



# Wylie City Council

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## Minutes

### City Council Meeting

Tuesday, January 26, 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 Todd Winters, Councilman David Dahl, and Councilman William Whitney III. Councilwoman Candy Arrington and Councilwoman Diane Culver were absent.

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

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#### INVOCATION & PLEDGE OF ALLEGIANCE

Former Mayor William Martin gave the Invocation and Former Mayor Jim Swartz led the Pledge of Allegiance.

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#### PRESENTATIONS

- **Presentation to the City of a donation of \$13,370.49 from the Wylie Advocates for Senior Activities (WASA) as a contribution toward the purchase of an intercom system for the Wylie Senior Recreation Center.** *(R. Diaz, Parks and Recreation Superintendent)*

Members of the Wylie Senior Activities presented a check for \$13,379.49 as the final donation from the organization which will be closed. Treasurer Jim Swartz thanked the City Council and staff for assisting with the new Senior Center construction. Swartz noted that the organization would like the funds to be used toward the purchase of a sound system for the center.

- **Proclamation declaring the week of February 15<sup>th</sup> – Wylie ISD Education Foundation Week.**

Members of the Wylie ISD Education Foundation were present to receive a proclamation from Mayor Eric Hogue and members of the City Council designating the week of February 15<sup>th</sup> as Wylie ISD Education Foundation Week in the City of Wylie.

### **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.*

Najib Gazi, representing the East Plano Islamic Center, invited members of the Council to the grand opening of the new Islamic Center to be held February 20, 2016.

### **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 January 12, 2016 Regular Meeting of the Wylie City Council.** *(C. Ehrlich, City Secretary)*
- B. **Consider, and act upon, Resolution No. 2016-02(R) of the City Council of the City of Wylie, Collin, Dallas and Rockwall Counties, Texas, ordering the General Election to be administered by the Collin County Elections Administrator and the City of Wylie on May 7, 2016, for the purpose of electing the positions of two (2) members (Place 1 and Place 3) of the Wylie City Council, to hold office for a period of three (3) years; Designating locations of polling places; Designating filing deadlines; Ordering Notices of Election to be given as prescribed by law in connection with such election.** *(C. Ehrlich, City Secretary)*
- C. **Consider, and act upon, Resolution No. 2016-03(R) of the City Council of the City of Wylie, Collin, Dallas and Rockwall Counties, Texas, appointing election officials for the General Election on May 7, 2016, for the purpose of electing the positions of two (2) members (Place 1 and Place 3) of the Wylie City Council.** *(C. Ehrlich, City Secretary)*
- D. **Consider, and act upon, approval of a Final Plat creating 57 single family residential lots and 3 open space lots on 28.019 acres for the Braddock Place Phase 5 Subdivision, generally located west of FM 544 at the Vinson/County Line road split.** *(R. Ollie, Development Services Director)*
- E. **Consider, and act upon, a motion to approve Ordinance No. 2016-01 an Ordinance of the City Council of the City of Wylie, Texas, amending Wylie's Code of Ordinances, Ordinance No. 2005-07, as amended, adding article VII (Municipal Setting Designations) to chapter 42 (Environment); Providing for Municipal Setting Designations to prohibit the use of groundwater in designated areas; amending the Code of Ordinances to add Section XIII (MSD Application Fee) of Appendix C (Wylie Comprehensive Fee Schedule) for the purpose of establishing an MSD Application Fee; Providing a penalty clause, savings/repealing clause, severability clause and an effective date; and providing for the publication of the caption hereof.** *(J. Butters, Asst. City Manager)*

