



Wylie City Council

Minutes

Regular Meeting

July 9, 2019 – 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, Councilman Timothy T. Wallis, Councilman David Dahl, and Junior Mayor Lucca Romano. Councilwoman Candy Arrington 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; Assistant Fire Chief Brian Ritter; Public Works Director Tim Porter; Planning Manager Jasen Haskins, Library Director Rachel Orozco; Human Resources Director Lety Yanez; Animal Control Manager Shelia Patton; City Attorney Richard Abernathy; City Attorney Ryan Pittman; City Secretary Stephanie Storm, and various support staff.

INVOCATION & PLEDGE OF ALLEGIANCE

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

PRESENTATIONS

- **Junior Mayor Lucca Romano**

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

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.

- Margaret Eubanks addressed Council regarding the proposed Brookside Estates and concerns related to stormwater.

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 25, 2019 Regular Meeting of the Wylie City Council. (S. Storm, City Secretary)**

Council Action

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

Council Action

A motion was made by Councilman Dahl, seconded by Councilman Duke, to move into executive session to consult with the City Attorney (Section 551.071). A vote was taken and motion passed 6-0 with Councilwoman Arrington absent.

Mayor Hogue convened the Council into Executive Session at 6:15 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.

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

Mayor Hogue reconvened into Open Session at 8:02 p.m.

REGULAR AGENDA

Council Action

A motion was made by Councilman Dahl, seconded by Councilman Duke, to reconsider the Preliminary Plat for Brookside Estates located at 2121 Stone Road approximately 1,800 feet east of Kreymer Lane, that was denied by City Council on June 25, 2019, Item No. 3 on the Regular Agenda at the City Council meeting on the same date. A vote was taken and motion passed 6-0 with Councilwoman Arrington absent.

1. **Consider, and act upon, a Preliminary Plat to establish Brookside Estates, creating 68 single-family residential lots and 11 open space lots on 14.599 acres within Wylie's ETJ, located at 2121 Stone Road approximately 1,800 feet east of Kreymer Lane. (J. Haskins, Planning Manager)**

Staff Comments

City Attorney Abernathy addressed Council stating there have been communications with the applicant's attorney Art Anderson and the City Attorney's Office, and they both would like to propose a solution for a new plat. The existing plat would be withdrawn and the new plat language would be approved. The new language would provide that all residential lots would have front-entry garages and all alleys would be removed, all residential lots would have a front building setback of at least 25 feet, and a note would be placed on the revised plat and made enforceable on the property that provides that all residential dwelling units shall be equipped throughout with an approved automatic sprinkler system in accordance with various sections of the International Fire Code including 903.3.1.1, 903.3.1.2, 903.3.1.3 and any others that are applicable as well as all amendments to this code, as they exist or may be amended. In addition, there would be placed on the revised plat, and made enforceable on the subject property, the following: one lot of at least 20 feet in width along the eastern boundary of the property would be reserved and dedicated to the homeowners association for open space and tree preservation purposes, and the revised plat would show the open space and tree preservation lot to the east of the residents' lots abutting Remington Way. This new plat would be submitted by the applicant on or before July 19, 2019 with the modifications identified, staff and the applicant would resolve any issues, and once complete, the plat would be considered approved; it would not come back to City Council.

Applicant Comments

Art Anderson, applicant's attorney, addressed Council stating they agree with the conditions stated, and during the process of drafting the pre-annexation agreement, there was housing construction elevation/aesthetic standards that were agreed to between staff and the applicant and the applicant will comply with those as well.

Council Comments

Councilman Dahl asked with the revised plat, how many residential lots and open space lots will be in the development. Anderson replied there will be 68 residential lots and 11 open space lots.

Citizen Comments

Laurie Pollard, Geoff Kilgore, and Chris Pollard addressed Council with concerns related to the proposed subdivision including potential drainage issues, Collin County subdivision regulations, potential access issues with one entrance, potential fire safety issues, concerns regarding the mature trees, potential trash and pollution.

