



Wylie City Council

Minutes

Regular Meeting

Tuesday, June 26, 2018 – 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 6:00 p.m. City Secretary Stephanie Storm took roll call with the following City Council members present: Mayor *pro tem* Keith Stephens, Councilman David Dahl, Councilman Jeff Forrester, Councilwoman Candy Arrington, Councilman Matthew Porter, and Councilman Timothy Wallis.

Staff present included: City Manager Mindy Manson; Assistant City Manager Chris Holsted; Police Chief Anthony Henderson; Fire Chief Brent Parker; Development Services Director Renae Ollie; Public Works Director Tim Porter; Public Information Officer Craig Kelly; Parks and Recreation Director Robert Diaz; Finance Director Melissa Beard; Human Resources Director Lety Yanez; Building Official Bret McCullough; City Secretary Stephanie Storm, and various support staff.

INVOCATION & PLEDGE OF ALLEGIANCE

Former Mayor William Martin gave the invocation and Former Councilwoman Diane Culver led the Pledge of Allegiance.

PRESENTATIONS

- **Presentations for Outgoing Wylie Boards and Commission Members. Oath of Office for Incoming Wylie Boards and Commission Members.**

Mayor Hogue presented outgoing board members plaques of appreciation for their service.

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

- **Blue Star Banner Presentations.**

Mayor Hogue presented a Blue Star flag and coin to Councilman Wallis and his wife Kara in honor of their son Colin Timothy Wallis, serving in the Army National Guard. He was a graduate of Wylie East High School and also attended Collin College. He was awarded the Blue Star Banner award. Mayor Hogue presented a Blue Star flag and coin to former Councilman David Goss and his wife Barbara in honor of their son Austin David Goss, serving in the Army National Guard. He was a graduate of Wylie East High School. He was awarded the Blue Star Banner award.

Mayor Hogue recognized Kim Combest in honor of her nephew Tyler Michael Scalf, serving in the US Navy. Ms. Combest was unable to attend but a Blue Star flag and coin will be presented to her for being awarded the Blue Star Banner award.

- **Proclamation of Parks and Recreation Month.**

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 and Parks Manager Brent Stowers were present to accept the proclamation.

- **Presentation of Keep Texas Beautiful Award.**

Robert Medigovich, representing Community Waste Disposal, presented a Keep Texas Beautiful plaque to the City of Wylie for their solid waste events and recycling program. Medigovich stated Wylie won first place out of all of the communities with a population between 30,000-50,000.

- **Presentation by the American Legion to the Firefighter of the Year/Chad Lloyd and Paramedic of the Year/Catherine Buckmire.**

Mary Lang, representing American Legion Hale-Combest Post 315, presented certificates to Firefighter of the Year Chad Lloyd and Paramedic of the Year Catherine Buckmire.

CITIZENS 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.

There were no citizens present wishing to address Council during citizens comments.

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 12, 2018 Regular Meeting of the Wylie City Council. (S. Storm, City Secretary)**
- B. **Consider, and act upon, Ordinance No. 2018-21 altering the prima facie speed limits established for vehicles under the provisions of Transportation Code, Section 545.356 upon S.H. 78 or parts thereof, within the incorporate limits of the City of Wylie, as set out in this ordinance; and providing penalty of a fine not to exceed \$200.00 for the violation of this ordinance; providing for repealing, savings and severability clauses; providing for an effective date of this ordinance; and providing for the publication of the caption hereof. (T. Porter, Public Works Director)**

