

Wylie City Council

Minutes

City Council Meeting

Tuesday, June 13, 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 pro tem Keith Stephens, Councilman Jeff Forrester, Councilman David Dahl, Councilwoman Diane Culver, and Councilman Timothy T. Wallis. Councilwoman Candy Arrington was absent.

Staff present were: City Manager, Mindy Manson; Assistant City Manager, Chris Holsted; Fire Chief, Brent Parker; City Engineer, Tim Porter; Development Services Director, Renae Ollie; Human Resource Director, Lety Yanez; Wylie Economic Development Director, Sam Satterwhite; Police Chief, Anthony Henderson; City Secretary, Carole Ehrlich, and various support staff.

INVOCATION & PLEDGE OF ALLEGIANCE

- Presentation of colors and pledge by Boy Scout Troop 442

Pastor Kris Segrest, representing the First Baptist Church of Wylie, gave the invocation and Boy Scout Troop 442 presented the colors and 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.

Asim Gazi addressed Council inviting members to the east Plano Islamic Center EID Celebration, Thursday, June 29th at 6:00 p.m.

Cherie Wilkinson addressed Council requesting that Jal Dennis be placed for consideration for the Wylie Economic Development Corporation Board of Directors.

Matthew Porter and **John Englar** addressed Council in favor of a tax reduction to the FY 2017/2018 tax rate.

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 May 23, 2017 Regular Meeting of the Wylie City Council. *(C. Ehrlich, City Secretary)*
- B. Consider, and act upon, approval of an Amended Plat for Inspiration, Phase 3B consisting of 56.977 acres to establish single family residential lots for a master planned development within Wylie's ETJ, generally located north of Parker Road (F.M. 2414) on Inspiration Blvd. *(R. Ollie, Development Services Director)*
- C. Consider, and act upon, approval of a Preliminary Plat for The Sargent Addition, Block A, Lot 1, creating one lot on 1.348 acres, generally located on Alanis Drive approximately 125' east of Martinez Lane. *(R. Ollie, Development Services Director)*
- D. Consider, and act upon, Ordinance No. 2017-17 amending PD 2003-01 and repealing Ordinance 2006-46 to enhance and define the land use, architectural, and development standards in the Townhouse District for lots in Tract A-3 and A-4, Parcel 3 consisting of 51.916 acres, generally located west of Woodbridge Parkway and south of future Hensley Lane. ZC 2017-03 *(R. Ollie, Development Services Director)*
- E. Consider, and act upon, Ordinance No. 2017-18 amending Ordinance No. 2014-44 Chapter 22 Buildings and Building Regulations, Article XX Sign Regulations, Sec. 22-442 Definitions and Sec. 22-447 Attached Sign Regulations. *(R. Ollie, Development Services Director)*
- F. Consider, and act upon, the award of bid # W2017-41-B for City of Wylie School Zone Signs to ACP International Inc. (dba SA-SO), in the estimated amount of \$170,000.00 and authorizing the City Manager to execute any and all necessary documents. *(G. Hayes, Purchasing)*

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 6-0 with Councilwoman Arrington absent.

REGULAR AGENDA

- 1. Hold a Public Hearing and consider, and act upon, Ordinance No. 2017-19, supporting a Municipal Setting Designation to prohibit the use of groundwater in the designated area; generally located south of Hensley Lane and west of Sanden Blvd, and more specifically being 930 Hensley Lane and being all of Lot 1, block B of the Premier Industrial Park South, 1st Revision out of the Duke Strickland Survey, Abstract No. 814 MSD2017-02 *(R. Ollie, Development Services Director)*

Staff 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. Councilwoman Culver asked if the public hearing attendees were satisfied. Ollie replied yes, that the citizens just wanted confirmation that the contamination would not migrate to other properties.

