



# Wylie City Council

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## **Minutes** **Regular Meeting** **February 26, 2019 – 6:00 p.m.** **Wylie Municipal Complex – Council Chambers** **300 Country Club Road, Bldg. 100** **Wylie, TX 75098**

### **CALL TO ORDER**

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*Announce the presence of a Quorum.*

Mayor Eric Hogue called the meeting to order at 6:00 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 Mindy Manson; Assistant City Manager Chris Holsted; City Attorneys Richard Abernathy and Ryan Pittman; Police Chief Anthony Henderson; Development Services Director Renaé Ollie; Chief Building Official Bret McCullough; Public Information Officer Craig Kelly; Parks and Recreation Director Robert Diaz; Finance Director Melissa Beard; Fire Chief Brent Parker; Public Works Director Tim Porter; Project Engineer Wes Lawson; Library Director Rachel Orozco; Human Resources Director Lety Yanez; City Secretary Stephanie Storm, and various support staff.

### **INVOCATION & PLEDGE OF ALLEGIANCE**

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Fire Chief Parker gave the invocation and Police Chief Henderson led the Pledge of Allegiance.

### **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.*

Jal Dennis addressed Council with concerns regarding Open Meetings Act and the Public Information Act.

Margaret Eubanks addressed Council with concerns regarding trash and water control from Lewis Ranch Estates.

## **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 12, 2019 Regular Meeting of the Wylie City Council. (S. Storm, City Secretary)**
- B. Consider, and act upon, approval of a Preliminary Plat for Azure Addition, creating one lot on 1.1 acres, generally located at the intersection of W. Alanis Lane and Alanis Drive. (R. Ollie, Development Services Director)**
- C. Consider, and act upon, approval of a Preliminary Plat for North Texas Municipal Water District, creating one lot on 5.032 acres, generally located at the intersection of Lynda Lane and Forrest Ross Road. (R. Ollie, Development Services Director)**
- D. Consider, and act upon, approval of a Final Plat for North Texas Municipal Water District, creating one lot on 5.032 acres, generally located at the intersection of Lynda Lane and Forrest Ross Road. (R. Ollie, Development Services Director)**
- E. Consider, and act upon, Ordinance No. 2019-07 to change the zoning from Agricultural-30 (AG-30) to Commercial Corridor (CC), for retail purposes on one acre, generally located south of Parker Road and west of Country Club Road. ZC 2019-01 (R. Ollie, Development Services Director)**
- F. Consider, and act upon, Resolution No. 2019-05(R) approving a Joint Election Contract between the City of Wylie and Wylie Independent School District (WISD); and a Joint Election Agreement to include Collin College to be administered by the Collin County Elections Administrator for the May 4, 2019 Wylie General Election. (S. Storm, City Secretary)**
- G. Review, and place on file, the 2018 Wylie Police Department Annual Contact Report. (A. Henderson, Police Chief)**
- H. Consider, and act upon, the vendor application for the Wylie Citizens Police Academy Alumni Association Cops and Robbers Fundraiser 5k and Fun Run to be held at Founders Park on September 21, 2019. (R. Diaz, Parks & Recreation Director)**
- I. Consider, and place on file, the City of Wylie Monthly Investment Report for January 31, 2019. (M. Beard, Finance Director)**
- J. Consider, and place on file, the City of Wylie Monthly Revenue and Expenditure Report for January 31, 2019. (M. Beard, Finance Director)**

Councilman Porter requested that Consent Item B be removed from Consent and considered individually. Consensus of the Council was to remove Item B from Consent and consider individually.

### **Council Action**

A motion was made by Councilman Forrester, seconded by Councilwoman Arrington, to approve items A, C, D, E, F, G, H, I, and J on the Consent Agenda as presented. A vote was taken and the motion passed 7-0.

## REGULAR AGENDA

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- B. Consider, and act upon, approval of a Preliminary Plat for Azure Addition, creating one lot on 1.1 acres, generally located at the intersection of W. Alanis Lane and Alanis Drive. (R. Ollie, Development Services Director)

### Council Comments

Councilman Porter asked if the entrance to the property on the Preliminary Plat would be off Alanis, and asked if there would be a regular turn or decel lane.

