



# Wylie City Council

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## Minutes

### City Council Meeting

Tuesday, September 22, 2015 – 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, Councilwoman Candy Arrington, Councilman Todd Winters, Councilwoman Diane Culver, and Councilman William Whitney III. Councilman David Dahl was absent.

Staff present were: City Manager, Mindy Manson; Assistant City Manager, Jeff Butters; Development Services Director, Renae Ollie; City Engineer, Chris Holsted; WEDC Executive Director, Sam Satterwhite; Finance Director, Linda Bantz; City Secretary, Carole Ehrlich; Public Information Officer, Craig Kelly; and various support staff.

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#### INVOCATION & PLEDGE OF ALLEGIANCE

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

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#### PRESENTATIONS

- **Proclamation declaring October 4-10, 2015 as Fire Prevention Week in the City of Wylie.**  
*(B. Parker, Fire Chief)*

Mayor Eric Hogue read a proclamation declaring October 4-10, 2015 as Fire Prevention Week in the City of Wylie. Assistant Fire Chief Brandon Blythe and members of the Firefighter Fire Prevention Acting Group were present to accept the proclamation. The FFPAG group provides fire prevention skits for the WISD campuses during the month of October.

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#### 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.*

Tom Allred, A & W Properties, addressed council in objection to the east bound "No left turn" sign at 2771 and F.M. 544; requesting it be removed.

John Young, business owner at 2801 F.M. 544, addressed council in objection to the east bound "No left turn" sign on F.M. 544.

### **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 September 8, 2015 Regular Meeting of the Wylie City Council.** *(C. Ehrlich, City Secretary)*
- B. **Consider, and act upon, approval of a Final Plat for Dallas Agility Working Group, creating one single lot on 1.1194 acres, generally located in the City of Wylie ETJ at 1725 E. Stone Road, north of East Stone Road.** *(R. Ollie, Development Services Director)*
- C. **Consider, and act upon, approval of a Preliminary Plat for LaQuinta Addition, creating three lots on 10.31 acres, generally located on the southwest corner of F.M. 544 and Sanden Road.** *(R. Ollie, Development Services Director)*
- D. **Consider, and act upon, Resolution No. 2015-19(R) approving the current Investment Policy as required by the Texas Government Code, Chapter 2256, Public Funds Investment Act, Subchapter A – Authorized Investments for Governmental Entities.** *(L. Bantz, Finance Director)*
- E. **Consider, and act upon, approving the Financial Management Policies.** *(L. Bantz, Finance Director)*
- F. **Consider, and place on file, the City of Wylie Monthly Investment Report for August 31, 2015.** *(L. Bantz, Finance Director)*
- G. **Consider, and place on file, the City of Wylie Monthly Revenue and Expenditure Report for August 31, 2015.** *(L. Bantz, Finance Director)*
- H. **Consider, and act upon, Resolution No. 2015-20(R) of the City Council of the City of Wylie, Texas, approving an annual Interlocal Agreement with renewals between the City of Wylie and Collin County for GIS Services in an estimated annual amount of \$15,000; and authorizing the City Manager to execute any necessary documents.** *(G. Hayes, Purchasing)*

### **Council Action**

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

## **REGULAR AGENDA**

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- 1. Hold a Public Hearing and consider, and act upon, a change in zoning from Commercial Corridor (CC) to Planned Development – Light Industrial District (PD-LI) to allow Light industrial uses; on approximately 2 acres generally located west of Commerce Street and south of Business Way (710 Business Way). ZC 2015-10 (R. Ollie, Development Services Director)**

### **Staff Comments**

Development Services Director Ollie addressed Council stating that the applicant is requesting to amend the zoning on approximately 2 acres of commercially zoned land to allow limited light industrial uses and to establish guidelines for such development. Minor interior renovations are being requested. The proposal includes additional concrete for outside storage. Screening is also requested in the form of chain link or like screening for security.

