



Wylie City Council

Minutes

Regular Meeting

January 14, 2020 – 6:00 p.m.

Wylie Municipal Complex – Council Chambers

300 Country Club Road, Bldg. 100

Wylie, TX 75098

CALL TO ORDER

Mayor Eric Hogue called the regular meeting to order at 6:00 p.m. The following City Council members were present: Councilman David R. Duke, Councilman Matthew Porter, Mayor *pro tem* 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; Police Chief Anthony Henderson; Public Information Officer Craig Kelly; Finance Director Melissa Beard; Fire Chief Brandon Blythe; Planning Manager Jasen Haskins; Parks and Recreation Director Rob Diaz; WEDC Executive Director Sam Satterwhite; Public Works Director Tim Porter; Library Director Rachel Orozco; Human Resources Director Lety Yanez; City Attorney Richard Abernathy; Attorney Bill Krueger; TML representative Mary Potts; City Secretary Stephanie Storm, and various support staff.

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Hogue gave the invocation and City Manager Holsted led the Pledge of Allegiance.

CITIZEN COMMENTS ON NON-AGENDA ITEMS

Margaret Eubanks addressed Council regarding concerns with drainage issues from Lewis Ranch. Mayor Hogue asked City Manager Holsted for feedback from the developer and county at a future meeting.

Mayor Hogue convened the Council into Executive Session at 6:15 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.

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.

- **Meeting with City Attorney to receive legal advice regarding the following pending litigation related thereto: Cause No. 4:18-cv-00364; Don High v. City of Wylie, Texas.**

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

Mayor Hogue reconvened into Open Session at 7:26 p.m.

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 December 10, 2019 Regular Meeting and December 10, 2019 Work Session of the Wylie City Council. (S. Storm, City Secretary)**
- B. Consider, and act upon, Ordinance No. 2020-01 of the City of Wylie, Texas; amending Ordinance No. 2015-37, as amended, Chapter 18 (Animals), Article IV (Animal Shelter Advisory Board), Section 18-123 (Number of Members; Qualified Appointment; Terms). (R. Ollie, Asst. City Manager)**
- C. Consider, and act upon, Ordinance No. 2020-02 of the City of Wylie, Texas; amending Ordinance No. 2013-23, Chapter 22 (Buildings and Building Regulations), Article II (Construction Code Board), Section 22-23 (Qualifications of Members), Section 22-24 (Alternate Members), Section 22-26 (Tenure of Office). (R. Ollie, Asst. City Manager)**
- D. Consider, and act upon, Ordinance No. 2020-03 of the City of Wylie, Texas; amending Ordinance No. 2014-19, Chapter 2 (Administration), Article III (Officers), Division 2 (Code of Ethics), Section 2-57 (Board of Ethics) (c) Terms of Appointment. (R. Ollie, Asst. City Manager)**
- E. Consider, and act upon, Ordinance No. 2020-04 of the City of Wylie, Texas; amending Ordinance No. 1990-13, as amended, Chapter 2 (Administration), Article IV (Boards and Commissions), Section 2-61 (Appointments to more than one board or commission). (R. Ollie, Asst. City Manager)**
- F. Consider, and act upon, Ordinance No. 2020-05 of the City of Wylie, Texas; amending Ordinance No. 2013-17, Chapter 58 (Historic Preservation), Article III (Historic Review Commission), Section 58-53 (Number of Members; Appointment Terms). (R. Ollie, Asst. City Manager)**