Ollie introduced Dr. Kenneth Tramm of Modern Geosciences. Dr. Kenneth Tramm gave a short presentation regarding the MSD process and the specific property in question. Tramm noted that a low accumulation of Selenium in one portion of the proposed site was detected. Allowable criteria for Selenium is 0.05 mg/l, the testing result was 0.0579 mg/l which has triggered the MSD. TCEQ, the state compliance agency much like EPA will continue to monitor the area in regular testing. Tramm reviewed the process which included the public hearing, notification requirements, submission to TCEQ, and complete regulatory closure steps. He noted the business will continue to operate at the site and use the MSD as a tool for the closure requirements.

Mayor Hogue asked how often it will be monitored. Tramm stated that no drinking water was allowed; therefore, no further monitoring would be required on site by the MSD. Mayor Hogue then asked if the contamination would continue if the business was still operating in the same manner. Tramm stated that if the only impact since the 1990's was up gradient, he did not believe there would be any further migration. Tramm noted that current operations would still be monitored by the TCEQ as is done for all industrial facilities.

Councilman Forrester asked what the risk to live stock and crops to this site and beyond. Tramm replied that the concentrations were so low that they are not indicative of a release to any offsite property.

Public Hearing

Mayor Hogue opened the public hearing on MSD2017-02 at 6:40 p.m. asking anyone present wishing to address Council to come forward.

Carlos Torres addressed Council stating that he was unable to attend the MSD meeting and wanted to confirm there was no chance of migration to other properties.

Tramm replied, testing had been done downgradient from the site and stated that TCEQ will do additional testing to all areas and pathways outside the site in question if they feel it is justified. Samples were taken all over the property and no Selenium was found on the site with the exception of the noted area. TCEQ will research adjoining water ways and property prior to approval of the MSD.

Jal Dennis addressed Council asking questions regarding other remediation options. Tramm stated that in his professional opinion as a geoscientist, the stated MSD is the most effective process for the stated property.

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

Council Action

A motion was made by Mayor pro tem Stephens, seconded by Councilwoman Culver to adopt Ordinance No. 2017-19, supporting a Municipal Setting Designation to prohibit the use of groundwater in the designated area; generally located south of Hensley Lane and west of Sanden Blvd, and more specifically being 930 Hensley Lane and being all of lot 1, block B of the

Premier Industrial Park South, 1st Revision out of the Duke Strickland Survey, Abstract No. 814 MSD2017-02. A vote was taken and the motion passed 6-0 with Councilwoman Arrington absent.

2. **Consider, and act upon, the recommendations of the 2017 Boards and Commission Council Interview Panel for appointments to the Construction Code Board, Ethics Board, Library Board, Parks and Recreation Board, Parks and Recreation Facilities Development Corporation Board (4B), Planning and Zoning Commission, Public Arts Advisory Board, Historic Review Commission, Wylie Economic Development Corporation, and the Zoning Board of Adjustments to fill board vacancies for a term to begin July 1, 2017 and end June 30, 2019/20. (C. Ehrlich, City Secretary)**

Staff Comments

Article 8, Section 1A of the City Charter authorizes the City Council to appoint members to serve on boards, commissions, and committees to help carry out the functions and obligations of the City and to make recommendations to the City Council. The City Council has prescribed the purpose, composition, function, duties, accountability, and the tenure of each board, commission, and committee.

Councilwoman Culver addressed the Council stating that she was involved in the creation of the Code of Ethics Ordinance No. 2014-19 and noted that the Ordinance specified that the full Council interview all prospective members of the Board of Ethics not just those that had been interviewed by the Council Interview Panel. She suggested that in the future, the applications for this board be separated and brought to the full Council for consideration and additionally omits the Board of Ethics applicants from interviews by the Council Interview Panel per Ordinance No. 2014-19.

She requested this item be tabled until all applicants for this board can be interviewed prior to any action taken for any of the remaining boards. Mayor Hogue asked if Council should proceed with the applicants that came to be interviewed this evening. Mayor pro tem Stephens responded that the applicants present should be interviewed so they would not be required to come back again and the remaining applicants could be invited to the meeting on the 27th.

Councilwoman Culver requested Council review the Ethics Ordinance with regard to terms and if language needed to be added to better define term limits.

