a larger home with a J-

swing needing less front set-back. Herzog noted the J-swing construction would only be constructed on lots of 8,400 sq. ft. and above.

Herzog explained he had met with the Parks Board and agreed to construct various improvements consisting of park land dedication, trails, playground, and parking totaling \$605,798. This will fulfill the second to last phase of the trails connecting Founder's Park all the way to Breckenridge Park in Richardson. The final piece of the trail system will be installed with another development filed with the City.

Herzog noted the same builders who are presently building homes on these size lots in Woodbridge, with an average sales price in the \$400's will be building on the proposed lots.

Mayor Hogue asked when the amenity center would be built. Mr. Herzog replied with Phase I of the development. Mayor Hogue stated that he understood the need for higher density lots with homes including upgrades and small lots that would accommodate buyers not wanting to maintain yards. Mayor Hogue stated that he had concerns with 75% masonry rather than the required 100% masonry. Mr. Herzog explained that he had been in contact with both builders that would be constructing in this development and they were both in agreement to include a minimum 100% masonry for the exterior facade, to include stone masonry units, kiln fired clay brick or stucco, with 20% stone decorative brick.

Public Hearing

Mayor Hogue opened the public hearing on Zoning Case 2017-01 at 6:54 p.m. asking anyone wishing to address Council to come forward.

No citizens were present wishing to address Council.

Mayor Hogue closed the public hearing at 6:55 p.m.

Council Action

A motion was made by Councilman Dahl, seconded by Councilwoman Arrington to approve an amendment to PD 2006-01 to allow R7.0 and R8.4 zoning categories for single-family residential development on approximately 104.15 acres, generally located between McCreary Road and Springwell Parkway approximately 1200 feet south of FM544; with an amendment to include 100% masonry as per the City Ordinance. (ZC 2017-01) A vote was taken and the motion passed 4-0 with Councilmembers Culver, Whitney, and Forrester absent.

2. Consider, and act upon, approval of Ordinance No. 2017-10 amending the Code of Ordinances, Ordinance No. 2005-07, as amended, Appendix C (Wylie Comprehensive Fee Schedule, Section I (Water and Sewer Fees), Subsection A (Water and Sewer Service Deposit), Subsection G (Temporary Connection Charge) and Subsection H (Special Service Connection Fee); Section IV (Engineering Fees), Subsection A (Water and Sewer Impact Fees), Subsection B (Thoroughfare Impact Fees), Subsection D (Engineering Inspection Fees); Section VII (Police Department), Subsection A (Police Department Fees); Section VIII (Public Library), Subsection A (Library Fees); Section IX (Parks and Recreation), Subsection E (Bart Peddicord Community Center Fees); Section X (Water and Sewer Tap Fees); Section XI (Fire Department), Subsection C (Permit Fees); and adding a new Section XIII (Cash Payments). (C. Holsted, Asst. City Manager)

Executive Summary

Assistant City Manager Holsted addressed Council stating that staff has reviewed the Comprehensive Fee Schedule and recommends modifications.

Council Action

A motion was made by Mayor pro tem Stephens, seconded by Councilwoman Arrington to approve Ordinance No. 2017-10 amending the Code of Ordinances, Ordinance No. 2005-07, as amended, Appendix C, Wylie Comprehensive Fee Schedule, as provided for in Agenda Item #2. A vote was taken and the motion passed 4-0 with Councilmembers Culver, Whitney, and Forrester absent.

- 3. Consider, and act upon, Resolution No. 2017-08(R) authorizing the appointment of Terry Douglas as Associate Municipal Court Judge for the City of Wylie effective April 1, 2017 setting terms and stipend of service. (L. Bantz, Finance Director)

Staff Comments

Finance Director Bantz addressed Council stating that Article IV, Section 3c of the City of Wylie Charter states "the city council shall, in the absence or disability of the appointed judge of the municipal court, appoint an acting judge to serve during such absence or disability. The acting judge may be compensated by the city council for his performance of required duties."

Bantz explained the appointment of the Associate Municipal Court Judge is for a one year term effective April 1, 2017 through March 31, 2018 and may be renewed. Previously the term has been two years. Staff is requesting a one year term to allow us to combine all judges and prosecutors on the same term schedule. Compensation for services provided by the Associate Municipal Court Judge is a set monthly rate of \$1,500.00. This reflects an increase in his monthly rate of \$250.00. Associate Municipal Court Judge Terry Douglas (part-time) works approximately 32 hours per month (signs warrants, does prisoner arraignments, and has four court dockets per month). His hours and dockets have increased from 24 hours a month with the addition of the Traffic Unit and continuing Truancy filings. The Police Department (PD) takes warrants to him in the evening or on weekends for his signature. PD also calls him to do phone or video arraignments after hours and sometimes he comes in to do Emergency Protective Orders. Judge Terry Douglas has served the City for 16 years as the Associate Municipal Court Judge.