Councilwoman Culver voiced concerns with the outside storage area. She stated no outside storage is currently allowed in the area. WEDC Executive Director Satterwhite addressed Council explaining that storage material will be long aluminum logs which are approximately 6 feet in length. All other materials will be stored inside the building. Satterwhite stated that other businesses in the area did have outside storage conforming to Light Industrial District, which this area was originally.

### **Public Hearing**

Mayor Hogue opened the public hearing on ZC 2015-10 at 6:23 p.m., asking anyone present wishing to address council to come forward.

No citizens were present to address council.

Mayor Hogue closed the public hearing at 6:24 p.m.

### **Council Action**

A motion was made by Mayor pro tem Stephens, seconded by Councilman Winters to approve a change in zoning from Commercial Corridor (CC) to Planned Development – Light Industrial District (PD-LI) to allow Light industrial uses; on approximately 2 acres generally located west of Commerce Street and south of Business Way (710 Business Way). A vote was taken and the motion passed 6-0 with Councilman Dahl absent.

- 2. Consider, and act upon, a screening wall on the north side of Stone Rd., east of Akin Rd. (C. Holsted, City Engineer)**

### **Staff Comments**

City Engineer Holsted addressed Council stating that a living screen existed south of the alley along Candlewood Court prior to the Stone Road reconstruction. The screening was removed due to utility relocations, roadway construction, and sidewalk construction. Residents adjacent to the alley have requested that a screen wall be constructed in this area.

Holsted reported the length of the screen wall along the alley is approximately 330'. Cost range from \$35/foot for a board on board fence with metal post to \$100/foot for a masonry wall.

### Council Discussion

Mayor Hogue asked what the maintenance would be on individual options for screening. Holsted reported that live screening would require trimming and maintaining annually. A nice board on board cedar fence would have a 10 year life with occasional staining. A masonry wall would last approximately 20 years. Hogue asked if funding was left from the thoroughfare project. Holsted replied there was funding for the wall in the remaining funds. Mayor pro tem Stephens clarified that the initial construction would be covered under the thoroughfare funding; however, maintenance on any of the options would be annual expenditures. Councilwoman Culver clarified that the thoroughfare funding could also be used for other thoroughfare projects once the identified project was completed.

Councilwoman Culver stated that she believed adding a screening wall would open up requests from other communities in Wylie requesting the same screening be provided. Mayor pro tem Stephens asked if there were any other communities in the City that did not have some type of screening wall. Holsted replied that to his knowledge there were not. Councilwoman Arrington stated, she felt a masonry wall was the best option for this area since it is a highly traveled road.

### Council Action

A motion was made by Councilman Winters, seconded by Councilwoman Arrington to approve a masonry screening wall on the north side of Stone Rd., east of Akin Rd. A vote was taken and the motion passed 5-1 with Mayor Hogue, Mayor pro tem Stephens, Councilman Winters, Councilwoman Arrington, and Councilman Whitney for approval, and Councilwoman Culver against with Councilman Dahl absent.

**Mayor Hogue requested Item #3 be considered after Item #7. Consensus of Council was to postpone consideration of Item #3 to the end of the Regular Session and after Item #7.**

3. Consider, and act upon, Resolution No. 2015-21(R) authorizing and approving WEDC Resolution 2015-02(R) adopted by the Board of Directors of the Wylie Economic Development Corporation authorizing one or more loans in the aggregate amount of \$1,685,000 from The American National Bank of Texas and pledging the ½ cent sales tax for economic development as collateral to secure the repayment of said loan(s). (S. Satterwhite, WEDC Director)
  
4. Accept, and place on file, a Performance Agreement between the Wylie Economic Development Corporation and Mann Made, Inc. – II. (S. Satterwhite, WEDC Director)

### Staff Comments

WEDC Executive Director, Sam Satterwhite provided a comprehensive update regarding a Performance Agreement between the WEDC and Mann Made, Inc. – II. The Agreement, which was approved by the WEDC Board of Directors on 9-21-15, identified certain commitments by both the WEDC and Mann Made under which (1) the WEDC would purchase 1.2 acres from Joe & Barbara Edge (owners of Mann Made) located at 398 Highway 78 for \$750,000; (2) the WEDC would purchase property located at 710 Business Way for \$950,000 and convey the same to Edge at no cost; (3) WEDC would make certain improvements to 710 Business Way to accommodate Mann Made business operations with a construction budget of \$549,450; and (4) WEDC will be financially responsible for relocating Mann Made equipment and personal property from its current location to 710 Business Way at a cost not to exceed \$171,000. Satterwhite noted the conveyance of the Business Way property and remodeling/moving

efforts were required to purchase the Edge property so that Mann Made could continue its business operations.

