



# Wylie City Council

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## Minutes

### City Council Meeting

Tuesday, May 10, 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, Councilwoman Diane Culver, Councilman Todd Winters, and Junior Mayor Emily Edwards. Councilman William Whitney III was absent.

Staff present were: City Manager, Mindy Manson; Assistant City Manager, Jeff Butters; Finance Director, Linda Bantz; Fire Chief, Brent Parker; City Engineer, Chris Holsted; Police Chief Anthony Henderson; Development Services Director, Renae Ollie; City Secretary, Carole Ehrlich; Public Information Officer, Craig Kelly; and various support staff.

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#### INVOCATION & PLEDGE OF ALLEGIANCE

Councilman Dahl gave the invocation and Councilwoman Culver led the Pledge of Allegiance.

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#### PRESENTATIONS

- **Junior Mayor Emily Edwards.** (*E. Hogue, Mayor*)

Mayor Hogue introduced Junior Mayor Emily Edwards. He explained that Davis Intermediate auctioned the "Mayor for a Day" and Emily was the winner. All proceeds from the auction fund the Birmingham PTA. Mayor Hogue administered the Oath to Junior Mayor Edwards and she assisted in conducting the remainder of the meeting.

- **Proclamation for National Safe Boating Week – May 21-27, 2016**

Mayor Hogue read a proclamation designating the week of May 21-27, 2016 as National Safe Boating Week. No one was present to accept the proclamation.

- **Proclamation declaring Sunday, May 15 through Saturday, May 21, 2016 as National Police Week.** *(A. Henderson, Police Chief)*

Mayor Hogue presented a proclamation declaring Sunday, May 15 through Saturday, May 21, 2016 as National Police Week in the City of Wylie. He commended the Police staff and Chief for their service to the community. Chief Anthony Henderson and staff were present to accept the proclamation.

- **Presentation of Donation to Friends of Wylie Fire Rescue.** *(Becky Welch, 1st LT Welch Run For Our Heroes 5K)*

Becky Welch, representing the 1<sup>st</sup> LT Welch Run for Our Heroes 5K, presented a check in the amount of \$4,000 to the Friends of Wylie Fire Rescue. Members of the WFR were present to accept the donation. The funds will be used to purchase new pipes and drums for the WFR Honor Guard.

### **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.*

Charles Robinson, residing at 2901 Jamestown Drive, Wylie addressed the Council in opposition of permits for residents living near Wylie East High School to be able to park on the street during school hours.

Mayor Hogue clarified action that was taken during the April 26, 2016 Council meeting regarding funding for the recent hail storm. He explained the funds set aside were to enable staff to lease trailers for both Police and 911 Communications with the relocation from the Public Safety Building due to the storm.

### **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 April 26, 2016 Regular Meeting of the Wylie City Council.** *(C. Ehrlich, City Secretary)*
- B. **Consider, and act upon, approval of a Final Plat for Reyes Estates, creating two single family residential lots, generally located in the City of Wylie ETJ north of the intersection of Beaver Creek Road and Willow Bend Street.** *(R. Ollie, Development Services Director)*
- C. **Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of March 31, 2016.** *(S. Satterwhite, WEDC Director)*
- D. **Consider, and act upon, the award of bid #W2016-8-A for Building Inspection Services to Bureau Veritas North America, Inc. in an estimated annual amount of \$78,000; and**

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

- E. Consider, and act upon, Resolution No. 2016-12(R) of the City Council of the City of Wylie, Texas, ratifying an agreement with Morgan Buildings & Spas Incorporated in the amount of \$123,767.00, for the lease of a portable office building to house the City of Wylie Public Communications Department; and authorizing the City Manager to sign any necessary documents. *(G. Hayes, Purchasing)*
- F. Consider, and act upon, Resolution No. 2016-13(R) of the City Council of the City of Wylie, Texas, to approve an agreement with Morgan Buildings & Spas Incorporated in the amount of \$207,433.00, for the lease of a portable office building to house the City of Wylie Police Department; and authorizing the City Manager to sign any necessary documents. *(G. Hayes, Purchasing)*
- G. Consider, and act upon, Resolution No. 2016-14(R) supporting the prioritized transportation corridors identified by the Collin County Commissioners Court. *(C. Holsted, City Engineer)*