Council Action

A motion was made by Councilwoman Culver, seconded by Councilman Forrester to table consideration of all 2017/2018 Board and Commissions approval until the June 27, 2017 Regular City Council meeting. A vote was taken and the motion passed 5-1 with Councilman Dahl voting against and Councilwoman Arrington absent.

Interview of Board of Ethics Applicants

The following applicants were interviewed as prospective Board of Ethics members:

- Jal Dennis (declined to serve on this board)
- Quincy Johnson

Additional interviews for prospective applicants will take place at the next regular City Council meeting on June 27, 2017. Consideration of appointments will be made following the additional interviews.

3. **Consider, and act upon, amending Ordinance No. 1997-05 Chapter 18 Animals, Section 18-1 Definitions & establishing an ordinance to create Chapter 18 Animals, Section 18-17 Pot-Bellied Pigs.** *(R. Ollie, Development Services Director)*

Staff Comments

Development Services Director Ollie addressed Council stating that staff is proposing changes to Chapter 18 Animals, Section 18-1 Definitions & creating Section 18-17 Pot-Bellied Pigs.

The current ordinance defines *Livestock* as a horse, stallion, mare, gelding, filly, colt, mule, jenny, jack, jennet, hog, sheep, goat, or a head of any species of cattle. Swine/hogs are not allowed within city limits of Wylie. Staff has been approached to consider allowing miniature (pot-bellied) pigs as allowed pets.

Ollie noted that while conducting research, staff found several articles and ordinances providing definition and other regulations. Most classified pot-bellied pigs as swine not exceeding 18 inches in height at the shoulder.

Carrollton defines as no more than 60 pounds, and no more than 2 in any one dwelling

Colleyville allows no more than four registered potbellied pigs

Coppell allows no more than 2 per household

Rowlett weight does not exceed 95 pounds no more than 2 per household

Sachse weight does not exceed 95 pounds no more than 2 per household

Ollie explained Section 18-1 would include a definition that exempts Pot-bellied Pigs from the definition of livestock. A newly created section 18-17 would outline the guidelines for the harboring of pot-bellied pigs. Based on such research, staff is proposing to limit the number of pot-bellied pigs to no more than three per dwelling unit. Such animals would be required to be registered in the same manner as dogs and cats and other domesticated household pets.

Council Action

A motion was made by Councilman Forrester, seconded by Councilman Dahl to amend Ordinance No. 1997-05 Chapter 18 Animals, Section 18-1 Definitions & establishing an ordinance to create Chapter 18 Animals, Section 18-17 Pot Bellied Pigs. A vote was taken and the motion passed 6-0 with Councilwoman Arrington absent.

4. **Presentation and discussion from Wylie resident Jal Dennis regarding the Wylie Economic Development Corporation.** *(M. Manson, City Manager)*

City Manager Manson addressed Council stating that per Resolution No. 2003-20, Rules of Procedure, citizens may request to appear before the City Council in a manner other than Citizen Participation by making a request to the City Secretary. Manson noted that information provided by Mr. Dennis was available in the agenda packet.

Jal Dennis addressed Council thanking them for their years of service to the City. He noted that he had submitted items for discussion tonight. He began with the Bylaws of the WEDC Article 4. He read a portion of that article that referred to the purpose of the Economic Development Corporation which included promotion and development of industrial and manufacturing enterprises to promote and encourage employment and public welfare in the City of Wylie.

Mr. Dennis noted that sit down restaurants would come when the statistics were there and the purpose of the Economic Development Board was to bring jobs to the community through industrial development. Mr. Dennis read a portion of the Type A uses that retain primary jobs

which included, among others, distribution centers, warehouse facilities, higher education, and national corporate headquarters.

Mr. Dennis referred to the WEDC Bylaws with reference to accountability to the City Council and the fiduciary responsibility to use tax dollars in a frugal way; noting that the board currently has office space outside City Hall and could move the office to City Hall to save costs.

Mr. Dennis closed by requesting Council to look at industry in lieu of restaurants (commercial) to bring jobs to Wylie.

Mayor pro tem Stephens thanked Mr. Dennis for his time and comments.