- G. Consider, and act upon, Ordinance No. 2020-06 of the City of Wylie, Texas; amending Ordinance No. 1969-2, as amended, Chapter 66 (Library), Article II (Public Library Department), Division 2 (Library Board), Section 66-41 (Membership; Appointment; Terms). (R. Ollie, Asst. City Manager)**
- H. Consider, and act upon, Ordinance No. 2020-07 of the City of Wylie, Texas; amending Ordinance No. 1979-26, as amended, Chapter 90 (Planning), Article II (Planning and Zoning Commission), Section 90-21 (Created; Appointments; Vacancies; Removal). (R. Ollie, Asst. City Manager)**
- I. Consider, and act upon, Ordinance No. 2020-08 of the City of Wylie, Texas; amending Ordinance No. 2005-37, Chapter 78 (Parks and Recreation), Article II (Parks and Recreation Board), Section 78-23 (Compositions, appointment and terms of office of members). (R. Ollie, Asst. City Manager)**
- J. Consider, and act upon, Resolution No. 2020-01(R) of the City Council of the City of Wylie, Texas, amending Resolution No. 2005-37(R), and the Bylaws of the Wylie Parks and Recreation Facilities Development Corporation of the City of Wylie, Texas, adopted by Resolution No. 1994-21 on September 13, 1994 to add term limits to Article II, Board of Directors, Section 1, Powers and Terms of Office, Section (d). (R. Ollie, Asst. City Manager)**
- K. Consider, and act upon, Ordinance No. 2020-09 of the City of Wylie, Texas; amending Ordinance No. 2012-29, as amended, Chapter 2 (Administration), Article X. - Public Arts Program, Division 2. - Public Arts Advisory Board, Section 2-342 Number of members; appointment; terms. (R. Ollie, Asst. City Manager)**
- L. Consider, and act upon, Ordinance No. 2020-10 of the City of Wylie, Texas; amending Ordinance No. 2001-48, as amended, Article 8 (Development Review Process), Section 8.4 (Zoning Board of Adjustment). (R. Ollie, Asst. City Manager)**
- M. Consider, and place on file, the City of Wylie Monthly Revenue and Expenditure Report for November 30, 2019. (M. Beard, Finance Director)**
- N. Consider, and place on file, the City of Wylie Monthly Investment Report for November 30, 2019. (M. Beard, Finance Director)**
- O. Consider, and act upon, Ordinance No. 2020-11 to change of zoning from Community Retail (CR) to Planned Development-Community Retail (PD-CR), to allow for a Church/House of Worship Use on Lot 1 Block 1 of Wylie Shopping Village located at 701 South State Highway 78. (ZC 2019-14). (J. Haskins, Planning Manager)**
- P. Consider, and act upon, the award of a Professional Services Project Order #W2020-44-E for Architectural Landscape Services for the Brown House Phase 1 Improvements to Kimley-Horn and Associates Inc. in the amount of \$55,500.00 and authorizing the City Manager to execute any necessary documents. (G. Hayes, Purchasing Manager)**
- Q. Consider, and act upon, the approval of the purchase of computers and related peripherals from Dell Marketing L.P. in an estimated amount of \$95,000.00 through a cooperative purchasing contract with the State of Texas Department of Information Management (DIR), and authorizing the City Manager to execute any necessary documents. (G. Hayes, Purchasing Manager)**

- R. Consider, and act upon, Resolution No. 2020-02(R), to ratify the purchase of Google G-Suite products and services from SADA Systems Inc. in the amount of \$56,235.00, and authorizing the City Manager to execute any necessary documents. (*G. Hayes, Purchasing Manager*)
- S. Consider, and act upon, Resolution No. 2020-03(R) approving the adoption of ExpressVote Universal Voting System, EVS 6.0.2.0, that was approved by the Collin County Commissioners Court for use by all entities who contract elections through Collin County. (*S. Storm, City Secretary*)
- T. Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of November 30, 2019. (*S. Satterwhite, WEDC Director*)
- U. Consider, and act upon, the acceptance of the resignation of Phillip Gilbert and appointment of Craig Allen as a new board member to the City of Wylie Parks and Recreation Board to fill the term of January 2020 to June 30, 2020. (*S. Storm, City Secretary*)

Mayor *pro tem* Forrester requested that Consent Item P be removed from Consent and considered individually. Consensus of the Council was to remove Item P from Consent and consider individually.

Council Action

A motion was made by Councilman Dahl, seconded by Councilman Porter, to approve Items A through O and Q through U on the Consent Agenda as presented. A vote was taken and motion passed 7-0.

REGULAR AGENDA

- P. Consider, and act upon, the award of a Professional Services Project Order #W2020-44-E for Architectural Landscape Services for the Brown House Phase 1 Improvements to Kimley-Horn and Associates Inc. in the amount of \$55,500.00 and authorizing the City Manager to execute any necessary documents. (*G. Hayes, Purchasing Manager*)

Council Comments

Mayor *pro tem* Forrester asked where the project is headed and asked for clarification on the timeline for the updates. Diaz replied Phase 1 was budgeted for this fiscal year, and involves parking updates and getting the lift on the building to assist with accessibility. Diaz reported the timeline of the future phases depend on funding. Forrester asked what the annual hotel/motel tax income was. Holsted replied the projected revenue for this current budget is \$200,500.

