



Wylie City Council

Minutes **Regular Meeting** **May 26, 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; Fire Chief Brandon Blythe; Public Information Officer Craig Kelly; Planning Manager Jasen Haskins; Building Official Bret McCullough; Public Works Director Tim Porter; Project Engineer Wes Lawson; Parks and Recreation Director Robert Diaz; Finance Director Melissa Beard; City Attorney Ryan Pittman; and City Secretary Stephanie Storm.

Mayor Hogue read aloud a statement in response to an email sent by himself to Mayor *pro tem* regarding women praying at City Council meetings.

INVOCATION & PLEDGE OF ALLEGIANCE

Patty and Bruce Bauman addressed Council speaking about Youth with a Mission (YWAM) Wylie. Members of their team were present.

Phillip Edwards, representing YWAM Wylie, gave the invocation and Mayor Hogue led the Pledge of Allegiance.

CITIZEN COMMENTS ON NON-AGENDA ITEMS

Gwendolyn Falls, Hannah Hall, Debbie O'Reilly, and Sean McCaffity addressed Council with concerns regarding an email about women praying at City Council meetings that had been sent by Mayor Hogue to Mayor *pro tem* Forrester.

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 May 12, 2020 Regular Meeting and Work Session. (*S. Storm, City Secretary*)
- B. Consider, and act upon, a Preliminary Plat for District Commercial Addition, establishing 16 commercial lots and one open space lot on 16.201 acres, generally located on South State Highway 78 approximately 800' south of Alanis Drive. (*J. Haskins, Planning Manager*)
- C. Consider, and act upon, a Preliminary Plat for District Townhomes Addition, establishing 34 residential and four open space lots on 4.165 acres, generally located on South State Highway 78 approximately 1700' south of Alanis Drive. (*J. Haskins, Planning Manager*)
- D. Consider, and place on file, the City of Wylie Monthly Revenue and Expenditure Report for April 30, 2020. (*M. Beard, Finance Director*)
- E. Consider, and place on file, the City of Wylie Monthly Investment Report for April 30, 2020. (*M. Beard, Finance Director*)
- F. Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of April 30, 2020. (*J. Greiner, WEDC Director*)
- G. Consider, and act upon, Ordinance No. 2020-32 to abandon a portion of Right-of-Way being 1,215 sq. ft. of unimproved alley within the J. Truitt Survey, Abstract No. 920, and to waive the requirement for an appraisal for said right-of-way adjacent to 202 N. 2nd Street. (*R. Ollie, Asst. City Manager*)
- H. Consider, and act upon, Ordinance No. 2020-33 to abandon a portion of Right-of-Way being 3 – 20' unimproved alleys within the F. De La Pina Survey, Abstract No. 688, and 2 – 70' unimproved streets, within the J. Truitt Survey, Abstract No. 920, and to waive the requirement for an appraisal for said right-of-ways consisting of 1.88 acres or approximately 81,713 square feet. (*R. Ollie, Asst. City Manager*)
- I. Consider, and act upon, Ordinance No. 2020-34 of the City of Wylie, Texas; amending Ordinance Nos. 2020-03 and 2014-19 and Chapter 2 (Administration), Article III (officers), Division 2 (Code of Ethics), Section 2-57 (Board of Ethics) of the City of Wylie Code of Ordinances, Ordinance No. 2005-07, as amended; amending Ordinance Nos. 2020-09 and 2012-29 and Chapter 2 (Administration), Article X (Public Arts Program), Division 2 (Public Arts Advisory Board), Section 2-342 (Number of Members; Appointment; Terms) of the Code of Ordinances; amending Ordinance Nos. 2020-05 and 2013-17 and Chapter 58 (Historic Preservation), Article III (Historic Review Commission), Section 58-53 (Number of Members; Appointment; Terms) of the Code of Ordinances; amending Ordinance Nos. 2020-02 and 2013-23 and Chapter 22 (Buildings and Building Regulations), Article II (Construction Code Board), Section 22-26 (Tenure of office) of the Code of Ordinances; amending Ordinance Nos. 2020-01 and 2015-37 and Chapter 18 (Animals), Article IV (Animal Shelter Advisory Board), Section 18-123 (Number of Members; Qualified Appointment; Terms) of the Code of Ordinances; amending Ordinance Nos. 2020-06 and 1969-2 and Chapter 66 (Library), Article II (Public Library Department), Division 2 (Library Board), Section 66-41 (Membership; Appointment; Terms) of the Code of Ordinances; amending Ordinance Nos. 2020-08 and 2005-37 and Chapter 78 (Parks and Recreation), Article II (Parks and Recreation Board), Section 78-23 (Composition; Appointment and Terms of office of Members) of the Code of Ordinances; amending Ordinance Nos. 2020-10 and 2001-48, Article 8 (Development Review Process), Section 8.4 (Zoning Board of Adjustment); amending Ordinance Nos. 2020-07 and 1979-26 and Chapter 90 (Planning), Article II (Planning and Zoning Commission), Section 90-21 of the Code of Ordinances; Clarifying that the limit for consecutive service on the Boards and Commissions named in this Ordinance applies to commissioners and