Satterwhite indicated that the Edge property on 78 was vital to WEDC redevelopment efforts to the area with the WEDC already acquiring approximately 3.2 acres on both sides of the Edge tract at a cost of \$1.4 million. Satterwhite further emphasized that the acquisition of the Edge tract allows the WEDC to assemble a cumulative 4.7 acres which will be marketed for restaurant development and create a total of 3 pad sites.

With a total project cost of \$20 per square foot for all properties within the redevelopment area, Satterwhite indicated that a typical investor could not undertake such an effort due to the maximum market value for the properties being \$21 per square foot, at best. It was further explained that the high cost to acquire the 4.7 acres was a direct result of owner occupied businesses located on each of the properties and the cost of the improvements located thereon had to be factored into the purchase price even though the WEDC only needed the real estate.

Satterwhite explained that WEDC was close to finalizing a letter of intent from a national restaurant group that is able to pay at the top of market value for one of the new pad sites.

Councilwoman Culver commended Mr. Satterwhite and the WEDC board for their forward thinking in transforming this area to restaurant pads. Culver explained that even though the costs are high to convert these properties, it will benefit the City in the years to come.

### **Council Action**

A motion was made by Councilwoman Culver, seconded by Councilman Whitney to accept, and place on file, a Performance Agreement between the Wylie Economic Development Corporation and Mann Made, Inc. – II. A vote was taken and the motion passed 6-0 with Councilman Dahl absent.

5. **Accept, and place on file, a Real Estate Sales Contract between Joe H. Edge & Barbara J. Edge and the Wylie Economic Development Corporation.** *(S. Satterwhite, WEDC Director)*

### **Staff Comments**

WEDC Executive Director Satterwhite addressed Council stating for the Council's review is a Real Estate Sales Contract between Joe H. Edge & Barbara J. Edge (Edge) and the Wylie Economic Development Corporation (WEDC). The contract calls for Edge to sell 1.23 acres of land to the WEDC for \$750,000. WEDC staff anticipates that the Contract will be executed on September 21, 2015 with a closing date no later than October 9, 2015.

### **Council Action**

A motion was made by Councilwoman Arrington, seconded by Councilwoman Culver to accept, and place on file, a Real Estate Sales Contract between Joe H. Edge & Barbara J. Edge and the Wylie Economic Development Corporation. A vote was taken and the motion passed 6-0 with Councilman Dahl absent.

6. **Accept, and place on file, a Commercial Contract of Sale between TD Linduff Real Estate LP and the Wylie Economic Development Corporation.** *(S. Satterwhite, WEDC Director)*

### Staff Comments

WEDC Executive Director Satterwhite addressed Council stating for the Council's review is a Commercial Contract of Sale between TD Linduff Real Estate LP and the Wylie Economic Development Corporation (WEDC). The Contract calls for the WEDC to purchase ±2.107 acres from TD Linduff for \$950,000. The WEDC anticipates executing Loan Documents with The American National Bank of Texas to finance the purchase on September 23rd and close on the Contract no later than October 9, 2015. The Linduff Commercial Contract of Sale between TD Linduff Real Estate LP and the Wylie Economic Development Corporation. Purchase will be made simultaneously along with the Sale of the Edge tract on Highway 78 to the WEDC.

### Council Action

A motion was made by Mayor pro tem Stephens, seconded by Councilman Whitney to accept, and place on file, a Commercial Contract of Sale between TD Linduff Real Estate LP and the Wylie Economic Development Corporation. A vote was taken and the motion passed 6-0 with Councilman Dahl absent.