Council Action

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

1. Hold a Public Hearing and consider, and act upon, an amendment to Planned Development 2008-43 (PD-2008-43) to allow for service and loading areas to face FM 544 on Lot 16R, one lot of 1.06 acres located at 3020 W FM 544. (ZC 2019-15) (*J. Haskins, Planning Manager*)

Staff Comments

Planning Manager Haskins addressed Council stating the applicant is requesting to amend the design standards for Planned Development (PD) 2008-43 which created the conditions for the Woodbridge Crossing PD to allow for service and loading areas that are visible from FM 544. The request would allow for garage bays on a minor automotive repair use to face FM 544. This amendment would only apply to Lot 16R and if approved, an amended plat and site plan submittal will be required before development could begin.

Haskins reported 52 notifications were mailed to property owners within 200 feet of the subject property. One response was returned in opposition and none returned in favor of the request at the time of posting. The Commission voted 6-1 to recommend approval.

Council Comments

Councilman Porter asked if the amendment would allow a future company to put in a different type of loading situation if it was sold. Haskins stated the PD would probably not allow that type of use, and the lot is limited due to the small size. Porter asked whether wording could be included to specify that the design standard amendment would apply solely to the current owner, expiring upon future sale. Haskins stated that language could be added to the PD.

Applicant Comments

Brad Williams, representing Valvoline, addressed Council with a brief presentation explaining why their proposed layout provides the least amount of impact, adds additional landscaping, and is a better site plan.

Public Hearing

Mayor Hogue opened the public hearing on Item 1 at 7:45 p.m. asking anyone present wishing to address Council to come forward.

No one came forward to address Council.

Mayor Hogue closed the public hearing at 7:46 p.m.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilwoman Arrington, to approve an amendment to Planned Development 2008-43 (PD-2008-43) to allow for service and loading areas to face FM 544 on Lot 16R, one lot of 1.06 acres located at 3020 W FM 544 (ZC 2019-15) and amend the amendment to stipulate this PD is only for Valvoline and will expire if they sell or transfer the business as well as limit the use to minor mechanical. A vote was taken and motion passed 6-1 with Mayor Hogue voting against.

2. Hold a Public Hearing and consider, and act upon, a change in zoning from Agricultural/30 (AG/30) to Single-Family-10/24 (SF-10/24), to allow for a Single-Family Use on one lot of 1.52 acres located at 605 Parker Road. (ZC 2019-16) (J. Haskins, Planning Manager)

Staff Comments

Planning Manager Haskins addressed Council stating the applicant is requesting to rezone the property located at 605 Parker Road from Agricultural/30 (AG/30) to Single-Family-10/24 (SF-10/24) to build a single-family home on the site. The property is 1.52 acres with 95 feet of frontage along Parker Road. The layout of the property in the zoning exhibit is in compliance with the regulations of the Zoning Ordinance. If the zoning request is approved, the property will be required to be platted when development begins.

Haskins reported in accordance with State Law, 10 notifications were mailed to property owners, and one response in favor was received at the time of this posting. The Commission voted 7-0 to recommend approval.

Council Comments

Councilman Wallis clarified that the applicant is wanting to build one home. Haskins replied that was correct. Wallis asked if there was something currently preventing them from doing that. Haskins reported yes, the property is only 95 feet wide, and a setback requirement of 30-40 feet on AG would not allow homes as the setbacks are too wide, so SF-10/24 would work best for this property. Wallis asked what would prevent this from being developed into potentially six 24s. Haskins reported it is zoned single-family so it would have to be re-platted, and the property is so narrow it would be difficult and would potentially have access issues.

Public Hearing

Mayor Hogue opened the public hearing on Item 2 at 7:59 p.m. asking anyone present wishing to address Council to come forward.

No one came forward to address Council.

Mayor Hogue closed the public hearing at 7:59 p.m.

Council Action

A motion was made by Councilman Porter, seconded by Councilman Dahl, to approve a change in zoning from Agricultural/30 (AG/30) to Single-Family-10/24 (SF-10/24), to allow for a Single-Family Use on one lot of 1.52 acres located at 605 Parker Road (ZC 2019-16). A vote was taken and motion passed 7-0.