### Staff Comments

Development Services Director Ollie responded that the entrance would be off Alanis and it will be a regular turn lane.

### Council Action

A motion was made by Councilman Porter, seconded by Councilwoman Arrington, to approve Consent Agenda Item B. A vote was taken and the motion passed 7-0.

Mayor Hogue convened the Council into Executive Session at 6:12 p.m.

## EXECUTIVE SESSION

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### **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.

- **Development Regulations**

### **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.

- **Properties adjacent to McMillen Rd. between McCreary Rd. and Country Club Rd.**

## RECONVENE INTO OPEN SESSION

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

Mayor Hogue reconvened into Open Session at 7:10 p.m.

## REGULAR AGENDA

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- 1. Consider authorizing the City Manager to sign an Agreement between the City of Wylie and the Skorburg Company to relocate a sewer line and sewer easement within property located in the City's Extraterritorial Jurisdiction (ETJ), generally located north of Stone Road and east of Kreymer Road, and more specifically at 2121 E. Stone Road. (R. Ollie, Development Services Director)**

### Developer Comments

Art Anderson, representing Skorburg Company, addressed Council stating Skorburg representatives have been speaking with the City Attorney and they request that both Items 1 and 2 be tabled until the first City Council meeting in April. Additionally, they agree to waive the 30-day rule in the Local Government Code, Chapter 212 regarding plat approval to the first Council meeting in April to give them time to work with City staff.

Ryan Pittman, City Attorney, addressed Council stated tabling the item allows the developer and City staff to continue discussions about alternatives that could be considered by the Council.

### Citizen Comments

Thomas Johnson, Julie Kilgore, Bethany Packard, Chad Packard, Sandra Ritzmann, Betsy Cowan, Dan Mingea, and Chris Pollard addressed Council with concerns regarding the proposed neighborhood, Brookside Estates.

### Council Action

A motion was made by Councilman Forrester, seconded by Councilwoman Arrington, to table Item 1 on the regular agenda to reconsider at the April 9, 2019 Wylie City Council meeting. A vote was taken and the motion passed 7-0.

- 2. Consider, and act upon, a Preliminary Plat to establish Brookside Estates, creating 73 single-family residential lots and four open-space lots on 14.599 acres within Wylie's ETJ, generally located north of Stone Road and east of Kreymer Road, and more specifically at 2121 E. Stone Road. (R. Ollie, Development Services Director)**

### Citizen Comments

Bethany Packard, Chad Packard, Julie Kilgore, and Betsy Cowan addressed Council with concerns regarding the proposed neighborhood, Brookside Estates.

### Council Action

A motion was made by Mayor *pro tem* Stephens, seconded by Councilman Porter, to table a Preliminary Plat to establish Brookside Estates, creating 73 single-family residential lots and four open space lots on 14.599 acres within Wylie's ETJ, generally located north of Stone Road and east of Kreymer Road, and more specifically at 2121 E. Stone Road until the April 9, 2019 City Council meeting. A vote was taken and the motion passed 7-0.

3. Consider, and act upon, adoption of Resolution No. 2019-06(R) determining a public necessity to acquire certain properties for public use by eminent domain for rights-of-way (in fee simple), temporary construction easements and related improvements for the construction, expansion, access, repair, maintenance and replacement of McMillen Road (from approximately McCreary Road to Country Club Road (FM 1378)); giving notice of an official determination to acquire certain properties for public use by eminent domain for rights-of-way (in fee simple), temporary construction easements and related improvements for the construction, expansion, access, repair, maintenance and replacement of McMillen Road (from approximately McCreary Road to Country Club Road (FM 1378)); authorizing the City Manager of the City of Wylie, Texas, to establish procedures for acquiring the rights-of-way (in fee simple), temporary construction easements and related improvements offering to acquire said property rights, voluntarily from the landowners through the making of bona fide offers; appropriating funds; providing for repealing, savings and severability clauses; and providing for an effective date. (*T. Porter, Public Works Director*)

### Citizen Comments

Brandy Schultz and Terri Thurmond addressed Council regarding drainage and widening issues relating to McMillen Road.