officers currently serving on those boards and commissions; modifying other provisions related to such boards and commissions; providing for repealing, savings and severability clauses; providing for an effective date. (R. Ollie, Asst. City Manager)

- J. Consider, and act upon, Resolution No. 2020-28(R) of the City Council of the City of Wylie, Texas, to ratify emergency expenses for the purchase of engineering services, materials and road repair services for Hooper Road between Steel Road and Hensley Lane in the estimated amount of \$426,176.00; and authorizing the City Manager to execute any necessary documents. (G. Hayes, Purchasing Manager)
- K. Consider, and place on file, the Animal Shelter Advisory Board report to City Council regarding the meeting held on May 13, 2020. (A. Henderson, Police Chief)

Council Action

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

REGULAR AGENDA

Interview of Board of Ethics Applicants

City Secretary Storm announced that Rich Frei and Reagan Elizabeth Sofia had withdrawn their applications from consideration. Alem Debebe was not present.

Council interviewed the following applicant:

Joseph Hama

Tabled from 05-12-2020

Remove from table and consider

Council Action

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

1. Consider, and act upon, Ordinance No. 2020-30 to a change of zoning from Agricultural (AG) to Planned Development (PD), to allow for a mixed-use, age-restricted, senior master planned community on 24.5 acres, located at 1751 McMillen Road. (ZC 2020-02) (ZC 2020-02) (J. Haskins, Planning Manager)

Staff Comments

Planning Manager Haskins addressed Council stating per the motion and further discussion as requested by the applicant, staff worked with the applicant on the concurrent development standard and the applicant approves of the language that has been added to Section G of the PD Conditions and is requesting approval.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilwoman Arrington, to approve Ordinance No. 2020-30 to a change of zoning from Agricultural (AG) to Planned Development (PD), to allow for a mixed-use, age-restricted, senior master planned community on 24.5 acres, located at 1751 McMillen Road (ZC 2020-02). A vote was taken and the motion passed 6-1 with Councilman Wallis voting against.

- 2. 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 community on 40.73 acres generally located on Country Club Road 1900' south of Parker Road. (ZC2020-05) (J. Haskins, Planning Manager)**

Staff Comments

Planning Manager Haskins addressed Council stating the applicant is requesting this item be tabled.

Public Hearing

Mayor Hogue opened the public hearing on Item 2 at 6:34 p.m. asking anyone present wishing to address Council to come forward.

No one came forward for the public hearing.

Council Action

A motion was made by Councilman Dahl, seconded by Mayor *pro tem* Forrester, to table Item 2 to the June 9, 2020 City Council meeting. A vote was taken and the motion passed 6-1 with Councilman Porter voting against.

- 3. Consider, and act upon, Ordinance No. 2020-35 amending Ordinance Nos. 2020-24, 2020-25, 2020-26, 2020-29, and 2020-31 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 addressed Council stating this is a request of an extension to June 9 when Council can reconsider the ordinance at that time.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Dahl, to approve Ordinance No. 2020-35 amending Ordinance Nos. 2020-24, 2020-25, 2020-26, 2020-29, and 2020-31 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. A vote was taken and the motion passed 7-0.

Mayor Hogue convened the Council into Work Session at 6:41 p.m.

WORK SESSION

- Discuss the Coronavirus Aid, Relief, and Economic Security Act (CARES ACT) and the Collin County Municipal Direct Expense Funding Interlocal Cooperation Agreement. (C. Holsted, City Manager)**

City Manager Holsted addressed Council stating Council recently approved an inter-local agreement with Collin County enabling the City to receive \$2.4m in funding. Expenses to date are about \$113,267 and staff is putting together a list of future needs related to COVID-19, which currently include: overtime, business assistance reimbursement, COVID-19 testing, projected future expenses, technology, sanitization, personal protection equipment (PPE), EMS equipment, and items for the facilities.

