



Wylie City Council

Minutes

Regular Meeting

April 28, 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 6:02 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; Assistant Police Chief Tommy Walters; Fire Chief Brandon Blythe; Public Information Officer Craig Kelly; Planning Manager Jasen Haskins; and City Secretary Stephanie Storm.

INVOCATION & PLEDGE OF ALLEGIANCE

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

CITIZEN COMMENTS ON NON-AGENDA ITEMS

City Secretary Storm read aloud citizen comment forms submitted electronically. They included:

Bruce Moilan thanking City of Wylie officials who continue to provide City services, keep information updated, and the City safe; Richard Norris, Kassandra Braithwaite, Christy, Mark Calderon, and Bryan Cook expressing concerns with the use of taxpayer funds and asking questions related to placing sand on the skate park; Kathryn Johnson, Melissa Auer, and Shawna Tucker requesting Council to reopen salons; and Jal Dennis requesting the release of City and EDC financials, the resignation of Mayor Hogue, and that any presentation of any project being suggested by the EDC be rejected if it has any appearance of self-dealing or conflicts of interest by anyone.

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 14, 2020 Regular Meeting of the Wylie City Council.** (S. Storm, City Secretary)

- B. Consider, and act upon, a Final Plat of Collin College Wylie, creating two Business Government lots on 96.524 acres, located at 391 Country Club Road. *(J. Haskins, Planning Manager)*
- C. Consider, and act upon, a Final Plat for Pheasant Creek Mixed Use Addition to establish 33 single-family attached lots, one commercial lot, and two open space lots on 4.825 acres, property generally located north of the intersection of County Line Road and Neva Lane. *(J. Haskins, Planning Manager)*
- D. Consider, and act upon, a Preliminary Plat for Gregorian Homes, establishing one single-family residential lot on 1.524 acres, located at 605 Parker Road. *(J. Haskins, Planning Manager)*
- E. Consider, and act upon, a Final Plat for Gregorian Homes, establishing one single-family residential lot on 1.524 acres, located at 605 Parker Road. *(J. Haskins, Planning Manager)*
- F. Consider, and act upon, a Final Plat of Wylie Industrial Park Lots 19R, 19X and 20R, Block A, being a replat of Lots 16, 17, 18, 19, and 20, creating three lots on approximately 1.579 acres, located at and adjacent to 703 Cooper Drive. *(J. Haskins, Planning Manager)*
- G. Consider, and act upon, authorizing the Mayor to enter into a Cooperative Agreement for additional law enforcement services, between the City of Wylie, Lavon Lake, Texas initiates Agreement No. W9126G20P0035 and the U.S. Army Corps of Engineers. This agreement is for the provisions of additional Law enforcement Services from May 16, 2020 through September 12, 2020 for a sum not to exceed \$43,247.82. *(A. Henderson, Police Chief)*
- H. Consider, and place on file, the City of Wylie Monthly Revenue and Expenditure Report for March 31, 2020. *(M. Beard, Finance Director)*
- I. Consider, and place on file, the City of Wylie Monthly Investment Report for March 31, 2020. *(M. Beard, Finance Director)*
- J. Consider, and act upon, Resolution No. 2020-23(R), finding that Oncor Electric Delivery Company LLC'S application for approval to amend its distribution cost recovery factor to increase distribution rates within the City should be denied; authorizing participation with Oncor Cities Steering Committee; authorizing the hiring of legal counsel and consulting services; finding that the city's reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel. *(C. Holsted, City Manager)*
- K. Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of March 31, 2020. *(J. Greiner, WEDC Director)*
- L. Consider, and act upon, Resolution No. 2020-24(R) authorizing the Mayor to execute a Project Specific Agreement RE: Roadway Striping for Type "E" Roadway – Made Pursuant to Dallas County's Master Road and Bridge Interlocal Maintenance Agreement between Dallas County and City of Wylie, Texas. *(T. Porter, Public Works Director)*
- M. Consider, and act upon, the award of bid #W2020-21-B for City of Wylie Twin Lakes Park Trail Project to GT Construction Inc. in the amount of \$279,421.00, and authorizing the City Manager to execute any and all necessary documents. *(G. Hayes, Purchasing Manager)*

Mayor *pro tem* Forrester requested Agenda Item M be pulled from Consent and considered individually. The consensus of Council was to consider Item M individually.