- F. Consider, and act upon, a motion to approve Resolution No. 2016-04(R) of the City Council of the City of Wylie, Texas, authorizing the Texas Coalition for Affordable Power, Inc. (TCAP) to negotiate an electric supply agreement for five years for deliveries of electricity effective January 1, 2018; authorizing TCAP to act as an agent on behalf of the City to enter into a contract for electricity: Authorizing Mindy Manson or Jeff Butters to execute an electric supply agreement for the deliveries of electricity effective January 1, 2018 and committing to budget for energy purchases in 2018 through 2022 and to honor the City's commitments to purchase power for its electrical needs in 2018 through 2022 through TCAP. *(J. Butters, Asst. City Manager)*
- G. Consider, and place on file, the City of Wylie Monthly Investment Report for December 31, 2015. *(L. Bantz, Finance Director)*
- H. Consider, and place on file, the City of Wylie Monthly Revenue and Expenditure Report for December 31, 2015. *(L. Bantz, Finance Director)*
- I. Consider, and act upon, the request from the Run for Heroes Event for a vendor fair at Olde City Park on April 2, 2016, with rain date of April 9, 2016. *(R. Diaz, Parks & Recreation Superintendent)*
- J. Consider, and act upon, approval of Ordinance No. 2016-02 establishing the maximum speed limits on East Brown Street proceeding from SH 78 to WA Allen Boulevard. *(C. Holsted, City Engineer)*
- K. Consider, and place on file, the Animal Shelter Advisory Board report to City Council regarding the meeting held on January 13, 2016. *(S. Patton, Animal Control Supervisor)*

Mayor Hogue announced staff had requested Consent Item E be pulled from the Consent Agenda and be considered individually. Councilman Dahl requested Item J be pulled from the Consent Agenda and be considered individually. Consensus of Council was to pull Consent Items E and J from consideration on the Consent Agenda.

### **Council Action**

A motion was made by Councilman Wintters, seconded by Councilman Whitney to approve Consent Items A, B, C, D, F, G, H, I, and K as presented. A vote was taken and the motion passed 5-0 with Councilwoman Culver and Councilwoman Arrington absent.

### **REGULAR AGENDA**

- E. Consider, and act upon, a motion to approve Ordinance No. 2016-01 an Ordinance of the City Council of the City of Wylie, Texas, amending Wylie's Code of Ordinances, Ordinance No. 2005-07, as amended, adding article VII (Municipal Setting Designations) to chapter 42 (Environment); Providing for Municipal Setting Designations to prohibit the use of groundwater in designated areas; amending the Code of Ordinances to add Section XIII (MSD Application Fee) of Appendix C (Wylie Comprehensive Fee Schedule) for the purpose of establishing an MSD Application Fee; Providing a penalty clause, savings/repealing clause, severability clause and an effective

**date; and providing for the publication of the caption hereof.** (*J. Butters, Asst. City Manager*)

#### **Staff Comments**

Assistant City Manager Butters addressed Council stating that the ordinance presented in the packet for review did not include an application fee for Municipal Setting Designations. Butters reported staff was recommending a fee of \$100 to be included in the proposed ordinance on page 13.

#### **Council Action**

A motion was made by Councilman Whitney, seconded by Mayor pro tem Stephens to adopt Ordinance No. 2016-01 an Ordinance of the City Council of the City of Wylie, Texas, amending Wylie's Code of Ordinances, Ordinance No. 2005-07, as amended, adding article VII (Municipal Setting Designations) to chapter 42 (Environment); Providing for Municipal Setting Designations to prohibit the use of groundwater in designated areas; amending the Code of Ordinances to add Section XIII (MSD Application Fee) of Appendix C (Wylie Comprehensive Fee Schedule) for the purpose of establishing an MSD Application Fee of \$100; Providing a penalty clause, savings/repealing clause, severability clause and an effective date; and providing for the publication of the caption hereof. A vote was taken and the motion passed 5-0 with Councilwoman Culver and Councilwoman Arrington absent.

**J. Consider, and act upon, approval of Ordinance No. 2016-02 establishing the maximum speed limits on East Brown Street proceeding from SH 78 to WA Allen Boulevard.** (*C. Holsted, City Engineer*)

#### **Staff Comments**

City Engineer Holsted addressed Council stating that East Brown Street from SH 78 to W.A. Allen Boulevard is currently posted at 40 mph, and this 3,600 feet of roadway contains 5 street, 1 alley, and 6 driveway intersections on the south side. Two of the street intersections have reduced sight visibility due to the topography of Brown Street and the intersection location. Staff recommends reducing the speed to 30 mph which will also reduce the required stopping sight distance for the intersections and increase safety. Also, additional signs will be installed giving advance notice of the intersection.

Councilman Dahl reported some speed limit inconsistencies with other roadways in Wylie going east and west. He stated that when driving the road on the west section of Brown the speed limit is 35 miles; once crossing SH 78 it would become 30 miles. Dahl stated that he had concerns that drivers would not realize the change in speed and continue at a higher speed. He suggested leaving the speed at 35 mph crossing SH 78, until the dip in the road where West Brown intersects with Kreymer Estates and blind spots then reduce the speed to 30 mph at that point; also include dangerous entry sign. He noted his desire was to have an enforceable and comprehensive speed limit that drivers can project by basic rule.

