



Wylie City Council

Minutes

Regular Meeting

June 25, 2019 – 6:00 p.m.

Wylie Municipal Complex – Council Chambers

300 Country Club Road, Bldg. 100

Wylie, TX 75098

CALL TO ORDER

Announce the presence of a Quorum.

Mayor Eric Hogue called the meeting to order at 6:02 p.m. The following City Council members were present: Councilman David R. Duke, Mayor *pro tem* Jeff Forrester, Councilwoman Candy Arrington, Councilman Timothy T. Wallis, and Councilman David Dahl. Councilman Matthew Porter was absent.

Staff present included: City Manager Chris Holsted; Assistant City Manager Brent Parker; Assistant City Manager Renaé Ollie; Police Chief Anthony Henderson; 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; Human Resources Manager Lynn Fagerstrom; WEDC Assistant Director Jason Greiner; Project Engineer Wes Lawson; City Attorney Ryan Pittman; Municipal Court Judge Art Maldonado; City Secretary Stephanie Storm, and various support staff.

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor *pro tem* Forrester gave the invocation and Councilman Duke led the Pledge of Allegiance.

PRESENTATIONS

- **Outgoing Wylie Boards and Commissions Members; Oath of Office for Incoming Members**
Mayor Hogue presented outgoing board members gifts of appreciation for their service. Mayor Hogue thanked each member for volunteering their time to serve on the various boards and commissions.

Judge Art Maldonado administered the Oath of Office to the newly appointed board and commission members in attendance.

- **Parks and Recreation Month Proclamation**

Mayor Hogue presented a proclamation recognizing the month of July as Parks and Recreation Month in the City of Wylie. Parks and Recreation Director Robert Diaz, Parks Manager Brent Stowers, Recreation Manager Carmen Powlen, and Administrative Assistant Janet Hawkes were present to accept the proclamation.

- **Employee Milestone**

Mayor Hogue and City Manager Holsted presented milestone anniversary honors to the following employees:

- Ernest TeBay, Crossing Guard – 15 years of service
- Chris Campbell, WFR Fire Captain – 15 years of service
- Renae Ollie, Assistant City Manager – 15 years of service
- James Brown, WFR Battalion Chief – 25 years of service

- **Wylie PD Promotional Badge Pinning**

Police Chief Henderson congratulated Lieutenant Scott Stowers on his recent retirement with 25 years of law enforcement experience.

Henderson administered the Texas Oath of Honor to newly appointed Sergeant Jeff Callan, Sergeant Jason Prince, Corporal Jacob Perry, Corporal Helen Taylor, and Corporal Gabrielle Williams. Sergeant Jason Prince was pinned by his father-in-law Bud Mitchell. Sergeant Jeff Callan was pinned by his daughter Chloe and son Kegan. Corporal Helen Taylor was pinned by her husband David. Corporal Gabrielle Williams was pinned by her husband Brent. Corporal Jacob Perry was pinned by his wife Alisha.

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.

- Justin Dumlao addressed Council requesting that infrastructure be a priority with regard to roadways, and requesting that funds continue to be available to maintain and expand City services such as the Library, Parks, and Public Safety during the budget process.
- Keith Stephens addressed Council stating the EDC presented the current status of the EDC at the Chamber of Commerce luncheon earlier in the day and asked that Council consider attending and supporting important events such as these in the future.
- Pamela Hart addressed Council commending the women on the police force and said she looks forward to additional diversity in the law enforcement ranks.

