



# Wylie City Council

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## Minutes

### Regular Meeting

May 28, 2019 – 6:00 p.m.

Wylie Municipal Complex – Council Chambers

300 Country Club Road, Bldg. 100

Wylie, TX 75098

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### CALL TO ORDER

*Announce the presence of a Quorum.*

Mayor Eric Hogue called the meeting to order at 6:05 p.m. The following City Council members were present: Councilman David R. Duke, Councilman Matthew Porter, Mayor *pro tem* Jeff Forrester, Councilman Timothy T. Wallis, and Councilman David Dahl. Councilwoman Candy Arrington was absent.

Staff present included: City Manager Chris Holsted; Assistant City Manager Brent Parker; Assistant City Manager Renaé Ollie; Police Lieutenant Matt Miller; Chief Building Official Bret McCullough; Public Information Officer Craig Kelly; Parks and Recreation Director Robert Diaz; Finance Director Melissa Beard; Fire Chief Brandon Blythe; Public Works Director Tim Porter; Planning Manager Jasen Haskins; Library Director Rachel Orozco; WEDC Executive Director Sam Satterwhite; Project Engineer Wes Lawson; City Secretary Stephanie Storm, and various support staff.

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### INVOCATION & PLEDGE OF ALLEGIANCE

Councilman Dahl gave the invocation and Police Lieutenant Miller led the Pledge of Allegiance.

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### PRESENTATIONS

- **Wylie Way Students**

Mayor Hogue and Mayor *pro tem* Forrester presented medallions to students demonstrating “Shining the Wylie Way.” Each nine weeks one student from each WISD campus is chosen as the “Wylie Way Student.”

- **Junior Mayor Carter Oswald**

Mayor Hogue introduced Junior Mayor Carter Oswald, administered the oath of office, and presented a proclamation for “Mayor of the Day.”

- **Motorcycle Safety and Awareness**

Mayor Hogue presented a proclamation proclaiming the month of May as Motorcycle Safety and Awareness Month in Wylie, Texas. Members of Blacksheep MC were present to accept the proclamation.

- **National Boating Safety Week**

Mayor Hogue presented a proclamation proclaiming May 18-24, 2019 as National Boating Safety Week in Wylie, Texas. A member of US Coast Guard Auxiliary Flotilla was present to accept the proclamation.

### **CITIZEN COMMENTS ON NON-AGENDA ITEMS**

*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.*

- **Boys & Girls Clubs of Collin County – Collin Classic Bicycle Rally**

Jena Abernathy, representing the Boys & Girls Club of Collin County, spoke about the 28<sup>th</sup> annual Collin Classic Bicycle Rally that will be taking place through Wylie on June 8, 2019. Ms. Abernathy expressed appreciation to the Public Works and Public Safety departments for their assistance with this Rally. Ms. Abernathy invited everyone to come out to the Rally.

### **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 14, 2019 Regular Meeting of the Wylie City Council.** *(S. Storm, City Secretary)*
- B. **Consider, and place on file, the City of Wylie Monthly Investment Report for April 30, 2019.** *(M. Beard, Finance Director)*
- C. **Consider, and place on file, the City of Wylie Monthly Revenue and Expenditure Report for April 30, 2019.** *(M. Beard, Finance Director)*
- D. **Consider, and place on file, the Animal Shelter Advisory Board report to City Council regarding meeting held on February 13, 2019.** *(A. Henderson, Police Chief)*
- E. **Consider, and act upon, the First Modification of contract #W2014-65-A for Concrete Repair and Maintenance with GT Construction in the estimated amount of \$90,000.00, and authorizing the City Manager to execute any and all necessary documents.** *(G. Hayes, Purchasing Manager)*
- F. **Consider, and act upon, authorizing the Mayor to enter into an Interlocal Agreement with Collin County and the Rita and Truett Smith Public Library for library services for fiscal year 2018-2019 in the amount of \$6,868.00.** *(R. Orozco, Library Director)*
- G. **Consider, and act upon, Ordinance No. 2019-14 to change the zoning from Single Family (SF-10/24) to Commercial Corridor (CC), for commercial purposes on two lots of 0.38 and 0.19 acres, located at 110 College and 406 S Jackson, respectively.** *ZC 2019-03 (J. Haskins, Planning Manager)*
- H. **Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of April 30, 2019.** *(S. Satterwhite, WEDC Director)*