Council Comments

Councilman Wallis asked if the drainage studies are in writing and who performed them. Trey Walette, representing the Skorburg Company, responded that a preliminary drainage study on the property, as part of the Preliminary Plat submittal, was completed by Bannister Engineering, a third-party engineer. Walette also stated Texas state code dictates that they cannot increase or decrease the water flowing on or off of their property. Wallis asked if the drainage study was available for citizens to review. Walette responded that this development will be reviewed by their third-party engineer, the City Engineer, and the

County Engineer prior to construction. Councilman Porter asked the City Attorney to give a brief overview of which guidelines apply to the ETJ property that the Council can consider. Abernathy replied that Council is not allowed to apply zoning regulations or land use regulations. Council is allowed to implement some regulations in the ETJ, primarily under the subdivision plat requirements. These are administrative in form and, if they are met under the law, Council does not have any other basis to deny; therefore, if the applicant complies with the regulations, it must be approved. The primary regulations regarding this Item would be the setback requirements, and the 25-foot setback would meet the City's 25-foot setback requirements that are applicable in the City limits.

Council Action

A motion was made by Councilman Wallis seconded by Councilman Duke, to approve a revised version of the Preliminary Plat for Brookside Estates, located at 2121 Stone Road approximately 1,800 feet east of Kreymer Lane, that was denied by City Council on June 25, 2019, Item No. 3 on the Regular Agenda at the City Council meeting on the same date, provided that the Applicant submits a revised Preliminary Plat on or before July 19, 2019, with the following modifications, as determined by City Manager Chris Holsted:

- 1) All residential lots shall have front-entry garages, and all alleys shall be removed; and
- 2) All residential lots shall have a front building setback of at least 25 feet; and
- 3) The following note shall be placed on the revised plat and made enforceable on the subject property: "All residential dwelling units shall be equipped throughout with an approved automatic sprinkler system in accordance with Sections 903.3.1.1, 903.3.1.2 or 903.3.1.3 of the International Fire Code and all local amendments thereto, as they exist or may be amended."
- 4) The following note shall be placed on the revised plat and made enforceable on the subject property: "One lot at least 20 feet in width along the eastern boundary of the property shall be reserved and dedicated to the homeowners association for open space and tree preservation purposes," and the revised plat shall show the open space and tree preservation lot to the east of the residences lots abutting Remington Way.

A vote was taken and motion passed 6-0 with Councilwoman Arrington absent.

2. **Consider, and act upon, the Certified Reasons for Denial of the Brookside Estates Preliminary Plat.** (C. Holsted, City Manager)

Applicant Comments

Art Anderson, on behalf of the applicant, requested this item be withdrawn.

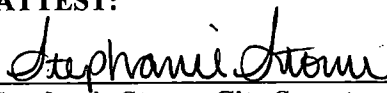
Council Action

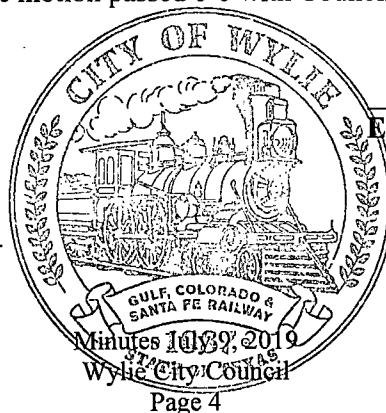
A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Porter, to accept the applicant's request to withdraw Item 2. A vote was taken and motion passed 6-0 with Councilwoman Arrington absent.

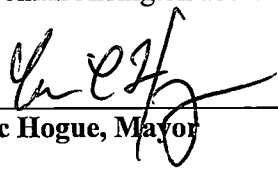
ADJOURNMENT

A motion was made by Councilman Dahl, seconded by Mayor *pro tem* Forrester, to adjourn the meeting at 8:30 p.m. A vote was taken and the motion passed 6-0 with Councilwoman Arrington absent.

ATTEST:


Stephanie Storm, City Secretary




Eric Hogue, Mayor