- C. Consider, and act upon, approval of a Preliminary Plat for Ladylike Addition, creating 10 commercial lots on 19.76 acres, generally located on State Highway 78 approximately 1,000 feet northeast of the intersection of SH 78 and Brown Street. *(R. Ollie, Development Services Director)*
- D. Consider, and place on file, the City of Wylie Monthly Investment Report for May 31, 2018. *(M. Beard, Finance Director)*
- E. Consider, and place on file, the City of Wylie Monthly Revenue and Expenditure Report for May 31, 2018. *(M. Beard, Finance Director)*
- F. Consider, and place on file, the Monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of May 31, 2018. *(S. Satterwhite, WEDC Director)*
- G. Consider, and act upon, the approval of the purchase of 109-foot Rosenbauer Commander Aerial Ladder Apparatus from Daco Fire Equipment in the estimated amount of \$1,286,081.00 through a cooperative purchasing contract with Houston Galveston Area Council (HGAC), and authorizing the City Manager to execute any necessary documents. *(G. Hayes, Purchasing Manager)*

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

Council Action

A motion was made by Councilman Forrester, seconded by Councilman Wallis, to approve items A, D, E, and G of the Consent Agenda and consider Items B, C, and F individually. A vote was taken and the motion passed 7-0.

REGULAR AGENDA

- B. Consider, and act upon, Ordinance No. 2018-21 altering the prima facie speed limits established for vehicles under the provisions of Transportation Code, Section 545.356 upon S.H. 78 or parts thereof, within the incorporate limits of the City of Wylie, as set out in this ordinance; and providing penalty of a fine not to exceed \$200.00 for the violation of this ordinance; providing for repealing, savings and severability clauses; providing for an effective date of this ordinance; and providing for the publication of the caption hereof. *(T. Porter, Public Works Director)*

Council Comments

Councilman Porter stated as some of the properties located in front of the intermodal start to develop, with the increase in speed, he would like to see developer's plans include deceleration lanes.

Council Action

A motion was made by Councilman Forrester, seconded by Councilman Dahl, to approve Item B of the Consent Agenda. A vote was taken and the motion passed 7-0.

- C. **Consider, and act upon, approval of a Preliminary Plat for Ladylike Addition, creating 10 commercial lots on 19.76 acres, generally located on State Highway 78 approximately 1,000 feet northeast of the intersection of SH 78 and Brown Street. (R. Ollie, Development Services Director)**

Council Comments

Councilman Porter expressed concerns with the proposed size of Block A, Lot 3 in the preliminary plat. Councilmen Porter and Wallis both expressed concerns with the lots located off Brown Street and the commercial lot being located at the back of the property with no frontage. Ollie replied that the preliminary plat was broken up for marketing purposes with no specific users in mind. If there are users that come in that require additional square footage in the lot, a replat would be filed. Councilman Dahl stated the primary purpose of the preliminary plat is to lay out easements, establish a plat so it can be recorded at the county, and actual lot sizes are often changed in preliminary plats; it is a marketing plat to show flexibility to a variety of buyers.

Council Action

A motion was made by Mayor *pro tem* Stephens, seconded by Councilman Dahl, to approve Item C of the Consent Agenda. A vote was taken and the motion passed 5-2 with Councilman Porter and Councilman Wallis voting against.

- F. **Consider, and place on file, the Monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of May 31, 2018. (S. Satterwhite, WEDC Director)**

Council Comments

Councilman Porter asked what projects the EDC is currently pursuing, and why the EDC is the only Collin County EDC to fail to have a functioning website for over a year when the funds are there.

Council Action

A motion was made by Councilman Porter, seconded by Councilman Forrester, to table Item F of the Consent Agenda for two weeks until a member of the EDC staff can be present to answer the questions. A vote was taken and the motion passed 6-1 with Mayor *pro tem* Stephens voting against.

Interview of Board of Ethics Applicants

Council members interviewed the following applicant:
Stephen Sanders

1. **Consider, and act upon, appointments to fill the Board of Ethics vacancies for a term to begin July 1, 2018 and end June 30, 2020. (S. Storm, City Secretary)**

Council Comments

Mayor Hogue stated Peter McCann has asked that his name be withdrawn from consideration of serving on the Board of Ethics. There are two positions available on the board: one member position and one alternate position. The City Secretary's office will advertise again for applicants for the Board of Ethics to fill the vacancy.

Council Action

A motion was made by Councilman Porter, seconded by Councilman Dahl, to accept the application of Stephen Sanders as a member to the Board of Ethics. A vote was taken and the motion passed 7-0.

