



# Wylie City Council

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## Minutes

### Regular Meeting

August 25, 2020 – 6:00 p.m.

Wylie Municipal Complex – Council Chambers

300 Country Club Road, Bldg. 100

Wylie, TX 75098

#### CALL TO ORDER

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Mayor Eric Hogue called the regular meeting to order at 6:00 p.m. The following City Council members were present: Mayor *pro tem* Jeff Forrester, Councilman David R. Duke, Councilman Matthew Porter, 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 Renae Ollie; Police Chief Anthony Henderson; Fire Chief Brandon Blythe; Public Information Officer Craig Kelly; Parks and Recreation Director Robert Diaz; Finance Director Melissa Beard; Public Works Director Tim Porter; Planning Manager Jasen Haskins; Project Engineer Wes Lawson; Human Resources Director Lety Yanez; City Secretary Stephanie Storm, and various support staff.

#### INVOCATION & PLEDGE OF ALLEGIANCE

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Mayor Hogue led the invocation and City Manager Holsted led the Pledge of Allegiance.

#### CITIZEN COMMENTS ON NON-AGENDA ITEMS

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Lon Ricker addressed Council expressing his thanks to Council and staff for the assistance to the Not-for-Profit organizations during the Covid pandemic.

#### CONSENT AGENDA

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*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 August 11, 2020 Regular Meeting and Work Session of the Wylie City Council.** (*S. Storm, City Secretary*)
  
- B. **Consider, and act upon, a preliminary plat for Brakes Plus Wylie, establishing two commercial lots on 6.024 acres, generally located at the northwest corner of FM 544 and Westgate Way.** (*J. Haskins, Planning Manager*)

- C. Consider, and act upon, a Preliminary Plat for Kreymer East Phase 2, establishing 144 residential and one open space lots on 43.089 acres, generally located on WA Allen Blvd. and Glen Eagle Drive. *(J. Haskins, Planning Manager)*
- D. Consider, and act upon, a Final Plat for Brown and Burns Addition, being a replat of Lots 38A and 38B, Block 7, establishing one residential lot on 0.45 acres, located at 307 N. Jackson Avenue. *(J. Haskins, Planning Manager)*
- E. Consider, and act upon, a Final Plat for Aldi Wylie Addition, being a replat of Lot 2 Block A, establishing two commercial lots on 2.1891 acres, located at 3461 FM 544. *(J. Haskins, Planning Manager)*
- F. Consider, and act upon, Ordinance No. 2020-43 to a change of zoning from Single Family 10-District (SF-10/24) to Planned Development (PD), to allow for a mixed-use townhome community on 6.55 acres, generally located at the northeast corner of Brown St. and Sanden Blvd. (ZC 2020-06) *(J. Haskins, Planning Manager)*
- G. Consider, and act upon, Resolution No. 2020-44(R) of the City Council of the City of Wylie, Texas adopting the Texas Coalition of Affordable Power, Inc. (TCAP) professional services agreement and the Commercial Electrical Service Agreement (CESA) for power to be provided on and after January 1, 2023. *(B. Parker, Asst. City Manager)*
- H. Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of July 31, 2020. *(J. Greiner, WEDC Director)*
- I. Consider, and act upon, Resolution No. 2020-45(R) of the City Council of the City of Wylie, Texas, authorizing the City Manager of the City of Wylie, Texas, or His Designee, to execute an Interlocal Agreement between the Wylie Northeast Special Utility District and the City of Wylie to provide for the operation and maintenance of Fixed Base Meter Reading Antennas, and to take any and all other actions necessary to effectuate the same; and providing for an effective date hereof. *(T. Porter, Public Works Director)*
- J. Consider, and place on file, the City of Wylie Monthly Revenue and Expenditure Report for July 31, 2020 *(M. Beard, Finance Director)*
- K. Consider, and place on file, the City of Wylie Monthly Investment Report for July 31, 2020 *(M. Beard, Finance Director)*
- L. Consider, and act upon, Resolution No. 2020-46(R) authorizing the City Manager to execute an Interlocal Cooperation Agreement with Rockwall County, Texas for Fire Protection and EMS Services. *(B. Blythe, Fire Chief)*
- M. Consider, and act upon, Resolution No. 2020-47(R) authorizing the City Manager to execute an Interlocal Cooperation Agreement with the Town of St. Paul, Texas for Fire Protection and EMS Services in accordance with St. Paul Resolution #20-7-13. *(B. Blythe, Fire Chief)*
- N. Consider, and act upon, the award of a professional services project order (PSPO) #W2020-94-E for the Wylie Wastewater Treatment Plant Decommission to Freese and Nichols, Inc. in the amount of \$56,840.00 and authorizing the City Manager to execute any necessary documents. *(G. Hayes, Purchasing Manager)*
- O. Consider, and act upon, the award of a professional services project order (PSPO) #W2020-51-E for Eubanks Road Widening Right of Way Services to Half Associates, Inc. in the amount of

\$53,000.00 and authorizing the City Manager to execute any necessary documents. (G. Hayes, Purchasing Manager)

- P. Consider, and act upon, the approval of the purchase of Cummins® Generators (W2020-92-I) from Cummins Southern Plains, LLC in the amount of \$57,910.00 through a cooperative purchasing contract with Sourcewell and authorizing the City Manager to execute any necessary documents. (G. Hayes, Purchasing Manager)**
- Q. Consider, and act upon, Resolution No. 2020-48(R) approving the adoption of ExpressVote Universal Voting System, EVS 6.0.2.0, that was approved by the Rockwall County Commissioner's Courts for use by all entities who contract elections through Rockwall County. (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.