7. **Accept, and place on file, a Real Estate Sales Contract between the Wylie Economic Development Corporation and Joe H. Edge & Barbara J. Edge.** *(S. Satterwhite, WEDC Director)*

### Staff Comments

WEDC Executive Director Satterwhite addressed Council stating that for the Council's review is a Real Estate Sales Contract between the Wylie Economic Development Corporation (WEDC) and Joe H. Edge and Barbara J. Edge. Following closing on the Linduff property, the WEDC will convey the Linduff Property to Joe & Barbara Edge who will in turn lease the real estate to Mann Made, Inc. – II. There will be no direct cost to the Edge's other than those commitments identified within the Performance Agreement. All Contracts/Agreements with Edge, Mann Made, and Linduff will be executed simultaneously.

### Council Action

A motion was made by Mayor pro tem Stephens, seconded by Councilman Whitney to accept, and place on file, a Real Estate Sales Contract between the Wylie Economic Development Corporation and Joe H. Edge & Barbara J. Edge. A vote was taken and the motion passed 6-0 with Councilman Dahl absent.

3. **Consider, and act upon, Resolution No. 2015-21(R) authorizing and approving WEDC Resolution 2015-02(R) adopted by the Board of Directors of the Wylie Economic Development Corporation authorizing one or more loans in the aggregate amount of \$1,685,000 from The American National Bank of Texas and pledging the ½ cent sales tax for economic development as collateral to secure the repayment of said loan(s).** *(S. Satterwhite, WEDC Director)*

### Staff Comments

WEDC Executive Director Satterwhite addressed Council stating that the WEDC Board of Directors has approved a Resolution which authorizes the borrowing of \$1,685,000 from The American National Bank of Texas and the pledging of the WEDC ½ cent sales tax for economic development as collateral for the

repayment of the same. The loan proceeds will be used to fund the purchase of two properties in Wylie with the first property located at 398 Highway 78 and the second property at 710 Business Way.

Satterwhite thanked City staff for their assistance in completing the above projects. Mayor Hogue thanked Satterwhite for his work on these projects.

### **Council Action**

A motion was made by Councilman Whitney, seconded by Councilwoman Arrington to approve a Resolution No. 2015-21(R) authorizing and approving WEDC Resolution 2015-02(R) adopted by the Board of Directors of the Wylie Economic Development Corporation authorizing one or more loans in the aggregate amount of \$1,685,000 from The American National Bank of Texas and pledging the ½ cent sales tax for economic development as collateral to secure the repayment of said loan(s). A vote was taken and the motion passed 6-0 with Councilman Dahl absent.

**Mayor Hogue reported the City Attorney was not able to attend the Executive Session; therefore, there will not be an Executive Session tonight. The Executive Session will be reposted for another meeting in the future.**

### **EXECUTIVE SESSION**

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

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

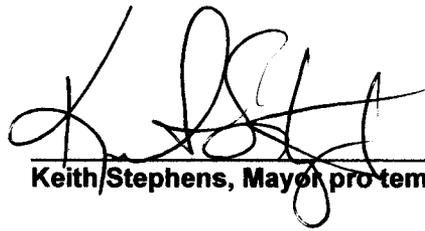
- (1) when the governmental body seeks the advice of its attorney about:
  - (A) pending or contemplated litigation; or
  - (B) a settlement offer; or

(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.

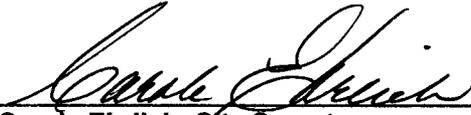
- **City of Wylie vs. Parker Country Club, LP, Cause No. 003-02341-2014 pending in Collin County Court at Law No. 3.**

### **ADJOURNMENT**

A motion was made by Mayor pro tem Stephens, seconded by Councilwoman Culver to adjourn the meeting at 7:01 p.m. A vote was taken and the motion passed 6-0 with Councilman Dahl absent.

  
Keith/Stephens, Mayor pro tem

ATTEST:

  
Carole Ehrlich, City Secretary