Holsted replied the speed limit on Brown east and west was based on the design of the road. There are considerable differences in topography of east and west Brown which is the reasoning behind the difference in speed.

Councilman Whitney asked City Engineer Holsted if a traffic study had been done on the roadway. Holsted replied it had not. He asked Holsted if going from 40 mph to 30 mph would improve safety. Would it be better to place monitoring system or signage instead? Holsted stated that going 40 mph to 30 mph in stopping site distance is quite a bit different. The residents of Kreymer Estates brought this to our attention as did staff having concerns after driving the road.

Mayor pro tem Stephens noted he was pleased to see this item come on the agenda as he had concerns with the current speed and the hazards on that roadway. Councilman Wintters concurred requesting staff place some good signage to alert drivers to the change.

**Council Action**

A motion was made by Councilman Wintters, seconded by Councilman Dahl to approve Ordinance No. 2016-02 establishing the maximum speed limits on East Brown Street proceeding from SH 78 to WA Allen Boulevard. A vote was taken and the motion passed 4-1 with Mayor Hogue, Mayor pro tem Stephens, Councilman Wintters, and Councilman Dahl voting for, and Councilman Whitney voting against. Councilwoman Culver and Councilwoman Arrington were absent.

- 1. **Hold the 2nd Public Hearing for the annexation of an approximate 1.207 mile segment of Pleasant Valley Road from Elm Grove to the Dallas County Line. 2016-01A.** *(R. Ollie, Development Services Director)*

**Staff Comments**

Development Services Director Ollie addressed Council stating that this annexation is at the request of Dallas County and defined as Orphan Roads. Orphan Roads are all, or part, of a street or road right-of-way, which is outside the incorporated limits of a municipality (or municipalities) and the incorporated area of the municipality (or municipalities) abuts or extends into the right-of-way. These roadway segments have, in effect, been "orphaned" by the abutting city (or cities) that they serve in that they have been left unincorporated.

**Public Hearing**

Mayor Hogue opened the second public hearing on the annexation (2016-01A) at 7:11 p.m. asking anyone present wishing to address Council to come forward.

Two persons were present wishing to address Council in opposition of the annexation.

Mayor Hogue closed the public hearing at 7:18 p.m.

Article 1, Section 3 of the Wylie City Charter authorizes the City Council to adjust boundaries. This annexation is being conducted in compliance with Sections 43.052(h)(2) and 43.063 of the Local Government Code.

Notice published for Public Hearings	December 23, 2015 and January 6, 2016
First Public Hearing	January 12, 2016
Second Public Hearing	January 26, 2016
Adoption of Ordinance	February 9, 2016

- 2. **Hold a Public Hearing and consider, and act upon, approval of a Replat for Arbor Acres, Block A, Lot 1R-2, to create one commercial lot on 2.077 acres, located at 16 Steel Road.** *(R. Ollie, Development Services Director)*

**Staff Comments**

Development Services Director Ollie addressed Council stating that property totals 2.077 acres and will create one commercial lot. A portion of the subject property is zoned PD2011-10-1 while the remaining portion is zoned Light Industrial. Ollie commented the building would be constructed and providing its own green electricity.

Steve Houser, applicant, addressed Council stating that he had been a resident of the City for many years and was very proud to build a totally "green" building.

### **Public Hearing**

Mayor Hogue opened the public hearing on the Re-plat for Arbor Acres at 7:25 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 at 7:26 p.m.

### **Council Action**

A motion was made by Councilman Dahl, seconded by Mayor pro tem Stephens, to approve a Replat for Arbor Acres, Block A, Lot 1R-2, to create one commercial lot on 2.077 acres, located at 16 Steel Road. A vote was taken and the motion passed 5-0 with Councilwoman Culver and Councilwoman Arrington absent.