Council Action

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

REGULAR AGENDA

M. Consider, and act upon, the award of bid #W2020-21-B for City of Wylie Twin Lakes Park Trail Project to GT Construction Inc. in the amount of \$279,421.00, and authorizing the City Manager to execute any and all necessary documents. (G. Hayes, Purchasing Manager)

Council Comments

Mayor *pro tem* Forrester asked if county or state funding was received for this project. Holsted stated the City was awarded \$60,000 from Collin County Parks and Open Space for the project and the remaining funds are from the City's budget.

Council Action

A motion was made by Councilman Dahl, seconded by Mayor *pro tem* Forrester, to approve Consent Item M. A vote was taken and motion passed 7-0.

Tabled from 04-14-2020

Remove from table and consider

Council Action

A motion was made by Councilman Porter, seconded by Councilman Duke, to remove Item 1 from the table. A vote was taken and motion passed 7-0.

- 1. Hold a Public Hearing, consider, and act upon, a change of zoning from Agricultural (AG) to Planned Development (PD), to allow for a mixed-use senior residential community on 24.5 acres located at 1751 McMillen Road. (ZC 2020-02) (J. Haskins, Planning Manager)**

Staff Comments

Planning Manager Haskins addressed Council stating the applicant is requesting to rezone 24.5 acres located at 1751 McMillen Road. The reason for the requested rezoning to a Planned Development is to allow for an age-restricted mixed-use senior residential community. The Planned Development contains three subdistricts that are proposed to contain different categories of residential development for senior living, a single-family district, a townhome district, and a multi-care district a single building with a mix of apartments and associated commercial uses such as a financial institution, medical clinic, health club, dry cleaners, and such. Haskins reported that access to this development will be provided by private roads that have entrances from both McMillen Road and FM 1378. All of the private roads will be striped and labeled as fire lanes. This development will be providing a variety of landscaping open space areas with trails, benches, fitness stations and picnic tables. Haskins reported 23 notifications were mailed; with one response in favor and one in opposition of the request. The Commission voted to recommend approval 6-0.

Applicant Comments

Bill Dahlstrom, representing the applicant, addressed Council giving a brief presentation on the proposed mixed-use senior residential community.

Council Comments

Mayor Hogue asked where else they have done communities similar to this. Donald Ping, applicant, responded this project is a little different than what has been done in past projects with the residential incorporated with it. Forrester asked the square footage of the commercial space and the single-family

homes. Ping responded around 1,200 to 1,500 square feet for the commercial space and about 1,100 to 2,000 square feet for the single-family homes. Forrester asked what impact this development would have on the traffic flow on McMillen Road and whether we have any plans in the works to include the property offset needed for the McMillen expansion at the same time. Haskins responded the City Project Engineer reviewed the information and a Traffic Impact Analysis (TIA) was not initiated because this community would not generate a lot of traffic and would not have an effect on the flow of traffic. Holsted responded the applicant would have to dedicate the right-of-way for McMillen Road in the plat, and the applicant would pay water, sewer, and thoroughfare impact fees. Porter confirmed the applicant is requesting to reduce the single-family lot size from our standard requirements. Haskins confirmed that is correct. Porter stated there will be traffic generated from the single-family homes, townhomes, and the multi-care facility that are not in memory care. Haskins stated a TIA can be completed if Council desires. Hogue asked what the timing is on the buildings; and whether the City has a guarantee that the memory care facility will be built. Ping responded the whole project will be constructed concurrently. Porter asked if the applicant would be opposed to a provision that stated they would not get a Certificate of Occupancy (CO) for the single and multi-family homes until a CO is obtained for the multi-care building. Ping responded he did not see a problem with that. Forrester asked how the HOA would be structured. Ping responded the single-family homes will be one HOA and the remainder of the project would be managed by the operator. Wallis asked whether, if the PD is approved and the applicant backed out, the zoning would return to AG 30. Haskins responded if approved with the development schedule, the zoning would stay, regardless of who owns the property and would stay a PD and would have to be built similar to the development schedule, or they would have to do a request to rezone. Wallis asked about the TIA and Haskins responded it could be part of the platting. Porter expressed concerns with the zoning not reverting back, which would allow a new owner, if the property was sold, to have rights to other options not being presented by the current applicant as long as they meet the PD requirements. Haskins responded it could revert or tie back to the square footage with specified uses. Ollie responded Council could tie the Concept Plan to the Ordinance to alleviate the concerns.