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

### **Council Action**

A motion was made by Councilman Wallis, seconded by Councilman Dahl, to approve the Consent Agenda Items A, B, C, D, F, G, and H as presented. A vote was taken and motion passed 6-0 with Councilwoman Arrington absent.

## **REGULAR AGENDA**

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- E. **Consider, and act upon, the First Modification of contract #W2014-65-A for Concrete Repair and Maintenance with GT Construction in the estimated amount of \$90,000.00, and authorizing the City Manager to execute any and all necessary documents.** (*G. Hayes, Purchasing Manager*)

### **Council Comments**

Mayor *pro tem* Forrester asked if this is for repairs to existing construction or expansion of program in order to be a stopgap between contracts.

Holsted replied staff is in the process of rebidding the concrete repair and installation contract. This gives an additional 60 days so there is no gap between existing contracts and new contracts. Funds are budgeted in the current budget.

### **Council Action**

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Porter, to approve Consent Agenda Item E. A vote was taken and motion passed 6-0 with Councilwoman Arrington absent.

### **Interview of Board of Ethics Applicant**

Mayor Hogue reported that Justin Grayczyk was unable to make the meeting this evening.

1. **Hold a Public Hearing and consider, and act upon, a change of zoning from Agricultural-30 (AG-30) to Planned Development-Single-family (PD-SF), to allow for single-family detached uses on 26.4 acres, located at 1751 McMillen Road. ZC 2019-04** (*J. Haskins, Planning Manager*)

### **Council Comments**

Mayor Hogue stated the developer has submitted a request to withdraw this item at 5:36 pm.

### **Public Hearing**

Mayor Hogue opened the public hearing on Item 1 at 6:49 p.m. asking anyone present wishing to address Council to come forward.

Keith Huyck, Terri Thurmond, Catherine Butschek, James Suttles, and Daniel Collett addressed Council with concerns and spoke in opposition regarding the proposed development.

Mayor Hogue closed the public hearing at 7:01 p.m.

### **Council Action**

A motion was made by Councilman Dahl, seconded by Councilman Duke, to accept the request to withdraw the rezoning request. A vote was taken and motion passed 6-0 with Councilwoman Arrington absent.

- 2. Hold a Public Hearing and consider, and act upon, a change of zoning from Neighborhood Services (NS) to Commercial Corridor (CC), to allow for a Contractors Maintenance Yard use on 1.89 acres, located at 634 North Ballard. ZC 2019-06 (J. Haskins, Development Services Manager)**

### **Staff Comments**

Planning Manager Haskins addressed Council stating the applicant is requesting to rezone one lot of approximately 1.89 acres located at 634 North Ballard Street. The property is currently zoned Neighborhood Services (NS) with a Certificate of Occupancy for Office Use. The reason for the requested rezoning to Commercial Corridor (CC) is to accommodate a Contractors Maintenance Yard Use by the same firm, which is not allowed in NS. In July 2015, at the request of same applicant, the property was rezoned to NS from Single Family to allow for an office use of an engineering firm. The firm, which works with telecommunications companies, continues to occupy the property; however, the use has expanded beyond the General Office use as identified on the Certificate of Occupancy. The Comprehensive Development Plan identifies the area as General Urban, which supports the requested zoning and use. Haskins reported the property fronts Ballard, which is scheduled to be widened to four lanes within the next few years, and could support a CC zoned property. Thirty notifications were mailed with one response received in favor of the request. The Commission voted 5-0 to recommend approval.

