



Wylie City Council

Minutes

Regular Meeting

February 25, 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 Renae 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; Building Official Bret McCullough; WEDC Executive Director Jason Greiner; Public Works Director Tim Porter; Library Director Rachel Orozco; Human Resources Director Lety Yanez; City Secretary Stephanie Storm, and various support staff.

INVOCATION & PLEDGE OF ALLEGIANCE

Councilman Dahl gave the invocation and Councilman Porter led the Pledge of Allegiance.

PRESENTATIONS

- **Presentation of lifesaving awards to Wylie Recreation Staff and Wylie First Responders.** Antonio MacPherson and Fire Chief Blythe presented citizens Zayhab Selim and Nahari Abdullah; recreation center staff Garrett Pitman, Brittany Williams, Justine McGee, Hector Ramirez, Shametra Leonard, Jeline Guiles, and Peyton Kemp; police officer Matthew Tallo; dispatchers Sara Zerger and Barbie Morrow; and first responders Katy Willoughby, Cory Watts, Edwin Barney, Stephen Ham, Brandon Storm, Corinne Moore, Robert Nishiyama, Lizz Rock, Catherine Buckmire, and Jacob Nichols with plaques for their heroic actions, resulting in saving the life of Antonio McPherson, a citizen who had cardiac event at the recreation center.

- **Recognition of award presented to the WEDC by Workforce Solutions.** Wylie Economic Development Corporation staff and board members and representatives from Collin College, Wylie Chamber of Commerce, and Wylie Independent School District were present to be recognized for being awarded Economic Partner of the Year by Workforce Solutions.

Mayor Hogue convened the Council into Executive Session at 6:30 p.m.

EXECUTIVE SESSION

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

Sec. 551.071. CONSULTATION WITH ATTORNEY; CLOSED MEETING.

A governmental body may not conduct a private consultation with its attorney except:

- (1) when the governmental body seeks the advice of its attorney about:
 - (A) pending or contemplated litigation; or
 - (B) a settlement offer; or
- (2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

- **Don High v. City of Wylie**

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

Mayor Hogue reconvened into Open Session at 6:52 p.m.

CITIZEN COMMENTS ON NON-AGENDA ITEMS

There were no citizens present wishing to address Council.

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 February 11, 2020 Regular Meeting and Work Session of the Wylie City Council. (S. Storm, City Secretary)**
- B. **Consider, and act upon, an Amended Plat for Wylie Shopping Village No. 1, establishing and adjusting fire lane, access, and utility easements, located at 701 south State Highway 78. (J. Haskins, Planning Manager)**
- C. **Consider, and act upon, approval of a Final Plat to create a single lot for CrossFit Rejoice Addition, Lot 1, Block A, on 5.0 acres, generally located on Bozman Road, 500 feet east of FM 544/Stone Road in the City of Wylie's Extraterritorial Jurisdiction. (J. Haskins, Planning Manager)**
- D. **Consider, and act upon, a preliminary plat for Wylie Lake Townhomes Addition, establishing 21 residential lots and three HOA lots on 4.839 acres, generally located northwest of the intersection of Spencer Lane and Colby Lane. (J. Haskins, Planning Manager)**
- E. **Consider, and act upon, Resolution No. 2020-12(R) authorizing the City Manager to execute an Interlocal Agreement between the City of Murphy and the City of Wylie to provide for the City of Wylie's operation and maintenance of the signalized intersection at McCreary Road and McMillen Drive. (T. Porter, Public Works Director)**
- F. **Review, and place on file, the 2019 Wylie Police Department Annual Traffic Contact Report. (A. Henderson, Police Chief)**

