



# Wylie City Council

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## Minutes

### Regular Meeting

May 14, 2019 – 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 6:04 p.m. The following City Council members were present: Mayor *pro tem* Keith Stephens, Councilman Matthew Porter, Councilman Jeff Forrester, Councilwoman Candy Arrington, Councilman Timothy T. Wallis, and Councilman David Dahl.

Staff present included: City Manager Chris Holsted; Assistant City Manager Brent Parker; Assistant City Manager Renaé Ollie; City Attorney Richard Abernathy; Police Chief Anthony Henderson; Chief Building Official Bret McCullough; Public Information Officer Craig Kelly; Parks and Recreation Director Robert Diaz; Finance Director Melissa Beard; Assistant Fire Chief Brandon Blythe; Public Works Director Tim Porter; Planning Manager Jasen Haskins, Library Director Rachel Orozco; WEDC Executive Director Sam Satterwhite; City Secretary Stephanie Storm, and various support staff.

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#### INVOCATION & PLEDGE OF ALLEGIANCE

Mayor *pro tem* Stephens gave the invocation and Councilman Forrester led the Pledge of Allegiance.

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#### CANVASS OF ELECTION

- **Consider, and act upon, Ordinance No. 2019-12 of the City Council of the City of Wylie, Texas, Canvassing the returns of the May 4, 2019 General Election; Declaring the Election Results for City Council Place 1 and Place 3; Providing A Savings/Repealing Clause, Severability Clause and an Effective Date.** (*S. Storm, City Secretary*)

#### Council Action

A motion was made by Councilman Porter, seconded by Councilman Dahl, to approve Ordinance No. 2019-12 of the City Council of the City of Wylie, Texas, Canvassing the returns of the May 4, 2019 General Election; Declaring the Election Results for City Council Place 1 and Place 3; Providing A Savings/Repealing Clause, Severability Clause and an Effective Date. A vote was taken and the motion passed 7-0.

- **Presentation of appreciation plaque to outgoing Councilmember Keith Stephens.**

Mayor Hogue, on behalf of the Wylie City Council and staff, presented outgoing Councilman and Mayor *pro tem* Keith Stephens with a plaque of appreciation for his dedication and support to the City of Wylie during his tenure as Councilmember Place 1.

## **ISSUANCE OF CERTIFICATE TO ELECTED COUNCIL MEMBERS DAVID R. DUKE AND JEFFREY FORRESTER**

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Mayor Hogue presented Certificates of Election to Councilmembers-Elect Jeff Forrester and David R. Duke.

## **ADMINISTRATION OF OATH OF OFFICE**

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- **Oath – Councilmembers-Elect, David R. Duke and Jeffrey Forrester.**  
*Presented by Municipal Court Judge Art Maldonado*

Municipal Court Judge Art Maldonado administered the Oath of Office to Councilman Jeffrey Forrester and Councilman David R. Duke.

Councilman Duke took his seat at the dais for the remainder of the meeting.

## **APPOINTMENT OF MAYOR *PRO TEM***

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- **Consider, and act upon, the appointment of Mayor *Pro Tem* for a one-year term beginning May 2019 and ending May 2020.**

### **Council Action**

A motion was made by Councilman Porter, seconded by Councilman Wallis, to recommend appointment of Jeffrey Forrester as Mayor *pro tem* for a one-year term beginning May 2019 and ending May 2020. A vote was taken and the motion passed 7-0.

## **CITIZEN COMMENTS ON NON-AGENDA ITEMS**

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*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.*

Margaret Eubanks addressed Council commending the Wylie Fire Department regarding the process and cleanup of a spill that occurred by her home. She also expressed concerns regarding stormwater drainage from Lewis Ranch Estates to Bennett Road.

- City Manager Holsted clarified the developer does have some water quality issues that need to be addressed with erosion control; however, the weather has not allowed the ground to dry up enough for him to complete the work. Holsted stated they are working to get the problems addressed and hopefully there will soon be a resolution to some of issues Ms. Eubanks is experiencing.