### **Applicant Comments**

Steve Purcell, representing TDC2, LLC, addressed Council stating business is not going to change from what they have been doing the last four years. Purcell reported they are an engineering and project management company in the telecommunications industry and are not a material handling yard. They have incidental material that comes to and from the job sites at different times for their customers.

Councilman Dahl expressed concerns with making a change in the zoning for potential future uses of the property. Mayor *pro tem* Forrester asked if all of the materials are kept inside the storage building, if there is still a requirement for a Material Maintenance Yard designator. Haskins replied yes, because their Certificate of Occupancy is General Office use and staff considers the current use as a wholesale version of the Material Maintenance Yard designator because the applicant does not have contractors going to their office. Councilman Porter asked if a Planned Development (PD) could be put in place with the general NS and add CC so potential future tenants cannot change it to another commercial use. Haskins replied yes a PD could be done and they could allow the applicant to continue business as this is being resolved. The applicant replied they would be fine with a PD. Ollie recommended the PD be tied to the user, not the land. Forrester confirmed if the user vacates the property the zoning would revert back to NS. Ollie replied that would be correct. Forrester asked what would be the cleanest way to make the transition on the applicant and planning. Ollie stated that, if the applicant is willing to look at the PD and due to the fact that Council has received the recommendation from the Commission and is asking something more stringent, this would have to be withdrawn by the applicant, and the PD conditions would have to go to the Commission.

Purcell requested, and submitted in writing, that Council withdraw this item with one condition, that an updated overview picture of the property be used for future considerations. Haskins reported the City can utilize a drone to get an updated overview picture.

### Public Hearing

Mayor Hogue opened the public hearing on Item 2 at 7:29 p.m. asking anyone present wishing to address Council to come forward.

No citizens were present wishing to address Council.

Mayor Hogue closed the public hearing at 7:29 p.m.

### Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Porter, to accept the applicant's withdrawal. A vote was taken and motion passed 6-0 with Councilwoman Arrington absent.

3. **Consider, and act upon, Ordinance No. 2019-15 amending Ordinance No. 2018-24 (2018-2019 Budget) for proposed budget amendments for fiscal year 2018-2019; providing for repealing, savings and severability clauses; and providing an effective date of this ordinance.**  
(*M. Beard, Finance Director*)

### Staff Comments

Finance Director Beard addressed Council stating staff is requesting to amend the FY 2018-2019 budget. The budget amendment is for contract modification number one with Architects Design Group for the Public Safety Building in the amount of \$497,000. The expense will be funded by the sales tax revenue account, which is currently predicted to come in 17% over the budgeted amount.

### Council Comments

Councilman Porter confirmed the amendment states the projection is expected to be covered by the sales tax. Porter stated he asked about changing the sales tax after seeing an increase over a couple months at the April 6 meeting and was told sales tax was too unpredictable and it would not be a wise move. Beard stated the revenue is not going to be amended because it is a projection and they are unpredictable. As of May they are over 17% and the next few months would only have to come in over 5% of last year to cover this expense; because the revenue is not being amended, any additional money that comes in from sales tax will be part of the General Fund unassigned balance, which would be what would cover this expense. Holsted added staff has received an additional month of data and the trend is showing growth to continue on the sales tax.

Porter asked if this expense was part of the February 12 presentation which listed \$550,000 of additional expenses that were considered to be part of the project. Holsted replied in that project budget these expenses were shown to be covered in the original \$15.1 million of available revenue. Porter asked whether the reason for the ordinance was to make a change, or to acknowledge the expenses. Holsted reported approval of the Ordinance would transfer the fund into the Public Safety Building Fund so the additional sales tax revenue would increase the fund from \$15.1 million to about \$15.5 million. Staff will be meeting in a work session with Council in July to discuss the 50% construction estimate from Pogue. Soon after that staff will get the guaranteed max price. If the money is not needed, then it will go back into the General Fund Fund Balance. Porter asked why the money is being moved now, and whether it could it be moved later if additional funds are needed. Holsted reported it can be done later; however, staff would recommend to move the money now because the City is still carrying some contingency on the construction contract. Council can choose to wait and use existing funds to cover the additional costs. If the adjustment is not made now, staff would expect changes to the guaranteed max price in August/September in order to move some of the alternates such as public parking, sally port, and security fencing into the base budget.