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 June 11, 2019 Regular Meeting of the Wylie City Council.** (S. Storm, City Secretary)
- B. **Consider, and act upon, a vendor application for the Wylie ISD Council of PTA's "Back to the Future Back to School" event at Olde City Park on August 24, 2019.** (R. Diaz, Parks & Recreation Director)
- C. **Consider, and act upon, a vendor application for the 1LT Robert F. Welch III Charity "Family Music in the Park" event at Olde City Park on July 26, 2019.** (R. Diaz, Parks & Recreation Director)

- D. Consider, and act upon, the award of bid #W2019-84-A for Concrete Maintenance & Repair (Various Locations) to GT Construction Inc., in the estimated annual amount of \$750,000.00, and authorizing the City Manager to execute any and all necessary documents. (G. Hayes, Purchasing Manager)
- E. Consider, and act upon, approval and final acceptance of the Newport Harbor Pump Station Improvements project and authorize final payment to Red River Construction Company, Inc. in the amount of \$41,004.09; and accept the project as complete. (T. Porter, Public Works Director)
- F. Consider, and act upon, Ordinance No. 2019-15 to amend Planned Development 2017-11, Section 5.5.f to set forth 20' front yard setbacks on lots 5-19, 39 and 40 of Block K of Woodbridge Phases 21 and 22, generally located southeast of the intersection of McCreary Road and Hensley Lane. ZC 2019-07. (J. Haskins, Planning Manager)
- G. Consider, and act upon, Ordinance No. 2019-16 to change of zoning from Agricultural (AG/30) to Commercial Corridor, property located at 2455 Country Club Road (Tract 2 William Patterson Survey). ZC 2019-08. (J. Haskins, Planning Manager)
- H. Consider, and act upon, a Final Plat for Birmingham Place Phase 5 Lots 1 and 2, Block A to establish two commercial lots on 5.251 acres located on the northeast corner of Park Blvd. and FM 1378. (J. Haskins, Planning Manager)
- I. Consider, and place on file, the City of Wylie Monthly Revenue and Expenditure Report for May 31, 2019. (M. Beard, Finance Director)
- J. Consider, and place on file, the City of Wylie Monthly Investment Report for May 31, 2019. (M. Beard, Finance Director)
- K. Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of May 31, 2019. (S. Satterwhite, WEDC Director)

Council Action

A motion was made by Councilman Dahl, seconded by Councilman Duke, to approve the Consent Agenda as presented. A vote was taken and motion passed 6-0 with Councilman Porter absent.

Mayor Hogue convened the Council into Executive Session at 7:02 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.
- § 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. 551.071. 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**

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

Mayor Hogue reconvened into Open Session at 8:05 p.m.

REGULAR AGENDA

1. **Consider, and act upon, authorizing the City Manager to sign an Agreement between John Englar and Yanyin Duan or their assigns and the City of Wylie to allow for the annexation into the City limits and the development of single-family homes 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. (J. Haskins, Planning Manager)**

Staff Comments

Planning Manager Haskins addressed Council stating the applicant is proposing an Agreement relating to the annexation of a 14.599-acre residential development consisting of 62 residential lots. The property is currently in the City's ETJ off Stone Road east of Kreymer. This Agreement offers the same conditions as the Agreement considered by Council on April 9, 2019.

Applicant Comments

Art Anderson, applicant's attorney, addressed Council requesting to speak on Items 1, 2, and 3 together as they are all related. Anderson stated if Council decides to approve the Item 1 Agreement, they will waive all enforcement rights under HB 2439 and will work with the City Attorney if other language needs to be included in the Agreement. Item 2 is the relocation of the sanitary sewer line and is contingent upon Item 1. Item 3 is the preliminary plat. The difference between the proposed preliminary plat and the prior preliminary plat submitted at the April 9 meeting is that the sanitary sewer line does not move. Anderson stated the preliminary plat meets all of the requirements for the City Subdivision Regulations except the setback requirement. Anderson reported that the applicant requests that if Council does not approve Items 1 and 2 that they approve Item 3. If the Council approves Items 1 and 2, the applicant would agree to withdraw Item 3.

Ryan Pittman, City Attorney, addressed Council stating within the Subdivision Regulations there is a requirement of 50-foot setbacks within the ETJ. The usual and customary setback within the City limits is 25 feet. The City does have authority to enforce setbacks within the ETJ, but it is the applicant's position that the City cannot enforce the setbacks under State Law.