### Council Action

A motion was made by Councilman Forrester, seconded by Councilman Porter, to move that the City Council of the City of Wylie, Texas table the adoption of Resolution No. 2019-06(R), described in Agenda Item #3, and authorize the use of the power of eminent domain to acquire for public use the rights-of-way (in fee simple), temporary construction easements and related improvements on properties located in the areas described and depicted in Exhibit 1 to Resolution No. 2019-06(R) under consideration by the City Council, for the purpose of the construction, expansion, access, repair, maintenance and replacement of roadway facilities, drainage facilities and related improvements, utilizing temporary construction easements, which are necessary for the expansion and construction of McMillen Road from approximately McCreary Road to Country Club Drive (FM 1378) until on or before the June 11, 2019 meeting. A vote was taken and the motion passed 7-0.

Mayor Hogue convened the Council into Executive Session at 8:02 p.m.

### EXECUTIVE SESSION

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#### **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**

### RECONVENE INTO OPEN SESSION

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

Mayor Hogue reconvened into Open Session at 9:54 p.m.

## **Council Action**

A motion was made by Mayor *pro tem* Stephens, seconded by Councilman Forrester, to appoint Chris Holsted as City Manager of the City of Wylie effective May 1, 2019 with the salary of \$202,600 and additional benefits described in a contract of employment to be considered at the March 12, 2019 City Council meeting. A vote was taken and the motion passed 7-0.

Mayor Hogue recessed the Council to move into a Work Session in the Council Conference Room at 9:56 p.m.

Mayor Hogue reconvened into the Work Session at 10:01 p.m.

## **WORK SESSION**

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- **Discuss and provide direction on procurement and delivery methods acceptable to City Council for the Advanced Metering Infrastructure (AMI) project.** (*T. Porter, Public Works Director*)

Freddie Guerra, representing Jones|Carter, addressed Council giving a brief presentation on Advanced Metering Infrastructure and advantages/disadvantages of using Performance Contracting as a source of funding for the project. The City currently utilizes an Automatic Meter Reading (AMR) system. This system requires City staff to drive and collect all reads once a month. Advantages to an Advanced Metering Infrastructure (AMI) system is that it can transmit data almost real-time so it gives residents and business owners the ability to manage water usage. It also optimizes city operations and enhances customer service. Guerra reported there are three components to a successful AMI project: procurement, planning of operational impacts, and implementation and deployment. In regards to the procurement process, the City can proceed with a traditional Request for Proposal (RFP) process or utilize a Request for Qualifications (RFQ) process. Utilizing the RFQ process, the City can utilize an Energy Savings Performance Contract (ESPC) and an Energy Services Company (ESCO), which offers a performance guarantee, and allows the City to develop a plan to re-capture unbilled treated water.

Direction from Council was to proceed with an Energy Savings Performance Contract (ESPC) process.

- **Discuss the five-year financial plan and provide feedback for future revisions.** (*M. Manson, City Manager*)

Manson addressed Council giving a brief presentation on the potential impact of a property tax revenue cap. Also presented was a comparison of other cities in regards to O&M tax rate, I&S tax rate and total tax rate, general fund revenue in total, ad valorem tax percentage of general fund, sales tax percentage of general fund, hotel-motel revenue, general fund fund balance policy, population, and general fund employees. Manson presented a graph that showed how new property tax revenue growth does not pay for all costs associated with new growth expenditures, and also a table that showed general fund spending adjusted for inflation.

Mayor Hogue requested the documents be brought back to the March 12 City Council meeting for discussion.

Mayor Hogue recessed the Council to move into a Regular Session in the Council Chambers at 10:42 p.m.

**RECONVENE INTO REGULAR SESSION**

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Mayor Hogue reconvened into Regular Session at 10:44 p.m.

**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 Storm read the captions of Ordinance No. 2019-07 into the official record.

**ADJOURNMENT**

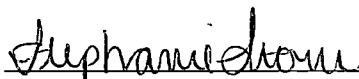
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A motion was made by Mayor *pro tem* Stephens, seconded by Councilman Wallis, to adjourn the meeting at 10:45 p.m. A vote was taken and the motion passed 7-0.

  
Eric Hogue, Mayor

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ATTEST:

  
Stephanie Storm, City Secretary