- 2. Hold a public hearing to consider, and act upon, a Preliminary Replat for Seventy8 & Westgate Addition, being a Replat of Lot 2, Block A of the Westgate Center Phase One Addition, creating two lots on 15.7208 acres, generally located on the northwest corner of S.H. 78 and Westgate Way. (R. Ollie, Development Services Director)**

Staff Comments

Development Services Director Ollie addressed Council stating the item is a preliminary replat. There is a final plat filed that designates this entire property as one lot, but because they are dividing it into two lots and there are many of uncertainties, it is being brought before council as preliminary replat. The purpose of the preliminary replat is to create two lots, and to move forward with the development of Lot 1. Lot 2 is a separate phase of the project.

Ollie replied that the Commission recommended approval 4-0.

Council Comments

Councilman Forrester asked whether, if Council accepts the changes, it does not absolve the developer of any of the commitments in 380 documents, and also asked what the marketing plan for the office and retail buildings are. Councilman Porter asked if the zoning would carry over to Lot 2. Ollie replied that the entire property is zoning Planned Development. Lot 1 is multi-family, Lot 2 is office; it would take a re-zoning if the developer wanted to place multi-family on Lot 2.

Developer Comments

Brian Rumsey addressed Council stating they are currently marketing Lot 2. They are currently doing remediation on the property and will be completing the restaurant that they committed to. They are currently designing the retail on the first floor of Building 1 and are leaning toward a coffee shop. Councilman Porter asked if they had made any progress in determining what could be done across the 50-foot explorer easement. Josh Lincoln, representing HP Civic Engineering, stated that no structures will be allowed in that easement but pavement is allowed to be inside the easement; however, the paving is not over the top of the line. Councilman Wallis expressed concerns with this being divided into two separate lots. Rumsey responded in order for the entities to be responsible for their respective areas, they have to replat; they have to set boundaries for the lots.

Public Hearing

Mayor Hogue opened the public hearing on Item 2 at 7:01 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 7:02 p.m.

Council Action

A motion was made by Mayor *pro tem* Stephens, seconded by Councilman Dahl, to approve a Preliminary Replat for Seventy8 & Westgate Addition, being a Replat of Lot 2, Block A of the Westgate

Center Phase One Addition, creating two lots on 15.7208 acres, generally located on the northwest corner of S.H. 78 and Westgate Way. A vote was taken and the motion passed 4-3 with Councilmen Forrester, Porter, and Wallis voting against.

Tabled from 05-08-2018

Remove from table and consider

Council Action

A motion was made by Mayor *pro tem* Stephens, seconded by Councilman Dahl, to remove Item 3 from the table and consider. A vote was taken and the motion passed 7-0.

3. **Consider, and act upon, approval of a Preliminary Plat for Emerald Vista. The Plat will create 169 single-family residential lots, eight common area lots, and a Fire Station lot on 51.669 acres. Subject property generally located at the northeast corner of S. Ballard Avenue and Pleasant Valley Road. (R. Ollie, Development Services Director)**

Council Discussion

Mayor Hogue stated the applicant has requested to withdraw this item.

Council Action

A motion was made by Councilman Porter, seconded by Councilman Wallis, to accept the withdraw for the Preliminary Plat for Emerald Vista. The Plat will create 169 single-family residential lots, eight common area lots, and a Fire Station lot on 51.669 acres. Subject property generally located at the northeast corner of S. Ballard Avenue and Pleasant Valley Road. A vote was taken and the motion passed 7-0.

Mayor Hogue convened into Executive Session at 7:04 p.m.

EXECUTIVE SESSION

Recess into Closed Session in compliance with Section 551.001, et.seq. Texas Government Code, to wit:

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.

- **Property generally located at the Parker Road (FM 2514) and Country Club intersection**

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

Mayor Hogue reconvened into Open Session at 7:26 p.m.

No action was taken as a result of Executive Session.