Council Comments

Councilman Dahl asked about the request for reduction in parkland dedication fees. Adam Buczek and Trey Walette, representing Skorburg Company, responded the Parks Board recommended that they pay the full park fees; but \$22,000 of those park fees can be used on park improvements as a reimbursement to their community. Dahl asked why the applicant is requesting to use less than required, in accordance

with City standards, masonry exterior requirements on the homes and reduce the elevation repetition from seven to five. Walette responded the 80% masonry gives the builder the option to have some architecture relief and the elevations allow the consumer to choose, and both come at the request of the homebuilder.

Citizen Comments

Bethany Packard, Laurie Pollard, Julie Kilgore, Chad Packard, and Geoff Kilgore addressed Council with concerns related to the proposed subdivision including the large trees on the property, access to their property, maintenance of the area behind the fence, changing the flow of water which could result in the drying up of ponds, 15 feet setbacks, potential drainage issues, and pollution.

Applicant Comments

Buczek addressed Council responding to some of the concerns. In regards to the drainage, Buczek stated the developer has protections and processes that ensure the requirements of the City and State must be met so the flow, volume, and concentration of the water must stay the same. Concerning who maintains the area behind the fence within the tree preservation buffer, Buczek reported that the applicant could include language that states the HOA maintains that area. Concerning preserving the large trees, the applicant has added the tree buffer to save the specimen trees that are the most mature and beautiful trees and removed two lots to save large specimen trees.

Mayor *pro tem* Forrester asked the developer if they had met with the adjacent neighbors. Buczek responded Dr. Kilgore went to their office and Walette reported he met with the Pollards and Mr. Kilgore and emailed with Mr. Packard.

Council Action

A motion was made by Councilwoman Arrington to authorize the City Manager to sign an Agreement between John Englar and Yanyn Duan or their assigns and the City of Wylie to allow for the annexation into the City limits and the development of single-family homes 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.

Pittman clarified that, if Item 1 is approved, the developer has offered to work on including language to preserve the City's right to impose the utilization of specific building materials. He suggested including language such as "moved to approve, subject to developer working with the City Attorney's office on language addressing their waiver of HB 2439." Councilwoman Arrington made a motion to adopt the modifications as suggested by Pittman. The motion and modification were seconded by Councilman Dahl.

A vote was taken and motion failed 2-4 with Mayor Hogue, Mayor *pro tem* Forrester, and Councilmen Duke and Wallis voting against, and Councilman Porter absent.

- 2. Consider, and act upon, authorizing the City Manager to sign an Agreement between John Englar and Yanyn Duan or their assigns and the City of Wylie to relocate a sanitary sewer line and sewer easement within property located in the City's Extraterritorial Jurisdiction (ETJ), located at 2121 E. Stone Road. (J. Haskins, Planning Manager)**

Citizen Comments

Julie Kilgore addressed Council clarifying that the developer did not reach out to her; she went to their office.

Council Action

A motion was made by Councilwoman Arrington, seconded by Councilman Dahl, to authorize the City Manager to sign an Agreement between John Englar and Yanyn Duan or their assigns and the City of

Wylie to relocate a sanitary sewer line and sewer easement within property located in the City's Extraterritorial Jurisdiction (ETJ), located at 2121 E. Stone Road. A vote was taken and motion failed 2-4 with Mayor Hogue, Mayor *pro tem* Forrester, and Councilmen Duke and Wallis voting against, and Councilman Porter absent.

- 3. Consider, and act upon, a Preliminary Plat for Brookside Estates Addition to establish 68 residential and 11 open space lots on 14.599 acres within Wylie's ETJ, located at 2121 Stone Road approximately 1800' east of Kreymer Lane. (J. Haskins, Planning Manager)**

Staff Comments

Planning Manager Haskins addressed Council stating that under this preliminary plat, the property would stay in the ETJ, there is no annexation or development agreement. The proposed residential lots and layout generally meet the requirements of the Subdivision Regulations; however, the plat currently displays the building line setback at 15 feet. The Subdivision Regulations require 50-foot setbacks for residential lots in the ETJ. Water would be served by East Fork SUD and sewer would be served by the City of Wylie due to the property being within Wylie's sewer CCN (Certificate of Convenience and Necessity).