Public Hearing

Mayor Hogue continued the public hearing on Item 1 at 6:44 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 on Item 1 at 6:44 p.m.

Council Action

A motion was made by Councilman Porter, seconded by Mayor *pro tem* Forrester, to approve a change of zoning from Agricultural (AG) to Planned Development (PD), to allow for a mixed-use senior residential community on 24.5 acres located at 1751 McMillen Road with the provisions that the CO for the single-family and multi-family cannot be obtained until the multi-care facility obtains the CO, and that ties the Concept Plan to the zoning, and that ties the traffic impact analysis to the platting of the property rather than to the planned development. A vote was taken and the motion passed 6-1 with Councilman Wallis voting against.

- 2. Discuss, consider, and take any action on, Resolution No. 2020-25(R) establishing a small business assistance program to provide immediate, short-term financial aid to qualified small businesses in the City of Wylie. (C. Holsted, City Manager)**

Staff Comments

City Manager Holsted addressed Council stating staff received a request from Council for this agenda item and have prepared a draft Resolution for Council consideration. Holsted reported cities are starting to provide assistance to local businesses that would be on a first-come, first-served basis if the criteria is met. Holsted reported \$100,000 has been proposed for the program. If awarded a grant the recipient would have

to execute a Chapter 380 agreement to receive the funds. Holsted requested input from Council on the designated dollar amount(s) and criteria.

Council Comments

Hogue asked where the \$100,000 is coming from. Holsted reported that it would come out of the General Fund Combined Services budget. Forrester asked what the total amount of funds is in Combined Services and will it roll over at the end of the budget year into the fund balance. Holsted reported a little over \$300,000. Dahl asked what normally comes out of Combined Services. Holsted replied it is a place holder for any merit/salary increases, money to balance the budget, and insurance.

Citizen Comments

Gino Mulliqi, with Napoli's Italian restaurant, addressed Council thanking them for this initiative and stated there are a lot of businesses that can benefit from this. Regarding the criteria, Mulliqi expressed his opinion that if a company is receiving PPP or EIDL or are a franchise they should not qualify.

Barbara Hodge, with Deanan Gourmet Popcorn, addressed Council requesting any assistance and stated she agreed with Mulliqi that if a company is receiving PPP or EIDL they should not qualify. Hodge stated their sales are down 91% with the closing of schools, churches, and sports leagues.

Mike Agnew, with the Wylie Chamber of Commerce, addressed Council thanking them for considering this program and stated anything can help make a difference.

City Secretary Storm read aloud citizen comment forms submitted electronically. They included:

Melissa Kenfield posed questions and requested clarification on the proposed draft Resolution, and stated she does favor this type of program and hopes that necessary changes can be made to make the program work well for small businesses.

Erica Agudo, with VA Academy Jiu-Jitsu Fitness, expressed support for establishing a small business assistance program and requested that Council include businesses like theirs that have been left out of other assistance.

DeDe Burke stated regarding opening hair salons, they could sanitize before and after each client, practice social distancing, and stated sole proprietors are not qualifying for SBA or PPP loans because they don't have employees, but still have bills to pay and any amount of money could make a difference.

Keri Godfrey stated opening salons can be done with sanitizing and safety measures in place and that their industry has been hit hard, many of them have not received help from the resources that are supposed to help, and many are at risk of losing their businesses.

Sandra Tucker stated her salon is being financially impacted and is confident that her industry can use extra precautions and follow CDC guidelines to maintain the health of the employees and clients.

Marvin Fuller addressed Council thanking them for the support of this program.