3. **Consider, and act upon, the acceptance of the resignation of William Hiney and to appoint a new member to the Zoning Board of Adjustment for the unexpired term of June 2014 to June 2016.** (*R. Ollie, Development Services Director*)

### **Staff Comments**

Development Services Director Ollie addressed Council stating that staff is requesting the appointment of a new Zoning Board of Adjustment member to replace Mr. William Hiney, who has recently resigned his position as of January 18, 2016. Ollie requested Council consider Alternate Zoning Board member Andres Gonzalez to move to the permanent position. She explained that with one alternate still remaining Council could wait until the Board and Commission Appointments in June to fill the other alternate position.

### **Council Action**

A motion was made by Councilman Dahl, seconded by Councilman Wintters to accept the resignation of William Hiney and to appoint Andres Gonzalez to the Zoning Board of Adjustment for the unexpired term of June 2014 to June 2016. A vote was taken and the motion passed 5-0 with Councilwoman Culver and Councilwoman Arrington absent.

4. **Consider, and act upon, acceptance of the Comprehensive Annual Financial Report (CAFR) for FY 2014-2015 after a presentation by the audit firm of Weaver L.L.P.** (*L. Bantz, Finance Director*)

### **Staff Comments**

Assistant Finance Director Melissa Beard addressed Council stating that the City Charter in Article VII, Municipal Finance, Section 13: Independent Audit requires that at the end of the fiscal year an independent audit be made of all accounts of the City by a certified public accountant. In compliance with the City Charter, our outside auditor, Weaver has performed an audit as of September 30, 2015. This is the second year for the audit to be performed by Weaver after their selection to continue as the City's independent auditors following an RFP process done during 2014. Prior to that Weaver had served as the City's auditors for six years.

Beard introduced Mr. John DeBurro, Senior Audit Manager with Weaver, who provided a brief presentation of the CAFR, including the Independent Auditors' Report. He reported that Weaver had found the audit to be an unmodified opinion. He explained that Weaver had issued the Independent Auditor's Report on Internal Control over Financial Reporting and on compliance and other matters based on an audit of financial statements performed in accordance with Government Auditing Standards. An unmodified report is the best reporting a city can receive where no deficiencies were found. Mr. DeBurro reviewed some of the highlights of FY 2014-2015 CAFR with council and those present. A complete copy of the FY 2014-2015 CAFR is on file for review.

### **Council Action**

A motion was made by Mayor pro tem Stephens, seconded by Councilman Whitney to accept and place on file the Comprehensive Annual Financial Report (CAFR) for FY 2014-2015 by the audit firm of Weaver L.L.P. A vote was taken and the motion passed 5-0 with Councilwoman Culver and Councilwoman Arrington absent.

### **Presentation of the Wylie Economic Development Corporation Annual Report.**

**5. Consider, and place on file, the 2015 Wylie Economic Development Corporation Annual Report. (S. Satterwhite, WEDC Director)**

WEDC Executive Director Sam Satterwhite delivered the 2015 Annual Report to the Wylie City Council. This report provided a financial overview and condition of the Corporation as well as an update on 2015 business activity and 2016 Goals & Objectives. The report noted that for the fifteenth consecutive fiscal year, sales tax collections increased over prior year figures with a 13.4% gain over 2014 and receipts totaling \$2,191,785.

The WEDC reported the following breakdown of expenditures: \$768,396 on grants and engineering services directly attributed to incentive packages, \$1,858,520 on the purchase of real property, \$272,191 on personnel services, \$131,855 on marketing and promotion, and debt service of \$795,654. In FY 2015-2016, the WEDC is contractually obligated to fund \$1,608,018 in direct incentive programs including sales tax rebate programs for infrastructure improvements executed with Direct Development, Clark Street, and B&B. The WEDC also had \$202,400 in income from the lease of WEDC facilities, and \$11,958 in income from a loan receivable. Finally, the WEDC ended the FY 2014-15 with a fund balance of \$1,367,391.

In addition to the Exco project, the WEDC finalized negotiations on seven commercial projects in 2015 totaling 107,000 square feet and \$16 mm in new investment

The WEDC acquired 10 properties that complement areas being targeted for redevelopment. In early 2016, the WEDC will finalize purchase of 398 S. Hwy 78 and relocate Mann Made to industrial site on Business Way. This purchase culminates a nine-year effort and completes the assembly of a five acre contiguous tract on Highway 78 between Starbucks and Wylie Printing. This redevelopment zone will be a primary focus for new business development in 2016.