Michael Stephens addressed Council with concerns regarding stormwater drainage on his property at 914 Heatherwood Drive.

Julie Kilgore addressed Council with concerns regarding stormwater drainage from Grayhawk Park Subdivision onto her property located at 2205 E. Stone Road.

## **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 23, 2019 Regular Meeting of the Wylie City Council.** *(S. Storm, City Secretary)*
- B. **Consider, and act upon, the acceptance of the resignation of Kevin Lanier and appointment of Robert Blair as a new board member to the City of Wylie Zoning Board of Adjustments to fill the term of April 2019 to June 30, 2020.** *(S. Storm, City Secretary)*
- C. **Consider, and act upon, Resolution No. 2019-14(R), ratifying Brent Parker as Acting City Manager in the absence of Chris Holsted, City Manager.** *(C. Holsted, City Manager)*
- D. **Consider, and act upon, Resolution No. 2019-15(R) of the City Council of the City of Wylie, Texas, hereby authorizing the City Manager to execute an updated Interlocal Agreement between the City of Wylie and the City of Plano for the continued use of the Joint Communications System maintained and operated by the City of Plano.** *(B. Blythe, Fire Chief)*

## **Council Action**

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Porter, to approve the Consent Agenda as presented. A vote was taken and the motion passed 7-0.

## **REGULAR AGENDA**

1. **Hold a Public Hearing and consider, and act upon, a Replat for Railroad Addition Block 13 Lot 1R; Being a Replat of Lots 1B, 2B, 3B, 4, and 5, Block 23, establishing one lot on 1.479 acres, located on the northeast corner of Oak Street and 5th Street.** *(J. Haskins, Planning Manager)*

## **Staff Comments**

Planning Manager Haskins addressed Council stating the purpose of the replat is to combine five lots to establish one lot on 1.479 acres for the purposes of a multi-family development. The property is zoned Multifamily (MF) and a site plan for a two building, 22-unit development, was approved by the P&Z Commission in April 2019. The lot meets the one-acre minimum for a multi-family development. The plat dedicates necessary fire lane, access, and utility easements. Haskins reported 23 notifications were mailed, with one response returned in opposition and no response returned in favor at the time of posting. The P&Z Commission voted 5-0 to recommend approval.

## **Council Comments**

Councilman Porter asked if any variances were requested. Haskins replied no variances were requested. Porter asked if it was a stand-alone development. Haskins replied yes it was. Porter asked if the development has multiple entrances. Haskins replied yes it would contain multiple entrances.

### Public Hearing

Mayor Hogue opened the public hearing on Item 1 at 6:36 p.m. asking anyone present wishing to address Council to come forward.

Sandra Ritzmann addressed Council with concerns regarding the development bordering the Hughes Cemetery and asked Council's consideration to ensure the cemetery is protected.

Mayor Hogue closed the public hearing at 6:41 p.m.

### Council Comments

Mayor *pro tem* Forrester stated based on the metes and bounds of the document, the boundary lines are not identified. Haskins responded the legal description and boundaries are set by a surveyor licensed by the state of Texas. Based on the surveyor's research, the lines are where they say they are; therefore, the plat would represent the location of the boundary lines. Councilman Dahl confirmed that this is a historically platted property with the county and the current owner is asking that the property being combined into one lot. Haskins confirmed that is correct; a final plat is on file with Collin County with these exact boundary lines. This replat is taking the five lots and combining them into one. Councilman Porter asked if this property falls under Section 212.015 of the Code. Holsted replied it does not fall under Section 212.015 because it is zoned multi-family and actually allows more than two units per lot. Porter asked if the request for a change in the wall between the buildings and the cemetery submitted to the Planning & Zoning Commission was omitted. Haskins replied that the Commission had approved a request from the developer that, rather than doing an actual screening wall, they be allowed to do a living screen with a wrought iron fence, pursuant to a request from the cemetery board that something more nature friendly be installed, and it is reflected on the Site Plan.