3. Hold a Public Hearing and consider, and act upon, a change in zoning from Multifamily (MF) to Single-Family-10/24 (SF-10/24), to allow for a Single-Family Use on one lot of 0.229 acres located at 603 E. Marble St. (ZC 2019-17) (J. Haskins, Planning Manager)

Staff Comments

Planning Manager Haskins addressed Council stating the applicant is requesting to rezone 603 E. Marble Street from Multi-Family (MF) to Single-Family-10/24 (SF-10/24) to build a single-family home on the site. The property contained a legally non-conforming single-family home that was built in 1950. The applicant has demolished that home and is requesting to rezone to single-family in order to construct one new single-family detached home on the site. Haskins reported the property measures 10,018 square feet; therefore, the lot is in compliance with the SF-10/24 lot size requirements, and, if approved, the applicant would be required to present a house plan of at least 2,400 square feet. With the current multi-family zoning, the property could be used for a duplex or townhomes by right but is too small for an apartment-style development, as the Zoning Ordinance requires a minimum 1 acre for apartments.

Haskins reported 14 notifications were mailed, and no responses were received at the time of this posting. The Commissioners voted to recommend approval 6-0.

Public Hearing

Mayor Hogue opened the public hearing on Item 3 at 8:02 p.m. asking anyone present wishing to address Council to come forward.

No one came forward to address Council.

Mayor Hogue closed the public hearing at 8:03 p.m.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Porter, to approve a change in zoning from Multi-Family (MF) to Single-Family-10/24 (SF-10/24), to allow for a Single-Family Use on one lot of 0.229 acres located at 603 E. Marble St. (ZC 2019-17). A vote was taken and motion passed 7-0.

4. Consider, and act upon, Resolution No. 2020-04(R) establishing a public newspaper of general circulation to be the "Official Newspaper" for the City of Wylie. (S. Storm, City Secretary)

Staff Comments

City Secretary Storm addressed Council stating Texas Local Government Code, §52.004 states that at the beginning of each fiscal year, municipalities must designate an official newspaper. This must be done as soon as practicable. The municipality shall contract with the newspaper designated by ordinance or resolution. Included in the agenda packet were this year's rates for both the Dallas Morning News and The Wylie News.

Council Action

A motion was made by Councilman Dahl, seconded by Councilman Duke, to approve Resolution No. 2020-04(R) establishing The Wylie News as the "Official Newspaper" for the City of Wylie. A vote was taken and motion passed 7-0.

5. Consider, and act upon, Ordinance No. 2020-12 amending Ordinance No. 2019-27, which established the budget for fiscal year 2019-2020; 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 asking for an amendment to the Fire Development Fund to accommodate for \$237,850 additional dollars for the design of the temporary and permanent Fire Station 4. The Fire Department currently has \$500,000 budgeted for this project, and BRW Architects, which is the architect firm that was selected from the city's master agreement plan, submitted a quote for \$737,850. The fund balance in the Fire Development Fund is projected to be a little over \$1,000,000 after this amendment to the expenditures.

Council Comments

Mayor *pro tem* Forrester asked Fire Chief Blythe if he had an estimated cost for the temporary fire station. Blythe replied they were still working on getting the numbers together, but the estimated amount would be around \$250,000. Blythe stated that the reason staff is proceeding in this way with the architect is that they want to ensure that all construction for the temporary station, minus the temporary building, can be utilized for the permanent fire station; therefore, some of the funding would go toward the construction cost of the permanent fire station. Forrester asked how long staff estimates to be in a temporary fire station. Blythe replied this is the most expensive option for a temporary facility. If staying on track for an opening in January 2023, which is what has been presented in previous work sessions, Blythe does not think this would be the best option. If the temporary fire station was not completed, the City would not be charged for it; however, the majority of the cost is for the site plan and the rest of the cost for the temporary fire station would come from other City funding. Forrester asked what the increase of cost was related to. Blythe responded the increase is from increased construction cost. The \$500,000 was put in the FY 16-17 budget and it has been carried forward since that time. When construction is to be completed in 2021-2023, staff wants to ensure sufficient funding and not be forced to redesign the building or come back and ask for more money; they are trying to get it right up front. Forrester asked what the estimated savings would be on design and architectural fees if Station 2 and Station 4 were to be constructed at the same time. Blythe responded the savings would be between \$100,000-\$150,000; however, with the timeline of Station 2 uncertain and having limited funding, staff felt, at this time, it is not worth tying up the money for that project, and that language reflecting that in the contract would be removed in the final contract with BRW. Forrester asked about the estimated \$450 per square foot cost for the bays. Blythe replied the foundation has to be strong for the weight of the trucks, and there are several specialty systems in the bay such as the vehicle exhaust system, exhaust system to help exchange air, CO detectors, and floor drains which requires a grease trap. Porter responded he had concerns regarding the projected cost in the future, and stated, in his opinion, the plans should be designed based on what it would cost if we started construction right now. Holsted replied we could ask the architect.