### **Council Action**

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Wallis, to table Ordinance No. 2019-15 amending Ordinance No. 2018-24 (2018-2019 Budget) for proposed budget amendments for fiscal year 2018-2019; providing for repealing, savings and severability clauses; and providing an effective date of this ordinance for consideration at the July 23 City Council meeting. A vote was taken and motion passed 6-0 with Councilwoman Arrington absent.

- 4. Consider, and act upon, the First Modification of contract #W2017-40-E for Professional Design Services for the Renovation and Expansion of the City of Wylie Public Safety Building with Architects Design Group in the amount of \$496,750.00, and authorizing the City Manager to execute any and all necessary documents. (G. Hayes, Purchasing Manager)**

### **Staff Comments**

Purchasing Manager Hayes addressed Council stating this contract modification incorporates the architect fee increases due to the projected construction costs and incorporates three additional services: add interior design services, landscape architectural services, and geoen지니어ing soil reports.

### **Council Comments**

Mayor *pro tem* Forrester commended staff on a percentage rate reduction on the contract.

### **Council Action**

A motion was made by Councilman Porter, seconded by Councilman Dahl, to approve the First Modification of contract #W2017-40-E for Professional Design Services for the Renovation and Expansion of the City of Wylie Public Safety Building with Architects Design Group in the amount of \$496,750.00, and authorizing the City Manager to execute any and all necessary documents. A vote was taken and motion passed 6-0 with Councilwoman Arrington absent.

- 5. Consider, and act upon, approval for EIFS as an appropriate primary exterior façade, in accordance with Article 4, Section 4.3.F of the Comprehensive Zoning Ordinance, for a retail strip center located at 330 S. State Highway 78. (B. McCullough, Building Official)**

### **Staff Comments**

Building Official McCullough addressed Council stating on June 19, 2018 a site plan was approved by the Planning and Zoning Commission for the development of a four-tenant 10,000-square-foot retail strip center located at 330 S. State Highway 78. The approved plans showed stucco and brick as the primary exterior materials. The applicant submitted building plans and obtained a building permit on September 25, 2018. The building plans did not match the approved elevations; the stucco was replaced with EIFS as the primary exterior material.

McCullough reported the applicant is seeking a variance from Council to allow the exterior façade to have more than 20% coverage of EIFS. McCullough reported the proposed material is an approved material by the 2015 Edition of the International Building Code and nationally listed, and recognized, as an approved construction material. This is strictly a zoning issue, not a building code issue.

### **Council Comments**

Mayor *pro tem* Forrester asked what percentage of stucco is allowed on buildings. McCullough reported 80% is allowed to be stucco, or some other masonry product defined in the Zoning Ordinance. The remainder 20% can be EIFS. McCullough stated EIFS today is not like it used to be; it has come a long way. Councilman Dahl asked why this appeal would not go to the Zoning Board of Adjustment. McCullough replied there are certain items Zoning Board of Adjustment can handle per state law, but since this is a specific property appeal and not a variance, listed in the City's Zoning Ordinance, it comes

to Council for approval. Dahl asked about this item going to the Construction Code Board. McCullough replied they would hear an appeal of a decision the Building Official would make. This material is approved by the Building Code so it would not be necessary to go to the Construction Code Board for an appeal because it is an approved construction material. Ollie reported this appeal is coming to Council for strictly aesthetic purposes. In 2010 the ordinance was changed to allow a masonry composite in lieu of brick. Forrester asked whether in the last 10 years technology has advanced such that this product could be revisited in the Ordinance and considered at a higher percentage as a construction material. Staff replied yes, this would be something beneficial to revisit.