Porter asked if expenses for PPE for the upcoming election was included. Holsted responded the expenses included are for election workers but not citizens, in compliance with the most recent Secretary of State advisory. Porter confirmed that non-profits would have strict requirements if the funding comes from CARES Act money based on the interlocal agreement with Collin County. Holsted replied the non-profit has to show an increase in expenses and/or costs directly related to COVID-19 in order to be eligible for reimbursement.

Holsted stated one option is Council could choose to use the \$301,000 that was designated for Small Business Assistance to award to non-profit organizations.

Ronni Fetzer, representing St. Vincent de Paul Society; Mary Warkentine, representing Wylie Community Christian Care Center; Karen Ellis, representing Amazing Grace Food Pantry; Josh Hargrove, representing Wylie Acting Group; Lon Ricker, representing Team Up to Fight Hunger; Melissa Irvin, representing Wylie Acting Group; and Jon Bailey, representing Hope for the Cities, addressed Council stating what services their organizations offer and how COVID-19 has impacted their organizations.

Holsted stated he would recommend not mixing non-profit assistance with the Small Business Assistance and have two separate programs. He requested input from Council if this is something Council would like staff to look further into.

The consensus from Council was that the two programs should be maintained separately and would be interested in establishing a program for non-profits.

Mayor Hogue convened the Council into Regular Session at 7:26 p.m.

REGULAR AGENDA

- 4. Discuss, consider, and take any action on, Resolution No. 2020-29(R) amending Resolution No. 2020-25(R), modifying certain standards applicable to the 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 63 applications: one for large business, 35 for other businesses, and 27 sole proprietorships. Holsted reported \$101,500 has been awarded to 35 businesses. There are 19 businesses that do not qualify under the current criteria as they have received PPP or EIDL funds and/or are located outside the city limits; however, no notice of denial has been sent in the event Council would like to adjust the criteria.

Council Comments

Porter stated he would be interested in what type of funding is still available and to discuss if Council would want to open the application up to allow companies that received PPP or EIDL funding to apply. Forrester and Porter asked about the businesses being located outside of the City limits. Holsted replied there were a couple that were outside of the City limits. Dahl and Wallis asked if it would be possible to determine what percentage of the business losses were covered by EIDL or PPP funding. Forrester stated the amount of money being awarded is to assist the businesses and by overdoing the stipulations does not seem the right road to take and was in favor of relaxing the restrictions and to reopen the application process. Forrester asked if the business is located in Wylie ETJ could they apply for CARES Act funding from the county. Holsted responded he believed they would apply through the county. Duke was in favor of relaxing PPP and EIDL criteria and should allow businesses in the ETJ to apply. Porter requested a short recess to calculate figures on the amount of money used from each category.

Mayor Hogue recessed the Council into a break at 7:41 p.m.

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

Holsted stated there is a question regarding using CARES Act funding for businesses that have received EIDL or PPP funding; if a business received any federal money does that make them ineligible for any additional grants. Holsted recommended letting the City Attorney's Office look further into the matter and report back to Council.

Council Action

A motion was made by Councilman Porter, seconded by Mayor *pro tem* Forrester, to table Item 4 until the June 9, 2020 City Council meeting. A vote was taken and the motion passed 7-0.

Mayor Hogue convened the Council into Work Session at 7:57 p.m.

WORK SESSION

- **Discuss May 2, 2020 (postponed to November 3, 2020) General and Special Election.** (*C. Holsted, City Manager*)

City Manager Holsted addressed Council stating staff had received a request from Council to put this on the agenda for discussion and the City Attorney was available for questions. Forrester stated during the reopening of Texas several cities have requested the Governor's permission to hold their special elections in a timelier manner. He stated he has received questions from constituents about holding an election earlier than November and would like to know the thoughts of the City Attorney and hear any updates from the Secretary of State's office and the Attorney General.