- G. Consider, and act upon the approval of the purchase of Motorola Radio Equipment and Services from Motorola Solutions in the estimated amount of \$88,000.00 through a cooperative purchasing contract with H-GAC, and authorizing the City Manager to execute any necessary documents. *(G. Hayes, Purchasing Manager)*
- H. Consider and act upon, the approval of a five-year lease for Dell ruggedized computers (W2020-65-L) from Dell Financial Services in the amount of \$145,651.25 through a cooperative purchasing contract with the Texas Department of Information Resources (DIR), and authorizing the City Manager to execute any necessary documents. *(G. Hayes, Purchasing Manager)*
- I. Consider, and act upon, the approval of the first modification to contract #W2018-118-A Solid Waste & Recycling Services with Community Waste Disposal L.P., adjusting the billing rates effective February 17, 2020, and authorizing the City Manager to execute any necessary documents. *(G. Hayes, Purchasing Manager)*
- J. Consider, and act upon, the award of PSPO #W2020-52-E for Design Services for Water Pump Station Emergency Back-up Generators to Birkhoff, Hendricks & Carter L.L.P. in the amount of \$160,010.00, and authorizing the City Manager to execute all necessary documents. *(G. Hayes, Purchasing Manager)*
- K. Consider, and place on file, the City of Wylie Monthly Revenue and Expenditure Report for January 31, 2020. *(M. Beard, Finance Director)*
- L. Consider, and place on file, the City of Wylie Monthly Investment Report for January 31, 2020. *(M. Beard, Finance Director)*
- M. Consider, and act upon, a vendor application for Wylie East High School Cross Country Team to sell items at a cross country meet to be held September 5, 2020 in Founders Park. *(R. Diaz, Parks & Recreation Director)*
- N. Consider, and act upon, the vendor application for the Wylie Children's Business Fair at Olde City Park on May 3, 2020. *(R. Diaz, Parks & Recreation Director)*
- O. Consider, and place on file, the Animal Shelter Advisory Board report to City Council regarding meeting held on February 12, 2020. *(A. Henderson, Police Chief)*
- P. Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of January 31, 2020. *(J. Greiner, WEDC Director)*

Mayor Hogue requested that Consent Item D be removed from Consent and considered individually. Consensus of the Council was to remove Item D from Consent and consider individually.

Council Action

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

REGULAR AGENDA

- D. Consider, and act upon, a preliminary plat for Wylie Lake Townhomes Addition, establishing 21 residential lots and three HOA lots on 4.839 acres, generally located northwest of the intersection of Spencer Lane and Colby Lane. *(J. Haskins, Planning Manager)*

Staff Comments

Planning Manager Haskins addressed Council stating this item is creating 21 residential lots and three HOA lots on 4.838 acres. This plat differs from the plat reviewed by the Planning and Zoning Commission in that six lots have been removed due to restrictions on the number of lots allowed in PD2003-18. The PD limits the number of townhome lots to 80. The development currently contains 55 townhome lots which would limit new development to 25. The applicant is proposing 21 in place of the 27 originally presented. This plat dedicates 120 feet of R.O.W, for the future extension of Park Boulevard and provides a 40-foot-wide landscaped buffer adjacent to the future thoroughfare along with a buffer. The plat is technically correct and the Planning and Zoning Commission recommended approval 6-0.

Citizen Comments

Al Schoelen, representing Wylie Lakes HOA, addressed Council with concerns with the size of Lot 1 and requested that, since changes have been made to the plat since reviewed by the Commission, the plat be sent back to the Commission.

Domineca Irula, resident, addressed Council with concerns regarding the proposed townhomes stating she wants to ensure the zoning and regulations are done correctly and that it matches the current neighborhood.

Lance Ainsworth, resident, addressed Council, saying he was concerned that, since the proposed townhomes would be in the middle of the subdivision, the subdivision would be divided and would look different than the existing neighborhood.

Council Comments

Porter asked about the concerns stated about Lot 1. Haskins replied that lot is not considered a corner lot by the City because of the landscape buffer.

Council Action

A motion was made by Councilman Porter, seconded by Mayor *pro tem* Forrester, to send this amended version of the Plat back to Planning and Zoning for consideration as shown in the documents. A vote was taken and motion passed 7-0.