Mr. Satterwhite also added that while the WEDC had very little to do with this project, the EPA has begun the clean-up of a Superfund site near the intersection of F.M. 544 and 78. Many staff members have worked on this project over the past twenty years with staff noting that it was not until Congressman Pete Sessions became involved in negotiations with the EPA that progress was made. Mayor Hogue inquired as to the status of City funding for the clean-up with staff responding that the EPA is bearing 100% of the cost.

In 2016, the WEDC will concentrate their efforts toward facilitating the development of the KCS property along Highway 78, working with a new investor which acquired the BARIX Hospital property, and continuing to address the issues surrounding the development of WEDC property on Jackson Street for mixed-use development that complements Wylie's Historic Downtown.

6. **Consider, and act upon, approval of Resolution No. 2016-05(R) authorizing the City Manager to execute an Interlocal Agreement with the North Texas Municipal Water District concerning the reconstruction of Eubanks Lane from SH 78 to the NTMWD entrance.** (C. Holsted, City Engineer)

### **Executive Summary**

City Engineer Holsted addressed Council stating that the North Texas Municipal Water District (NTMWD) has multiple entrances into their property and plant site with the main truck entrance being located on Eubanks Lane just north of the railroad crossing. The westbound SH 78 to northbound Eubanks turn is difficult for large trucks to navigate, and as a result, they are currently using Spring Creek and Centennial to access Eubanks and the main truck entrance. Also, due to the amount of trucks using Eubanks, the paving is in poor condition and requires constant maintenance by our public works department.

Holsted explained staff has been working with NTMWD to develop an agreement for the reconstruction of Eubanks from SH 78 to the NTMWD entrance. The interlocal agreement outlines the project responsibilities and cost participation for each entity. Engineering and right of way acquisition would be the responsibility of the City of Wylie at a projected cost of \$387,000. The construction of the project would be split with NTMWD paying 80% and the City of Wylie paying 20% of the cost as shown in the attached project cost share table. NTMWD would also pay 100% of a proposed westbound deceleration and turn lane on SH 78 at Eubanks (TxDOT approval is required).

Holsted noted the improvements to Eubanks Lane are included in the Thoroughfare Capital Improvements Plan and Impact Fee Calculation. Staff recommends using impact fee funds for the engineering and right of way acquisition. The current west zone thoroughfare impact fee balance is approximately \$950,000. A funding source for the construction of the project has not yet been identified.

### **Council Action**

A motion was made by Councilman Wintters, seconded by Councilman Whitney to approve Resolution No. 2016-05(R) authorizing the City Manager to execute an Interlocal Agreement with the North Texas Municipal Water District concerning the reconstruction of Eubanks Lane from SH 78 to the NTMWD entrance. A vote was taken and the motion passed 5-0 with Councilwoman Culver and Councilwoman Arrington 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 2016-01 and 2016-02 into the official record.

Mayor Hogue convened into Executive Session at 8:28 p.m. reading the captions below.

### **EXECUTIVE SESSION**

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

**§Sec. 551.074. PERSONNEL MATTERS; CLOSED MEETING.**

This chapter does not require a governmental body to conduct an open meeting:

- (1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or
- (2) to hear a complaint or charge against an officer or employee.
- (b) Subsection (a) does not apply if the officer or employee who is the subject of the deliberation or hearing requests a public hearing.

- **City Manager Evaluation.** (*M. Manson, City Manager*)

Mayor Hogue reconvened into Open Session at 9:43 p.m.

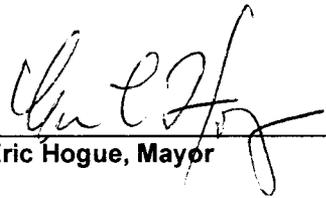
**RECONVENE INTO OPEN SESSION**

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

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

**ADJOURNMENT**

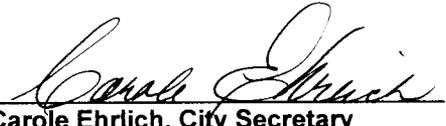
A motion was made by Mayor pro tem Stephens, seconded by Councilman Dahl, to adjourn the meeting at 9:45 p.m. A vote was taken and the motion passed 5-0 with Councilwoman Culver and Councilwoman Arrington absent.



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Eric Hogue, Mayor

ATTEST:



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Carole Ehrlich, City Secretary