Mayor Hogue also thanked Mr. Dennis for his comments. Hogue responded by explaining that one of the articles submitted regarding the Golden Triangle area in Mississippi was successful in part due to its location being miles away from the closest major city, Jackson, Mississippi. Hogue explained that one of the challenges in Wylie is that the City is in the DFW Metroplex, with the average Wylie resident driving twenty miles to work and the City's lack of access to a freeway or toll way. Hogue stated that staff and WEDC had compiled a little information with regard to city development between 2010 and 2017. Statistics show that Wylie created 1,100 jobs and over 648,755 square feet of new construction (industrial and office, medical and commercial). He noted new investments were over \$122,862 million dollars.

Councilwoman Culver addressed Mr. Dennis stating that she had read the articles and explained that all the articles mentioned large land masses for those projects (1,400 – 2,400 acres) and had three counties funding the projects. In particular one article showed a tax rebate from that particular city of \$112,000 million dollars, which is more than four times Wylie's entire budget. Councilwoman Culver asked Development Services Director Ollie how much industrial land owned by the City was remaining for use. Ollie replied approximately 18 acres. Culver explained that it was much more difficult to promote industry to the City, in part due to land availability.

WORK SESSION

- **FY 2017-2018 Budget Discussion and Overview.** (*L. Bantz, Finance Director*)

City Manager Manson addressed Council stating that the first work session for the FY 2017/2018 budget will provide preliminary assumptions. Manson explained some of the assumptions that were currently available. They included a 9% increase in property values, a 5% increase in sales tax, a 12% increase in employee insurance, and the step plan for Public Safety. The numbers did not include market adjustment increases or merit adjustments to non-sworn employees.

Total revenue based on these assumptions was \$40,922,426 with expenditures for base line department budgets, step increases for sworn officers, and the 12% employee insurance increase at \$37,741,268; leaving excess funds prior to any new requests at \$3,181,158. New positions requested amounted to \$1,556,975, equipment for the new positions totaled \$190,138, and new requests non-personnel totaled \$1,733,482.

Manson reviewed tax rate decreases over the past seven years and debt service expenditures. Manson answered questions from the Council.

Matthew Porter addressed Council with questions regarding some of the FY2017 CAFR information and FY2018 budget. Council responded to some of the items in questions and thanked Mr. Porter for coming to the meeting and being part of the budget discussion.

Department Presentations will begin on July 11, 2017.

RECONVENE INTO REGULAR SESSION

Mayor Hogue reconvened into Regular Session at 9:22 p.m.

Mayor Hogue convened into Executive Session at 9:24 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 *Petition of the Cities of Garland, Mesquite, Plano and Richardson Appealing the Decision by North Texas Municipal Water District Affecting Wholesale Water Rates* pending before the Public Utility Commission of Texas; Docket No. 46662
- Consultation with attorney regarding *Ex Parte North Texas Municipal Water District* before the 98th District Court in Travis County; Docket No. D-1-GN-17-000861
- Consultation with attorney regarding *North Texas Municipal Water District v. Public Utility Commission of Texas* before the 419th District Court in Travis County; Docket No. D-1-GN-17-000877

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

Mayor Hogue reconvened into Open Session at 10:16 p.m.

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

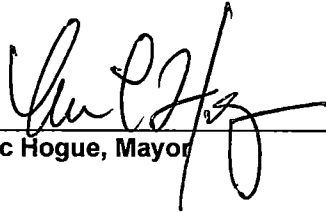
READING OF ORDINANCES

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

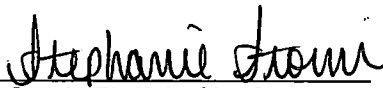
City Secretary Ehrlich read the captions to Ordinance No.'s 2017-17, 2017-18, and 2017-19 into the official record.

ADJOURNMENT

A motion was made by Mayor pro tem Stephens, seconded Councilman Dahl to adjourn the meeting at 10:25 p.m. A vote was taken and the motion passed 6-0 with Councilwoman Arrington absent.


Eric Hogue, Mayor

ATTEST:


Carole Ehrlich, City Secretary