- 1. Hold a Public Hearing and consider, and act upon, a change in zoning from Neighborhood Services (NS) to Community Retail (CR), to allow for commercial uses on one lot measuring 3.873 acres, generally located on the northeast corner of Country Club Rd. and Park Blvd. (ZC 2020-01) (J. Haskins, Planning Manager)**

Staff Comments

Planning Manager Haskins addressed Council stating the applicant is requesting to rezone 3.873 acres located on the northeast corner of Country Club Road and Park Boulevard. The property is currently zoned Neighborhood Services. The immediate reason for the requested rezoning to Community Retail is to allow for the development of a convenience store with fueling station on the hard corner of Country Club and McMillan. For future development, the requested zoning change also covers the property north along Country Club. The current zoning, Neighborhood Services, and the requested zoning, Community Retail, share many of the same allowed uses; however, the proposed zoning change from Neighborhood Services to Community Retail would allow more by-right uses instead of the Special Use Permits currently required in the Neighborhood Services District such as restaurants with drive through service, grocery/convenience store, fueling station, animal clinic, and minor automotive repair. While the Community Retail zoning expands the allowed by-right uses, the zoning exhibit will limit or prohibit certain uses, on lots north of the hard corner without additional zoning consideration.

Fourteen notifications were mailed with one response received in opposition of the request. The Commissioners voted to recommend approval 6-0.

The applicant is proposing to offer the sale of beer and wine within the convenience store; however, the property is currently under the 300-foot distance limit. As such the applicant is proposing to dedicate an approximate 4-inch strip of land along the east side of the property to Dodd Park. This dedication would place the subject property at a legally required distance of 300 feet from Dodd Elementary for the sale of alcohol pending the proper TABC permits. The Parks and Recreation Board recommended approval of this dedication.

Council Comments

Councilman Wallis asked if the Goddard School, which is currently under construction, is considered a daycare or private school. Haskins responded 100 or more full-time students from K-12 are required to be considered a private school per state law, and the City has no indication that the school will have 100 or more full-time students. Mayor *pro tem* Forrester confirmed that alcohol could not be sold through a drive through. Haskins reported that he believed that was correct, but would conduct further research.

Public Hearing

Mayor Hogue opened the public hearing on Item 1 at 7:19 p.m. asking anyone present wishing to address Council to come forward.

No one came forward for the public hearing.

Mayor Hogue closed the public hearing at 7:19 p.m.

Council Action

A motion was made by Councilwoman Arrington, seconded by Councilman Duke, to deny approval of a change in zoning from Neighborhood Services (NS) to Community Retail (CR), to allow for commercial uses on one lot measuring 3.873 acres, generally located on the northeast corner of Country Club Rd. and Park Blvd. A vote was taken and motion passed 6-1 with Councilman Dahl voting against.

- 2. Hold the second and final Public Hearing and consider, and act upon, Ordinance No. 2020-22, continuing the City's juvenile curfew ordinance and making findings related thereto; providing a savings/repealing clause, severability clause and an effective date. (A. Henderson, Police Chief)**

Council Comments

Police Chief Henderson addressed Council stating the City is required to review the curfew ordinance every three years and requires two public hearings. Henderson requested that the City continue this ordinance.

Public Hearing

Mayor Hogue opened the public hearing on Item 2 at 7:23 p.m. asking anyone present wishing to address Council to come forward.

No one came forward for the public hearing.

Mayor Hogue closed the public hearing at 7:24 p.m.

Council Action

A motion was made by Councilman Wallis, seconded by Mayor *pro tem* Forrester, to approve Ordinance No. 2020-22, continuing the City's juvenile curfew ordinance and making findings related thereto; providing a savings/repealing clause, severability clause and an effective date. A vote was taken and motion passed 7-0.

Mayor Hogue recessed the Council into work session at 7:25 p.m.

Mayor Hogue convened the Council into work session at 7:29 p.m.