Haskins reported the Commission recommended denial 7-0 and expressed concerns about the setbacks. Haskins reported the applicant was asked if they would increase the setbacks on the larger lots as the increased depth of those lots may allow an increased setback and the applicant declined.

Citizen Comments

Justin Dumao addressed Council speaking in favor of the development.

Bethany Packard and Julie Kilgore addressed Council regarding concerns with the developer not working together with the adjacent property owners and the City to come up with a reasonable plan and solution for this property.

Geoff Kilgore addressed Council regarding the general provisions for the ETJ in the Subdivision Regulations.

Council Action

A motion was made by Councilwoman Arrington, seconded by Councilman Wallis, to deny a Preliminary Plat for Brookside Estates Addition to establish 68 residential and 11 open space lots on 14.599 acres within Wylie's ETJ, located at 2121 Stone Road approximately 1800' east of Kreymer Lane. A vote was taken and motion passed 6-0 with Councilman Porter absent.

Art Anderson requested certified reasons for denial under Chapter 212.

- 4. Consider, and act upon, approval of Resolution No. 2019-18(R) authorizing the application for a Collin County Park and Open Space Grant for the purpose of the Twin Lakes Park Trail project. (R. Diaz, Parks & Recreation Director)**

Staff Comments

Parks and Recreation Director Diaz addressed Council stating the grant application requests \$280,020 in funding from Collin County for the purpose of installing trails and a playground in Twin Lakes Park following the recommendations in the 2010 City of Wylie Parks, Recreation and Open Space Master Plan, and the Trails Master Plan. At this time, proposed improvements in the application include construction of approximately 1,980 linear feet of 10-foot and 8-foot-wide, concrete hike-and-bike trail, two low-water crossings, ADA ramps and pedestrian access from the park crossing Canyon Lake Drive, litter receptacles, and benches.

Council Action

A motion was made by Councilwoman Arrington, seconded by Mayor *pro tem* Forrester, to approve Resolution No. 2019-18(R) authorizing the application for a Collin County Park and Open Space Grant for the purpose of the Twin Lakes Park Trail project. A vote was taken and motion passed 6-0 with Councilman Porter absent.

5. **Consider, and act upon, the acceptance of the withdrawal of applicant Roger Lang and the appointment of an alternate board member to the Zoning Board of Adjustments to fill the term of July 1, 2019 to June 30, 2021. (S. Storm, City Secretary)**

Council Comments

Mayor Hogue asked Mayor *pro tem* Forrester if the Board and Commission Interview Panel had a recommendation for an alternate Zoning Board of Adjustment member. Forrester stated they would like to recommend Shaun Chronister as the alternate board member.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Duke, to recommend Shaun Chronister as the alternate. A vote was taken and motion passed 6-0 with Councilman Porter absent.

Mayor Hogue convened the Council into Executive Session at 9:07 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:

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- (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.

- **Discuss Drainage Issues**

Council came out of Executive Session at 9:35 p.m. and convened into the Executive Sessions listed below at 9:38 p.m.

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 2019-6a and 2019-6b.**

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 property located near Highway 78 and Ballard.**

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

Mayor Hogue reconvened into Open Session at 10:25 p.m.

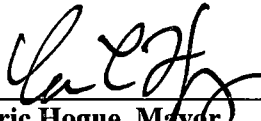
READING OF ORDINANCES

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 Nos. 2019-15 and 2019-16 into the official record.

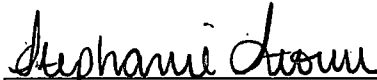
ADJOURNMENT

A motion was made by Councilman Duke, seconded by Mayor *pro tem* Forrester, to adjourn the meeting at 10:27 p.m. A vote was taken and the motion passed 5-1 with Councilman Dahl voting against and Councilman Porter absent.



 Eric Hogue, Mayor

ATTEST:



 Stephanie Storm, City Secretary