### Council Action

A motion was made by Councilman Dahl, seconded by Councilwoman Arrington, to approve a replat for Railroad Addition Block 13 Lot 1R; being a replat of Lots 1B, 2B, 3B, 4, and 5, Block 23, establishing one lot on 1.479 acres, located on the northeast corner of Oak Street and 5th Street. A vote was taken and the motion passed 6-1 with Councilman Wallis voting against.

- 2. Hold a Public Hearing and consider, and act upon, a change of zoning from Single-Family 10/24 (Sf-10/24) to Commercial Corridor (CC), for commercial purposes on one acre, located at 110 College and 406 S. Jackson. ZC 2019-03 (J. Haskins, Planning Manager)**

### Staff Comments

Planning Manager Haskins addressed Council stating the applicant is requesting to rezone two lots of approximately 0.38 acres and 0.19 acres located at 406 South Jackson Street and 110 College Street, respectively. The reason for the requested zoning is for marketing and future development as commercial. No site plans or other development requests have been submitted at this time. The property is generally bordered by commercial, mixed-use, and single-family. Haskins reported 21 notifications were mailed, with one response returned in favor and no responses returned in opposition. The Commission voted 5-0 to recommend approval.

### Public Hearing

Mayor Hogue opened the public hearing on Item 2 at 6:51 p.m. asking anyone present wishing to address Council to come forward.

Mayor Hogue closed the public hearing at 6:51 p.m.

### **Council Action**

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Dahl, to approve a change of zoning from Single-Family 10/24 (Sf-10/24) to Commercial Corridor (CC), for commercial purposes on one acre, located at 110 College and 406 S. Jackson (ZC 2019-03). A vote was taken and the motion passed 7-0.

- 3. Hold a Public Hearing and consider, and act upon, a change of zoning from Agricultural-30 (AG-30) to Planned Development-Single Family (PD-SF), to allow for single-family development, not to exceed 57 residential lots on 16.52 acres, located at 2605 E. Stone Road. ZC 2019-05 (J. Haskins, Planning Manager)**

### **Staff Comments**

Assistant City Manager Ollie addressed Council stating the applicant is requesting 57 residential lots on 16.52 acres. The property currently contains a single-family home and was annexed into the City in 2014. The property is generally bordered by low-density properties outside city limits to the east and west, a utility property to the north also outside city limits, and a planned development residential property to the south, located within city limits.

The proposal requests, a minimum of 6,900-square-foot lots, 2,000-square-foot minimum dwelling, 20-foot front setback, 5-foot side setback, and a 15-foot rear setback. Based on the Concept Plan and Overall Master Plan approximately two acres of usable open space would be provided. The open space and all improvements were recommended for approval by the Parks Board in January 2019. Ollie reported 39 notifications were mailed, with one response in favor of the request and one form in opposition representing five properties returned at the time of posting. An email against the proposed development was also received by staff.

### **Council Comments**

Mayor *pro tem* Forrester asked whether, based on the rendering provided, does the one exit with a small divider in the middle constitutes two exits. Ollie replied the rendering was accepted by the Fire Department.

### **Public Hearing**

Mayor Hogue opened the public hearing on Item 3 at 6:58 p.m. asking anyone present wishing to address Council to come forward.

Sandra Ritzmann addressed Council requesting Council reconsider and tighten the requirements on the developers and contractors regarding stormwater drainage for new developments.

Dan Mingea addressed Council and spoke in opposition of the proposed Planned Development (PD).

Julie Kilgore addressed Council expressing concerns regarding density, City standards, and stormwater runoff regarding the proposed PD.