WORK SESSION

- **Discussion of transfer of ownership of the Wylie Cemetery and Kreymer Cemetery to the City of Wylie.** (*R. Ollie, Asst. City Manager*)

Assistant City Manager Ollie and Parks and Recreation Director Diaz addressed Council stating during the April 9, 2019 work session, Council discussed and gave direction to move forward with the City of Wylie taking ownership and maintenance of the Wylie Cemetery and the Kreymer Cemetery. Ollie stated the purpose of this work session was for staff to address some issues and concerns prior to finalizing the transfer of ownership of the cemeteries, such as: whether the cemetery will operate under the Parks and Recreation Department; who will handle plot sales and grave digging; how funds will be transferred from the Wylie Cemetery Association to the City, whether a special fund will be needed for transferred funds and future revenues; whether 4B or General Funds will be used for maintenance and personnel for operating the cemetery, filing of deeds, and mowing level of maintenance; that an updated survey of the cemeteries will be needed; preservation versus maintenance; to determine the appropriate overall treatment approach and establish guidelines that complement that approach; and that staff will need additional training.

Members of the cemetery board were in attendance.

Direction from Council was to bring back additional information at the March 24 Council meeting regarding figures related to the cost and time, both initial and ongoing, and perform research on perpetual care.

Mayor Hogue recessed the Council into a break at 7:59 p.m. Mayor Hogue stated that he had to leave and that Mayor *pro tem* Forrester would be conducting the remainder of the meeting.

Mayor *pro tem* Forrester reconvened the Council into work session at 8:05 p.m.

- **Finance Presentation to Council.** (*M. Beard, Finance Director*)

Finance Director Beard addressed Council giving a Finance Department overview on the following areas: organizational chart, internal and external customers, responsibilities, accomplishments, governance and challenges, and future goals.

- **Discuss the development of a Citizens Bond Advisory Committee and a possible Bond Election.** (*C. Holsted, City Manager*)

City Manager Holsted addressed Council stating during the last Council meeting, a bond advisory committee and a possible future bond election were discussed. The bond committee for the 2005 Bond Program was comprised of 15-members, consisting of the Chairperson or the Vice Chairperson from each City Board or Committee, two members appointed by the Mayor, and one designated by each of the remaining City Council members. Once the makeup of the committee is finalized and appointments made, the members will be ratified by Council and a Chair and Vice Chair appointed. Holsted requested Council direction on the makeup of the board, whether they would like to appoint the committee before or after the May election, and the potential date for the bond election. Consensus of Council was for each Council member to appoint two committee members after the May election and to hold a bond election in May 2021.

Regarding Fire Station 4, direction from Council was to proceed with bringing back information on issuing Certificates of Obligation for Fire Station 4 as it is a need, not a want and has been discussed and committed to for the last five years. Holsted stated staff will confirm timelines, see if there are any cost savings, and will bring back information to Council.

Mayor *pro tem* Forrester convened the Council into Executive Session at 9:05 p.m.

EXECUTIVE SESSION

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

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).

- **Deliberation regarding commercial or financial information that the WEDC has received from a business prospect and to discuss the offer of incentives for Projects: Project 2017-10a, Project 2018-10c, Project 2019-12a, Project 2020-2a, Project 2020-2b, Project 2020-2c.**

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.

- **Consider the sale or acquisition of properties located at: State Highway 78 and F.M. 544, State Highway 78 and Brown, Jackson and Oak, State Highway 78 and Wylie East, Ballard and College.**

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

Mayor *pro tem* Forrester reconvened into Open Session at 10:22 p.m.

READING OF ORDINANCES

City Secretary Storm read the caption to Ordinance No. 2020-22 into the official record.

ADJOURNMENT

A motion was made by Councilman Porter, seconded by Councilman Wallis, to adjourn the meeting at 10:23 p.m. A vote was taken and motion passed 5-0 with Mayor Hogue and Councilman Dahl absent.

ATTEST:

Stephanie Storm
Stephanie Storm, City Secretary



Jeff Forrester
Jeff Forrester, Mayor Pro Tem