Gary DeVries, representing BRW Architects, addressed Council giving examples supporting the increased cost per square foot for the fire station versus a residential home. Some examples include a strong foundation to accommodate the weight of the apparatus; a wind code requirement for public safety buildings up to 120 mph requiring more expensive structure and framing; a commercial kitchen; a storm shelter that can sustain 250 mph winds; the amount of plumbing in the building; and expensive overhead doors. Porter asked why the contract is not based on today's cost to build it, rather than the best estimate of future costs. DeVries responded the estimated cost was based on starting roughly a year from now and they wanted to project far enough in the future to accommodate the project scope that the fire department needs with the increased construction costs.

Forrester asked Blythe whether an alternative would offer the same type of service to the district but allow for a sooner design and construction timeline and, if so, what that alternative would be. Blythe replied that, if funding allowed, the timeline could be moved up and the alternative plan would be to move the squad over to an apartment or a lease space. It would not provide the same level of service but would get a first responder unit in that district and assist with 68% of the calls. On certain types of calls the quint from Station 2 would have to be dispatched.

Council Action

A motion was made by Councilman Dahl, seconded by Councilman Wallis, to approve Ordinance No. 2020-12 amending Ordinance No. 2019-27 (2019-2020 Budget) for proposed budget amendments for fiscal year 2019-2020; providing for repealing, savings and severability clauses; and providing an effective date of this ordinance. A vote was taken and motion passed 7-0.

6. Consider, and act upon, the award of a Professional Services Project Order #W2020-2-E for Architectural Design Services for Wylie Fire Station No. 4 to Brown Reynolds Watford Architects in the amount of \$737,850.00 and authorizing the City Manager to execute any necessary documents. (G. Hayes, Purchasing Manager)

Council Comments

Councilwoman Arrington stated the apartment has been proposed and discussed prior with the Council, and she wanted to ensure Council is wanting to reconsider something that has been discussed before. Wallis and Porter both responded they were willing to revisit the option if a timeline could be put in place. Arrington asked whether, if the Council wanted to accelerate fire station construction, what the funding would be for the fire station plus necessary apparatus equipment, which is not part of the construction. Holsted replied that is correct and will be discussed further during the five-year plan work session. Hogue asked about putting a temporary trailer on the site. Blythe stated that is an option.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Dahl, to table Item 6, award of a Professional Services Agreement #W2020-2-E for Architectural Design Services for Wylie Fire Station No. 4 to Brown Reynolds Watford Architects, Inc. in the estimated amount of \$737,850.00 and authorizing the City Manager to execute any necessary documents until the January 28 meeting. A vote was taken and motion passed 7-0.

7. Consider, and act upon, the acceptance of the resignation of Todd Winters as a board member to the Wylie Economic Development Board and to recommend a replacement to fill the current term of December 26, 2019 to June 30, 2020. (S. Storm, City Secretary)

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Porter, to accept the resignation of Todd Winters as a board member to the Wylie Economic Development Board and to recommend Tim Gilchrist to fill the current term of January 1, 2020 to June 30, 2020. A vote was taken and motion passed 7-0.

Mayor Hogue convened the Council into Executive Session at 8:43 p.m.

EXECUTIVE SESSION

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.

- **State Highway 78 & Brown Street**
- **Steel Road & Hooper Road**

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

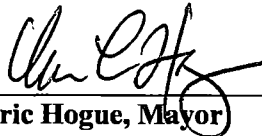
Mayor Hogue reconvened into Open Session at 9:46 p.m.

READING OF ORDINANCES

City Secretary Storm read the caption to Ordinance Nos. 2020-01, 2020-02, 2020-03, 2020-04, 2020-05, 2020-06, 2020-07, 2020-08, 2020-09, 2020-10, 2020-11, and 2020-12 into the official record.

ADJOURNMENT

A motion was made by Councilman Porter, seconded by Mayor *pro tem* Forrester, to adjourn the meeting at 9:50 p.m. A vote was taken and motion passed 7-0.


Eric Hogue, Mayor

ATTEST:


Stephanie Storm, City Secretary