### **Council Action**

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

### **REGULAR AGENDA**

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- 1. Hold a Public Hearing and consider, and act upon, a change in zoning from Single Family 10/24 to Single Family 10/24 with a Special Use Permit (SF-10/24-SUP) to allow for two Amateur Communication Towers on an existing residential lot on Lot 6, Block M of the Pointe North Phase 1 Addition. Property general located north of Brown Street and west of Ballard Avenue. (510 Kamber Lane). ZC 2016-05 *(R. Ollie, Development Services Director)*

### **Staff Comments**

Development Services Director Ollie addressed Council stating that the subject property is located at 510 Kamber Lane, original platted in 1984 and is currently zoned SF-1 0/24. The Single Family 10/24 district is intended to accommodate medium-density residential areas to provide housing for most of the community's population. The applicant proposes to install amateur radio antennas to be anchored by the rear wall of the property and the ground. The applicant has submitted a site plan that shows one antenna that measures 15' from the ground and the other that measure 38' from the ground.

Johnnie Young, applicant, addressed Council stating that the she recently received her amateur license. She stated she was planning to install two antennas, one for VHF and UHF and one for high frequency. The antennas are both whip antennas and look similar to a pole. One will measure 15' in the air and the other 38' in the air. She stated the operators volunteer in their communities and also are weather chasers. She stated that no neighbor was opposed and if any other neighboring frequency was interrupted or interfered with, she would immediately resolve the problem.

## Public Hearing

Mayor Hogue opened the public hearing at 6:40 p.m. asking anyone present wishing to address Council to come forward. There were no citizens present wishing to address Council.

Mayor Hogue closed the public hearing.

## Council Action

A motion was made by Mayor pro tem Stephens, seconded by Councilman Dahl to approve a change in zoning from Single Family 10/24 to Single Family 10/24 with a Special Use Permit (SF-10/24-SUP) to allow for two Amateur Communication Towers on an existing residential lot on Lot 6, Block M of the Pointe North Phase 1 Addition. Property general located north of Brown Street and west of Ballard Avenue (510 Kamber Lane). ZC 2016-05. A vote was taken and the motion passed 6-0 with Councilman Whitney absent.

2. **Consider, and act upon, Ordinance No. 2016-08 approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the company's 2016 Rate Review Mechanism Filings; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the settlement tariffs to be just and reasonable and in the public interest; requiring the company to reimburse ACSC's reasonable ratemaking expenses; determining that this ordinance was passed in accordance with the requirements of the Texas open meetings act; adopting a savings clause; declaring an effective date; and requiring delivery of this ordinance to the company and the ACSC's legal counsel. (M. Manson, City Manager)**

## Staff Comments

City Manager Manson addressed Council stating that the City, along with other similarly situated cities served by Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "Company"), is a member of the Atmos Cities Steering Committee ("ACSC"). The RRM Tariff was originally adopted by ACSC member cities in 2007 as an alternative to the Gas Reliability Infrastructure Program ("GRIP"), the statutory provision that allows Atmos to bypass the City's rate regulatory authority to increase its rates annually to recover capital investments. The RRM Tariff has been modified several times, most recently in 2013.

The tariffs attached to the Ordinance approve rates that will increase the Company's revenues by \$29.9 million for the Mid-Tex Rate Division, effective for bills rendered on or after June 1, 2016. The monthly residential customer charge will be \$19.10. The consumption charge will be \$0.11378 per Ccf. The monthly bill impact for the typical residential customer consuming 46.8 Ccf will be an increase of \$1.26, or about 2.43%. The typical commercial customer will see an increase of \$3.81, or 1.43%. Attached to this Model Staff Report is a summary of the impact of new rates on the average bills of all customer classes.

