



Wylie City Council

Minutes

City Council Meeting

Tuesday, April 11, 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, Councilwoman Candy Arrington, Councilman Jeff Forrester, and Councilman William Whitney III. Councilwoman Diane Culver was absent.

Staff present were: City Manager, Mindy Manson; Fire Chief, Brent Parker; WEDC Executive Director, Sam Satterwhite; City Secretary, Carole Ehrlich; Public Information Officer, Craig Kelly, and various support staff.

INVOCATION & PLEDGE OF ALLEGIANCE

- Troop 1846 Flag Ceremony

Boy Scout Ammon Bush gave the invocation and Wylie Boy Scout Troop 1846 presented the colors and led the Pledge of Allegiance.

PRESENTATIONS

- Proclamation declaring April 9, 2017 through April 15, 2017 as National Public Safety Telecommunications Week in the City of Wylie. *(B. Parker, Fire Chief)*

Mayor Hogue presented members of the Wylie Public Safety Telecommunications staff with a proclamation declaring April 9 through April 15, 2017 as National Public Safety Telecommunications Week.

Fire Chief Brent Parker reported on the large amount of calls and noted the quick response times by Dispatch staff members over the past year. Mayor Hogue thanked them for their service.

- **Wylie Way Star Students.** *(Mayor 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."

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.

There were no citizens 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 March 28, 2017 Regular Meeting of the Wylie City Council.** *(C. Ehrlich, City Secretary)*

Council Action

A motion was made by Councilman Dahl, seconded by Mayor pro tem Stephens to approve the Consent Agenda as presented. A vote was taken and the motion passed 6-0 with Councilwoman Culver absent.

REGULAR AGENDA

1. **Conduct a Public Hearing for the annexation of approximately 2 acres of land situated in the Guadalupe De Los Santos Survey, Abstract No. 1100, Collin County, Texas, and Abstract No. 1384, Dallas County, Texas, generally located southeast of the intersection of South Ballard and Pleasant Valley Road. A2017-02** *(R. Ollie, Development Services Director)*

Staff Comments

Planner Kevin Molina addressed Council stating that this annexation is at the request of the property owner, **Sharon & Harry J. Ellis** and the representative **Wylie DPV, LTD**. The subject tract is contiguous to current property under the ownership of Wylie DPV, LTD and bordered on the west by properties within corporate city limits of Wylie and on the east by properties lying within unincorporated Collin and Dallas Counties. The applicant desires to bring the subject tract into the city and develop it in accordance with Planned Development 2016-27 District.

Public Hearing

Mayor Hogue opened the second public hearing on Annexation A2017-02 at 6:30 p.m. asking anyone present wishing to address Council on this item to come forward.

No citizens were present wishing to address Council.

Mayor Hogue closed the public hearing at 6:31 p.m.

No action was required on this item.

Consideration of the Ordinance approving the annexation will be held April 25, 2017.

2. **Consider, and act upon, the appointment of a board member to the North Texas Municipal Water District (NTMWD) Board to fill an expired term of June 1, 2017 to May 31, 2019.**
(C. Ehrlich)

Staff Comments

The Board of Directors of the North Texas Municipal Water District is a policy making body similar in nature to the City Council. The Board is responsible to both the State of Texas and to the member Cities for assuring that NTMWD operations occur in accordance with state and federal law, in alignment with NTMWD policy, and in the best interests of the Cities receiving services.

Mayor Hogue reported Mr. Bob Thurmond was willing to serve another term on the North Texas Municipal Water District. Mayor Hogue commented that Mr. Thurmond was providing a great service to the board.

Council Action

A motion was made by Mayor Hogue, seconded by Councilman Forrester to re-appoint Mr. Robert Thurmond to the North Texas Municipal Water District Board of Directors to fill a new term beginning June 1, 2017 and ending May 31, 2019. A vote was taken and the motion passed 6-0 with Councilwoman Culver absent.

Mayor Hogue convened into Executive Session at 6:48 p.m. reading both 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**

Mayor reconvened into open Session at 7:55 p.m.

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

3. Consider, and act upon, Resolution No. 2017-12(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)

Mayor Hogue stated that the City had been in communication with the owner of the property (requestor) since 2015. He asked the requestor, Mr. Barron Cook, to come forward and give some details of the request.

Mr. Barron Cook, representing Wylie Industrial Development Corporation, addressed Council stating that his company owns the building at the address above. He explained Keller Williams had previously moved into the building and it was understood by Mr. Cook that they were taking care of the taxes. When Keller Williams got behind in 2009 and closed the office, a tax bill was presented to Mr. Cook in 2010 for taxes owed for 2009. Mr. Cook paid the amount owing for 2009 in 2010 along with the penalty.

Mr. Cook explained that in 2010 his company moved into the building and paid all taxes billed from that time forward. It was unknown to Mr. Cook that the CCAD had overlooked billing for City taxes during those years. He explained that when the tax office found the error in 2015, they sent a bill for five years taxes plus interest and penalty due the City. Mr. Cook explained that at that time, he reached out to the City and has been working with the City for a resolution since 2015. Mr. Cook requested that at least the fees and penalties be forgiven due to the error by the CCAD.

Mayor pro tem Stephens asked Mr. Cook what his interpretation was of the letter sent by the City's tax attorney on August 15, 2016, pertaining to when the taxes were due. Mr. Cook replied that his interpretation of the letter was that the taxes would be due 21 days after resolution by action of the City Council on this matter. Mayor pro tem Stephens thanked Mr. Cook for his explanation noting that the interpretation was taken differently by the attorney's office.

Council Action

A motion was made by Councilman Whitney, seconded by Councilman Forrester to approve Resolution No. 2017-12(R) and hereby authorize and approve for the wavier of the penalty that has accrued on the Subject Property pursuant to Section 33.011(a) (1) of the Texas Property Tax Code. Accordingly, WICDL shall make tender and payment to the Collin County Tax Assessor/Collector of the sum of \$39,018.54 which amount constitutes full and final payment for tax account R1482000002R1, and all issues related thereto. Said amount shall be paid by April 24, 2017. A vote was taken and the motion passed 6-0 with Councilwoman Culver absent.

Mayor Hogue reconvened into Executive Session at 8:15 p.m.

EXECUTIVE SESSION

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.

- Consider the sale of property located near the intersection of F.M. 544 and Commerce Drive.

Mayor Hogue reconvened into Open Session at 8:30 p.m.

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

There was no action taken as a result of this Executive Session.

Mayor Hogue convened into Work Session at 8:35 p.m.

WORK SESSIONS

- Discussion on a marketing and advertising program funded through the Wylie Economic Development Corporation. *(S. Satterwhite, WEDC Executive Director)*

Wylie Economic Development Corporation Executive Director Sam Satterwhite addressed Council presenting updates in the marketing and advertising program funded through the WEDC. He explained the program was to assist in bringing new businesses to Wylie and promote what Wylie has to offer. He explained some of the media outlets that were being targeted to get the word out.

ADJOURNMENT

A motion was made by Councilman Whitney, seconded by Councilman Dahl to adjourn the meeting at 8:43 p.m. A vote was taken and the motion passed 6-0 with Councilwoman Culver absent.


Eric Hogue, Mayor

ATTEST:


Carole Ehrlich, City Secretary