Mayor Hogue convened into the work sessions at 7:26 p.m.

WORK SESSIONS

- **Discussion of construction noise regulations and enforcement.**

City Manager Manson addressed Council stating this item has been placed on the agenda at the request of Council due to some emails being received with concerns regarding the City's existing regulations. In the current ordinance, construction work can be done between 6 a.m. through 9 p.m. Monday through Saturday; under certain circumstances work can be done on Sunday, but it requires City Manager or Assistant City Manager approval. Enforcement of the ordinance is complaint based. Councilman Forrester asked how the builders are notified of the ordinance, and if they are cited, who receives the citation. Bret McCullough, Building Official, addressed Council stating the ordinance is on the website, at the building counter, in the builder's packet, and the information is provided in the pre-con meetings. If a citation was to be given, it would be given to the property owner.

Matthew and Brittney Odom and Adam Leavitt, Wylie residents, addressed Council with concerns regarding the construction noise and working outside of the permitted hours in their neighborhood.

The consensus of the Council was to change the allowed construction hours to match the surrounding cities, 7 a.m. through 9 p.m. Monday through Saturday, with no deliveries done outside of the permitted hours, and to enforce the ordinance.

- **Discussion of funding options for Phase 3 of Stone Road/FM 544 and McMillen Road projects.**

Assistant City Manager Holsted addressed Council stating this item has been placed on the agenda at the request from Councilmen Forrester and Porter. McMillen Road was 2007 Collin County bond program and the City continues to not have funding for this project. Daily traffic counts for McCreary Road average about 6,500 cars. The total project cost for McMillen Road is about \$13 million. The total county funding for this project is about \$5.826 million which leaves about \$7.25 million needed to fund the project.

FM 544 has been built in multiple phases; phase one started at Hwy. 78 in 1996. This is the last phase of this project and was part of the 2005 Bond Program. Total project cost is approximately \$8.5 million. There will be a small portion of excess money out of the 2005 Bond Program but not enough to cover the McMillen Road project. Daily traffic counts for Old FM 544 at Vinson is about 7,400 cars a day and at Chestnut Hill Dr. is about 9,100 cars a day. Mayor Hogue replied that in Resolution No. 2005-25, Proposition No. 1 reads very specific to this project. It is worded this way so that future Councils could not take the money for projects voted on by the citizens and use it on other roads. Mayor *pro tem* Stephens replied that Council has a responsibility to the citizens to do what the past Council said they were going to do; the funding for this project should be committed to this project. Councilman Porter asked if the money is there why the project has been delayed. Holsted replied that the first reason is the county funding and a second reason is that this project was done in phases so a large part of the City was not under construction at the same time. Councilman Porter asked if the county funding could be moved from one project to another. Holsted replied the discretionary money could not be moved; it was specified for the McMillen Road project.

Holsted stated that if Council wished to issue debt to fund the McMillen Road project, the debt payment would be about \$522,000/year.

The consensus of the Council was to not move funding from the 2005 Bond Program to complete the McMillen Road project; however, to move forward with old FM 544 project.

RECONVENE INTO REGULAR SESSION

Mayor Hogue reconvened into regular session at 8:24 p.m.

Mayor Hogue requested that the City Manager schedule a time for a retreat or work session for council to talk about general City Council policies.

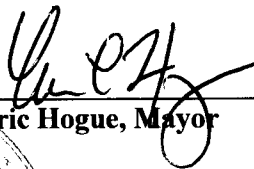
READING OF ORDINANCES

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

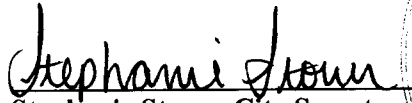
City Secretary Storm read the caption to Ordinance No. 2018-21 into the official record.

ADJOURNMENT

A motion was made by Councilman Dahl, seconded by Councilman Wallis, to adjourn the meeting at 8:26 p.m. A vote was taken and the motion passed 7-0.


Eric Hogue, Mayor

ATTEST:


Stephanie Storm, City Secretary