Todd Winters, representing Engineering Concepts, addressed Council stating it was Mr. Kreymer's desire to develop this piece of property as a senior citizen living facility; however, due to the size and location he was unable to locate a developer. Winters stated the reason a PD is requested is to allow for flexibility to preserve the natural beauty of the land. It will allow for almost 2 ½ acres of open space which will preserve all of the big trees. Winters stated a divided entry does qualify for two points of access and they spoke with the fire marshal regarding the proposed entry. A playground, enhanced entry, trails that connect to the City trail system and sidewalks are all part of the proposed development. Regarding stormwater drainage, Winters clarified there will be a detention pond in the southwest corner of the development and the developer will ensure the flow of water from this proposed development is not increased downstream.

Councilwoman Arrington asked about preserving the tree line along the property. Winters responded that they will preserve the tree line; however, the trees where the detention pond is will have to be removed. With Pulte Homes being the builder in this proposed development, Arrington expressed concerns with the amount of trash from the builders in Grayhawk Park. Winters responded with Pulte being the only builder, he believes they will keep it clean to sell homes they are building. Hogue asked if they could place in the PD restrictions stating the developer could not remove the trees. Winters replied yes they could request the trees not be removed along the tree line. Councilman Porter asked if there were details about what improvements will be made to the playground. Winters responded the landscape drawings will be an attachment to the PD as well as an itemized list that went to the Parks Board.

Keith Huyck addressed Council and requested to help alleviate congestion, the council stay with the 10,000-square-foot minimum lot size and the 2,400-square-foot minimum dwelling size requirements.

Mayor Hogue closed the public hearing at 7:30 p.m.

Councilman Wallis stated his concern is the 10,000-square-foot minimum lot size and the 2,400-square-foot minimum dwelling size. Wallis stated Council has to ensure they take care of the residents and infrastructure; that sometimes you need to take a step back, use caution, and take a breath.

#### **Council Action**

A motion was made by Councilman Porter, seconded by Councilman Wallis, to deny a change of zoning from Agricultural-30 (AG-30) to Planned Development-Single Family (PD-SF), to allow for single-family development, not to exceed 57 residential lots on 16.52 acres, located at 2605 E. Stone Road (ZC 2019-05). A vote was taken and the motion passed 6-1 with Councilman Dahl voting against.

- 4. Consider, and act upon, Ordinance No. 2019-13 amending Ordinance No. 2018-24, which established the budget for fiscal year 2018-2019; providing for repealing, savings and severability clauses; and providing for an effective date of this ordinance. (M. Beard, Finance Director)**

#### **Staff Comments**

Finance Director Beard addressed Council stating staff is requesting approval for amendments to the FY 18-19 budget for the following two items:

- 1) Police unit sustained damage in a hailstorm in McKinney on March 24, 2019. The insurance proceeds from TML, the insurance provider, were not enough to replace the vehicle and move the equipment to the new vehicle. The net increase to the budget is \$14,640.50.
- 2) A Parks vehicle was damaged in an accident, but is repairable with the proceeds from the insurance. This will be budget neutral.

#### **Council Comments**

Councilman Porter asked why the vehicle was in McKinney. Beard reported it was a take-home vehicle for a police officer. Porter confirmed the police vehicle is changing from a car to a truck. Police Chief Henderson responded they are requesting a truck instead of a car. Reliable Chevrolet currently has a truck on the lot and Chevy is doing away with the Impala model, which is what the current vehicle is. This truck will also be used to pull two of the police trailers when needed.

#### **Council Action**

A motion was made by Councilman Porter, seconded by Mayor *pro tem* Forrester, to approve Ordinance No. 2019-13 amending Ordinance No. 2018-24, which established the budget for fiscal year 2018-2019; providing for repealing, savings and severability clauses; and providing for an effective date of this ordinance. A vote was taken and the motion passed 7-0.

5. **Consider, and act upon, the appointment of a 2019 Board and Commissions City Council Interview Panel to conduct the May 2019 board applicant interviews. (S. Storm, City Secretary)**

**Staff Comments**

City Secretary Storm addressed Council stating the interview meeting dates are scheduled for Wednesday, May 29 and Thursday, May 30, with an alternate date of Friday, May 31 from about 5:30 - 9:00 p.m. each night.