#### **Applicant Comments**

Matthew King, Architect for the retail strip center, addressed Council stating he created the mistake and the permit plans were put out into the field with EIFS instead of stucco. The entire building has been wrapped and ready to apply the finish EIFS coatings. King reported the durability of the material has improved over the years and there would be no difference in appearance.

#### **Council Comments**

Mayor *pro tem* Forrester asked what the cost savings is on EIFS vs. stucco. Rick Williams, installer, responded they are about the same cost with the weather barrier, 1½ insulation, and high impact mesh that comes with EIFS. Councilman Porter stated he had concerns regarding moisture and drainage in regards to EIFS. Williams responded unless the material is installed improperly, the materials are very efficient for drainage. Councilman Wallis asked if the applicant had durability studies related to the materials being discussed. King responded he did not, but he has received complaints on projects with stucco because it cracks. Councilman Duke asked how the product would rate against stucco in regards to hail storms. King responded aesthetically it can match the adobe stucco look. In regards to durability, and referencing the 2016 hail storm, King was unsure where EIFS would rank against other materials. Mayor Hogue asked the percentage of EIFS being proposed on the building. King responded greater than 50% and McCullough added about 70%.

#### **Citizen Comments**

Keith Huyck addressed Council with a comment in regards to EIFS and sustainability regarding hail.

#### **Council Action**

A motion was made by Councilman Dahl to approve EIFS as an appropriate primary exterior, in accordance with Article 4, Section 4.3.F of the Comprehensive Zoning Ordinance, for a retail strip center located at 330 S. State Highway 78 to exceed the 20% coverage of EIFS. The motion died for the lack of a second.

A motion was made by Councilman Porter, seconded by Councilman Duke, to deny EIFS as an appropriate primary exterior, in accordance with Article 4, Section 4.3.F of the Comprehensive Zoning Ordinance, for a retail strip center located at 330 S. State Highway 78. A vote was taken and motion passed 5-1 with Councilman Dahl voting against and Councilwoman Arrington absent.

Mayor Hogue convened the Council into Executive Session at 8:26 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.

Minutes May 28, 2019

Wylie City Council

Page 7

§ 551.087 – Discussing certain economic development matters.

§ 551.073 – Discussing prospective gift or donation to the City.

§ 551.076 – Discussing deployment of security personnel or devices or security audit.

*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).
  - **Discuss property located on 544 west of SH 78**
  - **Discussion regarding property generally located at Brown St. and SH 78**

**RECONVENE INTO OPEN SESSION**

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

Mayor Hogue reconvened into Regular Session at 9:32 p.m.

**READING OF ORDINANCE**

*Title and caption approved by Council as required by Wylie City Charter, Article III, Section 13-D.*

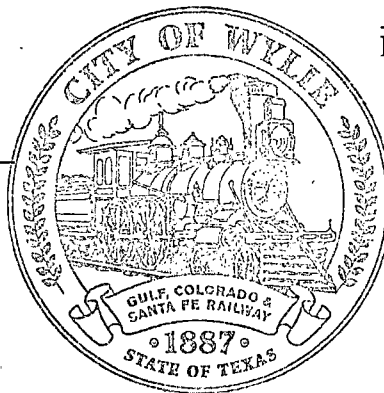
City Secretary Storm read the caption to Ordinance No. 2019-14 into the official record.

**ADJOURNMENT**

A motion was made by Councilman Porter, seconded by Councilman Duke, to adjourn the meeting at 9:33 p.m. A vote was taken and the motion passed 6-0 with Councilwoman Arrington absent.

ATTEST:

  
Stephanie Storm, City Secretary



  
Eric Hogue, Mayor