Council Comments

Hogue stated in his opinion, these actions would be needed: allow plenty of time with a set date so that everyone knows about the program; allocate more than \$100,000 for the program; and establish criteria on what is considered a business. Forrester agreed that more than \$100,000 needs to be allocated, businesses that have received the PPP and EIDL should not be able to qualify, the amount should not exceed the loss, criteria should be established regarding what constitutes a business, and a date/time needs to be known and promoted ahead of time. Porter stated he recommended looking at an amount at closer to \$300,000 allocated and would like to get input from Council on the criteria. Arrington stated she agreed with everything that had

been said, with the amount allocated being at least \$250,000 and look at a tier-based funding dependent on the number of employees. Duke stated he agreed and wanted Council to take action sooner than later. Wallis agreed with Arrington on tier-based funding dependent on the small business size. Dahl stated he agreed with the higher dollar amount, agreed with tiers, supported having a section for businesses with over 20 employees so that they can be assisted as well, and that the business needs to reside within City limits. Porter stated money could be designated in separate buckets depending on the business size. Porter stated the longer we drag this out, the more businesses are going to have to let go of employees and potentially not able to pay rent. We have a starting place; can we walk through and discuss step by step the requirements that need to be in place. Holsted stated there is a risk if you make too many changes and the public was not given the opportunity to speak on the item before voted on. Forrester asked about posting an emergency meeting for this item. Hogue asked if Council was okay with giving staff direction tonight and tabling this item until Monday. Wallis asked about Friday evening. Storm requested we confirm that this item would qualify as an emergency item and would be allowed to be posted within the 72-hour posting requirements as an emergency meeting.

Mayor Hogue recessed the Council into a break at 7:37 p.m.

Mayor Hogue reconvened the Council into Regular Session at 7:52 p.m.

Storm read aloud Local Government Code, Chapter 551.045. Dahl and Porter stated the City is under a declared state of emergency and this item is a result of the emergency. Duke and Forrester stated a document needed to be passed tonight so that staff can begin moving forward with this program. Holsted clarified there are risks both ways. Arrington and Dahl expressed concerns with making decisions with unknown information and would not want to rush through drafting this information without additional information. Hogue confirmed staff needs the dollar amount allotted, the criteria of the categories, and when Council would want it launched. Holsted confirmed that was correct, and staff also needed to know whether, if the business shuts down, Council would want to recoup the money and whether the business needs to stay open a specific time after receiving the grant. Porter stated he understood the risk and concerns but there have been several weeks to review the information and stated we have a lot of people that need help and to take a risk to help people is a risk he is willing to take and felt it needed to be designed and voted on this evening. Hogue stated it sounds like there is a risk either way so let's go ahead and do it tonight.

Jason Greiner responded to questions posed by Council regarding financial assistance and businesses. Council discussed allowing locally owned franchises that are responsible on a local level for all revenue and expenses, not covered by corporate funding, to apply.

Janet Aaron, with Deanan Gourmet Popcorn, addressed Council suggesting that, regarding franchises, the criteria could state that if the company has more than 50 employees within the organization, it would not qualify.

Tom Ambrose addressed Council asking if the awards would be made public. Hogue responded yes it would be public record if requested.

Jeremy Meier addressed Council stating a lot of this information will be on an honor system as some of the sole proprietors may not have required documentation.

Council discussed specific criteria for the companies to qualify, whether the City wants to recoup the money if the business does not stay open for a set amount of time, and establishing a review committee.

Council Action

A motion was made by Councilman Porter, seconded by Mayor *pro tem* Forrester, to approve Resolution No. 2020-25(R) establishing a small business assistance program to provide immediate, short-term financial aid to qualified small businesses in the City of Wylie in the amount of \$301,000 and authorizing staff to make

the discussed changes to Exhibit A and present to the Mayor for execution with the following changes: three tiers would be established with \$50,000 for those with 26-50 employees for an amount of up to \$5,000 per business, \$200,000 for businesses with 25 or fewer employees with an eligibility of up to \$5,000 total per business, \$51,000 for sole proprietors with a maximum of \$1,500; Exhibit A would be changed to strike number 1, and would be changed to include that businesses would be ineligible if they received federal PPP or EIDL funding; to define that a sole proprietor must prove that their primary place of business is in Wylie; no companies over 50 employees total would be eligible for this program; no business entity can apply for more than one tier; we would remove home-based business under the exclusions; we would remove the lease/mortgage assistance and replace that with a requirement that they must prove a business loss; we would change that applications would be accepted during a 14-day open period or until funds are exhausted; the applications will be reviewed by a five-person panel that would include the City Manager, a City Finance employee, an EDC employee, a Downtown Merchants representative, and a Chamber of Commerce representative; we will strike the Sustainability portion of Exhibit A; and we will expand required documentation to include a statement at the discretion of staff for what is necessary. A vote was taken and the motion passed 7-0.