Mayor Hogue stated typically the Mayor *pro tem* serves as the chairman for the panel and Councilman Dahl has stated he would like to volunteer his time and serve again. Mayor Hogue asked Council if there were any other volunteers. Councilman Porter stated he would like to volunteer again.

**Council Action**

A motion was made by Councilwoman Arrington, seconded by Councilman Duke, to appoint Councilman David Dahl, Councilman Matthew Porter, and Mayor *pro tem* Jeffrey Forrester to serve on the 2019 Boards and Commissions City Council Interview Panel. A vote was taken and the motion passed 7-0.

6. **Consider, and act upon, the appointment of two committee members to the City of Wylie City Council Subcommittee to represent the City of Wylie in meetings with the Wylie Independent School District City/Schools Partnerships Committee. (S. Storm, City Secretary)**

**Council Action**

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Dahl, to appoint Councilman Matthew Porter and Councilman Toby Wallis to the City of Wylie City Council Subcommittee to represent the City of Wylie in meetings with the Wylie Independent School District City/Schools Partnerships Committee. A vote was taken and the motion passed 7-0.

Mayor Hogue convened the Council into Executive Session at 7:43 p.m.

**EXECUTIVE SESSION**

If during the course of the meeting covered by this notice, the City Council should determine that a closed or executive meeting or session of the City Council or a consultation with the attorney for the City should be held or is required, then such closed or executive meeting or session or consultation with attorney as authorized by the Texas Open Meetings Act, Texas Government Code § 551.001 et. seq., will be held by the City Council at the date, hour and place given in this notice as the City Council may conveniently meet in such closed or executive meeting or session or consult with the attorney for the City concerning any and all subjects and for any and all purposes permitted by the Act, including, but not limited to, the following sanctions and purposes:

Texas Government Code Section:

- § 551.071 – Private consultation with an attorney for the City.
- § 551.072 – Discussing purchase, exchange, lease or value of real property.
- § 551.074 – Discussing personnel or to hear complaints against personnel.
- § 551.087 – Discussing certain economic development matters.
- § 551.073 – Discussing prospective gift or donation to the City.
- § 551.076 – Discussing deployment of security personnel or devices or security audit.

*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.

- **Social Media Use and Policy.**

**Sec. 551.087. DELIBERATION REGARDING ECONOMIC DEVELOPMENT  
NEGOTIATIONS; CLOSED MEETING.**

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

- (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or
  - (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).
- **Discuss the offer of incentives for property generally located along SH 78 south of Alanis Drive.**

**RECONVENE INTO OPEN SESSION**

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

Mayor Hogue reconvened into Regular Session at 8:54 p.m.

**WORK SESSION**

- **Discussion on Social Media Use and Policy.** (C. Holsted, City Manager)

Mayor Hogue stated Council received general information from the City Attorney so Council was not going to hold the scheduled Work Session.

**READING OF ORDINANCES**

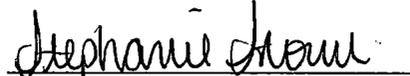
*Title and caption approved by Council as required by Wylie City Charter, Article III, Section 13-D.*

City Secretary Storm read Ordinance Nos. 2019-12 and 2019-13 into the official record.

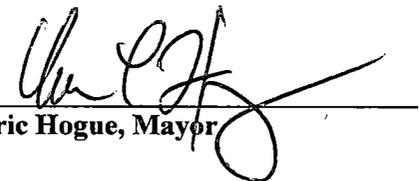
**ADJOURNMENT**

A motion was made by Councilman Dahl, seconded by Mayor *pro tem* Forrester, to adjourn the meeting at 8:55 p.m. A vote was taken and the motion passed 7-0.

ATTEST:

  
Stephanie Storm, City Secretary



  
Eric Hogue, Mayor