The ACSC Executive Committee and its designated legal counsel and consultants recommend that all Cities adopt the Ordinance with its attachments approving the negotiated rate settlement resolving the 2016 RRM filing, and implementing the rate change.

## Council Action

A motion was made by Mayor Stephens, seconded by Councilwoman Arrington to adopt Ordinance No. 2016-08 approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the company's 2016

Rate Review Mechanism Filings; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the settlement tariffs to be just and reasonable and in the public interest; requiring the company to reimburse ACSC's reasonable ratemaking expenses; determining that this ordinance was passed in accordance with the requirements of the Texas open meetings act; adopting a savings clause; declaring an effective date; and requiring delivery of this ordinance to the company and the ACSC's legal counsel. A vote was taken and the motion passed 6-0 with Councilman Whitney absent.

3. **Consider, and act upon, the approval of expenditures of \$1,200 for unanticipated travel expenses for the Mayor to travel to Washington D.C. in order to address the U.S. House of Representatives regarding House Resolution 642 recognizing magic as a rare and valuable art form and national treasure; further recognizing Wylie, Texas, and its Mayor, Eric Hogue, in the promotion of the art of magic with official proclamations, summer educational programs, and the first festival dedicated to the art of magic in the State of Texas. (M. Manson, City Manager)**

### **Staff Comments**

Mayor Hogue addressed Council stating that with the newly adopted rules for City Council regarding travel, events that are not annually approved must have prior consent of the Council; funds shall be authorized for unscheduled and unanticipated trips as may be necessary for Councilmembers to meet with Federal or State agencies concerning City business. He explained that in order for the Mayor to travel to Washington D.C. to address Congress, Council must approve the travel expenses. Staff estimates that the total cost of travel will be less than \$1,200. The FY2015-16 Budget includes just under \$20,000 in Council Travel and Training, with approximately \$2,600 of that spent thus far this year.

### **Council Action**

A motion was made by Councilman Dahl seconded by Councilwoman Arrington to approve the expenditure of \$1,200 for unanticipated travel expenses for the Mayor to travel to Washington D.C. in order to address the U.S. House of Representatives regarding House Resolution 642 recognizing magic as a rare and valuable art form and national treasure; further recognizing Wylie, Texas, and its Mayor, Eric Hogue, in the promotion of the art of magic with official proclamations, summer educational programs, and the first festival dedicated to the art of magic in the State of Texas. A vote was taken and the motion passed 6-0 with Councilman Whitney 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 caption to Ordinance No. 2016-08 into the official record.

Mayor Hogue convened into Executive Session reading the captions below at 7:01 p.m.

## **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.**

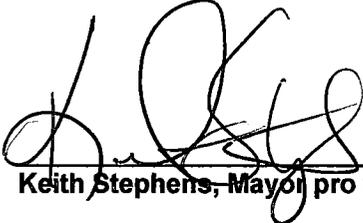
**RECONVENE INTO OPEN SESSION**

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

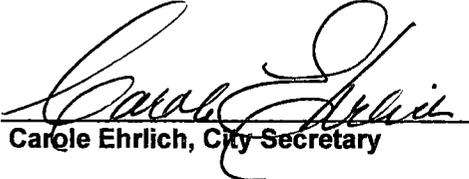
Mayor Hogue reconvened into Open Session at 7:13 p.m. No action was taken as a result of Executive Session

**ADJOURNMENT**

A motion was made by Mayor pro tem Stephens, seconded by Councilman Dahl, to adjourn the meeting at 7:15 p.m. A vote was taken and the motion passed 6-0 with Councilman Whitney absent.

  
Keith Stephens, Mayor pro tem

ATTEST:

  
Carole Ehrlich, City Secretary