Judge Douglas serves in the capacity of the City of Wylie Associate Municipal Court Judge. It is recommended that Judge Douglas continue to provide service to the City as the City of Wylie Associate Municipal Court Judge.

Council Action

A motion was made by Mayor pro tem Stephens, seconded by Councilwoman Arrington to approve Resolution No. 2017-08(R) authorizing the appointment of Terry Douglas as Associate Municipal Court Judge for the City of Wylie effective April 1, 2017, setting terms and stipend of service. A vote was taken and the motion passed 4-0 with Councilmembers Culver, Whitney, and Forrester absent.

READING OF ORDINANCE

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. 2017-10 into the official records. Mayor Hogue convened into Work Session at 7:05 p.m.

WORK SESSION

- **Discussion of potential issuance of Certificates of Obligation to fund needed Utility Fund capital projects.** (*L. Bantz, Finance Director*)

Finance Director Bantz addressed Council stating that the City's financial advisors First Southwest – A Division of Hilltop Securities will make a presentation to Council on issues regarding the potential issuance of Certificates of Obligation to fund the Nortex ground storage tank and a new metering system. These capital projects are needed to insure proper ongoing operation of water service operations to city residents. Both projects were included in the water and sewer rate study performed last summer by NewGenStrategies & Solutions. City staff is seeking input from Council as to whether to proceed with this.

The existing water meters were installed more than 10 years ago. Maintenance and replacement have increased due to the age of the meters. The new meters will incorporate remote reading capabilities in addition to the current drive by reading technology.

The NORTEX tank replacement consists of replacing an existing 917,000 gallon ground storage tank with a new 1 million gallon concrete storage tank bringing the total ground storage capacity at the pump station to 2.5 million gallons. The existing tank was a used tank that the city purchased and installed over 20 years ago. The tank has been taken out of service due to needed maintenance. Bantz introduced David Medanich with FirstSouthwest.

Mr. Medanich with First Southwest addressed Council stating that Certificates of Obligation would fund \$7.3 million in Water and Sewer improvements. The certificates will be repaid through Water and Sewer revenues. He explained that Certificates of Obligation allow for the lowest cost of funds when compared to a revenue bond issued by the City. The debt would be structured on a 20 year repayment term. Bond sale funding to the City was projected for May 17, 2017 if directed by Council with intent to purchase the bond consideration on the March 28, 2017 Council agenda. Closing and delivery of funds to the City was scheduled for June 8, 2017.

Direction from Council was to present the resolution designating the intent to issue Certificates of Obligation, for Council consideration on the March 28th agenda.

RECONVENE INTO REGULAR SESSION

Mayor Hogue reconvened into Regular Session at 7:16 p.m.

Mayor Hogue convened into Executive Session at 7:18 p.m. reading the captions below.

EXECUTIVE SESSION

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

Sec. 551.071. CONSULTATION WITH ATTORNEY; CLOSED MEETING. A governmental body may not conduct a private consultation with its attorney except:

(1) when the governmental body seeks the advice of its attorney about:

(A) pending or contemplated litigation; or

(B) a settlement offer; or

(2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

- Consultation with attorney regarding property generally located at SH 78 and Birmingham

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

Mayor Hogue reconvened into Open Session at 7:56 p.m.

4. Consider, and act upon, Resolution No. 2017-09(R), authorizing the waiver of penalties and interest pursuant to section 33.011 of the Texas Property Tax Code, for property generally located at 250 S. State Highway 78. (C. Holsted, City Engineer)

Executive Summary

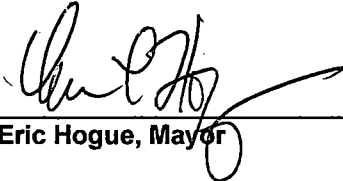
During the tax years of 2009-2013, the City of Wylie was not identified as a taxing unit on the property at 250 S. State Highway 78. As a result, taxes were not billed for or paid to the City of Wylie for the property. The property owner has requested that the penalties and interest which have accrued against the property be waived.

Council Action

A motion was made by Mayor pro tem Stephens, seconded by Councilman Dahl to **deny** Resolution No. 2017-09(R), authorizing the waiver of penalties and interest pursuant to section 33.011 of the Texas Property Tax Code, for property generally located at 250 S. State Highway 78. A vote was taken and the motion passed 4-0 with Councilmembers Culver, Whitney, and Forrester absent.

ADJOURNMENT

A motion was made by Mayor pro tem Stephens, seconded by Councilman Dahl to adjourn the meeting at 7:58 p.m. A vote was taken and the motion passed 4-0 with Councilmembers Culver, Whitney, and Forrester absent.


Eric Hogue, Mayor

ATTEST:


Carole Ehrlich, City Secretary