City Attorney Pittman addressed Council stating there is a provision in the Election Code that general elections must be held on a uniform election date, May or November. There is a provision in the Election Code that allows the Governor to consider requests made by local jurisdictions to move special elections outside of a required uniform election date if the Governor determines there is an emergency necessitating the movement of the election to a non-uniform election date. The Governor has granted four jurisdictions permission to move specific special elections to a non-uniform election date. Pittman reported other municipalities have requested the Governor allow them to move their elections to a date earlier than the November election date and to their knowledge the Governor has not responded to those requests. Should Council wish to proceed with a request to the Governor's office for a date earlier than November, the City Attorney's office is prepared to draft a letter to the Governor.

Porter asked if other entities requested movement to a specific date. Pittman responded that some entities have requested for a non-specific date earlier than November; some have requested July 14, and others August 8. Council could request a specific date or a non-specific date earlier than November. Pittman stated there is a provision in the Election Code that would not allow an election to be held within 30 days of a uniform election date. Forrester asked if the Order to move the election date would fall under the 62-day requirement to order a new election. Pittman responded that if the Governor were to grant permission, it could be concluded that the election was ordered in January/February. This would be considered an amendment to the original Order, not a new Order. Porter asked about the requirements of specific dates for the election; and, would Council need to ensure that deadlines will be met if a specific date is requested. Pittman responded if Council wants to request permission to move the election date sooner than November, he would do so soon as deadlines are approaching. Pittman stated he felt the Order would help the City with election date challenges if the Governor issued permission to move the election. Pittman stated that Collin County Elections Administration had informed the City they would be unable to assist with an election on July 14 if the City were granted permission; therefore, the City would be required to administer the election entirely on its own. Porter asked if the County would be willing to assist on another date other than July 14. Storm replied the County was willing to assist with an August date. Porter confirmed if the Governor grants permission, it would still be up to Council to decide whether to move the election date. Pittman confirmed that was correct. Porter requested additional staff input regarding holding an election in July. Holsted responded that to conduct an election in July is quick with additional duties. In addition, staff has never conducted an election on our own so there is risk there. Holsted stated if Council's decision is to move the election, staff will do what Council gives direction to do and will make it work; but, in his opinion, Council has already moved the election to a specified date that the voters are aware of in November. Storm explained some items to consider with regard to the City holding their own election and potential voter confusion for the polling location if holding a July 14 election. Dahl, Arrington, Duke, and Porter expressed concerns with having new councilmembers taking their seat and

voting on a budget they have not assisted in establishing. Dahl and Arrington both expressed the City should continue with the November election date. Wallis, Duke, Porter and Forrester gave direction that the City draft and send a letter to the Governor requesting permission to hold both the general and special elections on a non-specified date earlier than November. Duke and Porter stated if the Governor grants permission, Council can evaluate and decide at that time if moving the elections sooner than November makes sense for the City.

- **Discuss FY 20-21 4B Budget.** (C. Holsted, City Manager)

City Manager Holsted addressed Council giving a presentation on the FY 20-21 4B budget regarding the following areas: annual sales tax revenue, 4B sales tax fund projected revenues, 4B sales tax fund expenditures by function, Wylie Recreation Center revenue versus personnel expenses, 4B debt service expenditures, and assumptions affecting the FY 20-21 4B budget.

Council direction regarding the FY 20-21 4B budget was to look at different options such as utilizing the fund balance and potential cost saving measures.

Mayor Hogue convened the Council into Executive Session at 8:50 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 2020-4a, Project 2020-4c, Project 2020-5a.**

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 & FM 544.**
- **Properties adjacent to McMillen Rd. between McCreary Rd. and Country Club Rd.**

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

Mayor Hogue convened the Council into Open Session at 9:55 p.m.

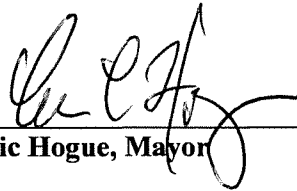
READING OF ORDINANCE

City Secretary Storm read the captions to Ordinance Nos. 2020-30, 2020-32, 2020-33, 2020-34, and 2020-35 into the official record.

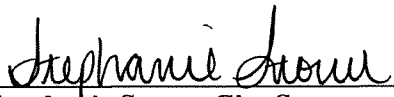
Mayor Hogue left the meeting at 9:56 p.m.

ADJOURNMENT

A motion was made by Councilman Porter, seconded by Councilman Duke, to adjourn the meeting at 10:00 p.m. A vote was taken and motion passed 6-0 with Mayor Hogue absent.


Eric Hogue, Mayor

ATTEST:


Stephanie Storm, City Secretary