Holsted stated staff will start advertising and the application will be launched Wednesday, May 6, at 9:00 a.m.

3. **Consider, and act upon, the adoption of an Ordinance amending Ordinance Nos. 2020-24, 2020-25, and 2020-26, Continuing or Renewing the Mayor's Declaration of Local Disaster for a Public Health Emergency and establishing new orders to help abate the COVID-19 public health crisis.** (C. Holsted, City Manager)

Staff Comments

City Manager Holsted stated the City's Orders have referred back to the Governor's Executive Order in the event the Governor makes changes, those changes would apply. The changes in the City's Order are the parks that are opening and facilities that are staying closed within the City.

Citizen Comments

City Secretary Storm read aloud a citizen comment form submitted electronically from Lauryl Duncan requesting Council not renew or add new ordinances restricting or limiting individual freedoms or businesses.

Council Comments

Councilman Porter asked about the temporary structures, Section 12, and enforcement, Section 8, in the proposed Ordinance. Holsted replied Section 12 could be removed. Assistant Police Chief Walters replied, in regard to Section 8, if it is removed, only a Class B misdemeanor could be issued, and the police would like the ability to issue a lower level citation if needed. Walters stated the first step will be to try to obtain compliance without a citation being issued and reported no enforcement actions or citations have been issued to date.

Council Action

A motion was made by Councilman Porter, seconded by Councilman Duke, to the adoption of an Ordinance amending Ordinance Nos. 2020-24, 2020-25, and 2020-26, Continuing or Renewing the Mayor's Declaration of Local Disaster for a Public Health Emergency and establishing new orders to help abate the COVID-19 public health crisis with the amendment of removing Section 12 and authorizing staff to make that change and present it to the Mayor for signature, execution, and publication. A vote was taken and the motion passed 7-0.

WORK SESSION

- **Clarify term limitations for City Boards and Commissions.** (*R. Ollie, Asst. City Manager*)

City Manager Holsted addressed Council requesting clarification on whether the three-term term limit restriction was retroactive. Consensus from Council was the three-term term limits were retroactive. Holsted stated staff would be bringing back ordinances at a future meeting.

Mayor Hogue convened the Council into Executive Session at 9:49 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 Project 2018-10C, Project 2019-8B, Project 2020-4a, Project 2020-4b.**

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 & Brown, State Highway 78 & Wylie East.**

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

Mayor Hogue convened the Council into Open Session at 10:00 p.m.

Council Action

A motion was made by Councilman Porter, seconded by Councilman Duke, to authorize the Wylie EDC to enter into a Performance Agreement with Project 2020-4b in an amount not to exceed \$50,000. A vote was taken and the motion passed 7-0.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Duke, to authorize the Wylie EDC to enter into a Performance Agreement with Project 2019-8b in an amount not to exceed \$27,500. A vote was taken and the motion passed 7-0.

Council Action

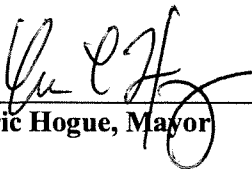
A motion was made by Councilman Wallis, seconded by Councilman Porter, to authorize the Wylie EDC to enter into a Performance Agreement with Project 2018-10c. The overall amount of the reimbursement incentive is not to exceed \$104,500. A vote was taken and the motion passed 7-0.

READING OF ORDINANCE

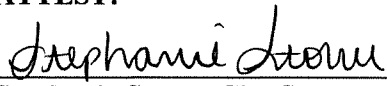
City Secretary Storm read the caption to Ordinance No. 2020-29 into the official record.

ADJOURNMENT

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Porter, to adjourn the meeting at 10:02 p.m. A vote was taken and motion passed 7-0.


Eric Hogue, Mayor

ATTEST:


Stephanie Storm, City Secretary