#### **REGULAR AGENDA**

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- 1. Consider, and act upon, authorizing the City Manager to sign a Development Agreement, between the City of Wylie and Stone Street Properties regarding the use of building materials for property located at 7940 E Parker Road. (J. Haskins, Planning Manager)**

#### **Staff Comments**

Planning Manager Haskins addressed Council stating the applicant and associated property owners have requested to enter into a Development Agreement with the City of Wylie prior to the potential rezoning of property located at 7940 E. Parker Road. The zoning case is on this agenda for consideration. Haskins stated this Development Agreement states that the owners and the applicant will voluntarily abide by the building standards of the City of Wylie Zoning Ordinance, current or as amended.

#### **Council Action**

A motion was made by Councilman Dahl, seconded by Mayor *pro tem* Forrester, authorizing the City Manager to sign a Development Agreement, between the City of Wylie and Stone Street Properties regarding the use of building materials for property located at 7940 E. Parker Road. A vote was taken and motion passed 6-0 with Councilwoman Arrington absent.

- 2. Hold a Public Hearing, consider, and act upon, a change of zoning from Agricultural District (AG/30) to Commercial Corridor (CC), to allow for commercial uses on 1.364 acres located at 7940 E Parker Road. (ZC2020-07) (J. Haskins, Planning Manager)**

#### **Staff Comments**

Planning Manager Haskins addressed Council stating the applicant is requesting to rezone from Agricultural (AG/30) to Commercial Corridor (CC) is for marketing purposes. Haskins stated the applicant has a daycare developer interested in the property, but does not have development plans at this time. Haskins reported the subject property is adjacent to agricultural land on the east and west, residential land on the south, and land outside of the city limits on the north.

Haskins stated twelve notifications were mailed with no responses received. The P&Z Commission voted 7-0 to recommend approval.

#### **Public Hearing**

Mayor Hogue opened the public hearing on Item 2 at 6:09 p.m. asking anyone present wishing to address Council to come forward.

No one came forward for the public hearing.

Mayor Hogue closed the public hearing at 6:09 p.m.

#### **Council Comments**

Councilman Dahl inquired if a fueling station would be allowed. Haskins replied that it would require a special use permit. Fueling stations and auto repair would require a special use permit.

#### **Council Action**

A motion was made by Councilman Dahl, seconded by Councilman Duke, to approve a change of zoning from Agricultural District (AG/30) to Commercial Corridor (CC), to allow for commercial uses on 1.364 acres located at 7940 E. Parker Road. A vote was taken and motion passed 6-0 with Councilwoman Arrington absent.

- 3. Hold a Public Hearing, consider, and act upon, Ordinance No. 2020-44 adopting a budget for all city funds, including the Wylie Economic Development Corporation (4A) and the Wylie Parks and Recreation Facilities Development Corporation (4B) and appropriating resources for Fiscal Year 2020-2021 beginning October 1, 2020 and ending September 30, 2021. (M. Beard, Finance Director)**

#### **Staff Comments**

Finance Director Beard addressed Council stating the tax rate proposed for the FY 2020-2021 budget is .671979 per \$100 assessed valuation which is one cent below the No New Revenue Rate. The Fund Summary included shows appropriable funds of \$107,175,115 which represents all operating funds, debt service funds, and capital funds. This total also includes the budgets for the Wylie Economic Development Corporation (4A) and the Wylie Parks and Recreation Facilities Development Corporation (4B). Beard reported the City has met the requirements of Local Government Code Chapter 102 which requires us to hold a public hearing after providing notice. The vote to adopt the budget must be a record vote.

#### **Public Hearing**

Mayor Hogue opened the public hearing on Item 3 at 6:13 p.m. asking anyone present wishing to address Council to come forward.

No one came forward for the public hearing.

Mayor Hogue closed the public hearing at 6:13 p.m.

#### **Council Action**

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Porter, to approve Ordinance No. 2020-44 adopting a budget for all city funds, including the Wylie Economic Development Corporation (4A) and the Wylie Parks and Recreation Facilities Development Corporation (4B) and appropriating resources for Fiscal Year 2020-2021 beginning October 1, 2020 and ending September 30, 2021. A vote was taken and motion passed 6-0 with Mayor Hogue, Mayor *pro tem* Forrester, Councilman Porter, Councilman Duke, Councilman Dahl, and Councilman Wallis voting for, and Councilwoman Arrington absent.

- 4. Consider, and act upon, approving the property tax revenue increase reflected in the budget. (M. Beard, Finance Director)**

#### **Staff Comments**

Finance Director Beard addressed Council stating the tax rate needed to support the newly adopted FY 2020-2021 Budget is .671979 per \$100 assessed valuation. This agenda item is required by state law because there will be an increase in the Total Tax Revenue the City receives due to new property that was added to the tax roll and an increase in the total property assessed valuation. Beard stated Section 102.007 of Texas Local Government Code and passage of HB 3195 requires the governing body to hold a separate vote to ratify the increase in property tax revenue that is reflected in the budget.

### **Council Action**

A motion was made by Councilman Wallis, seconded by Councilman Duke, to approve the property tax revenue increase reflected in the budget. A vote was taken and motion passed 6-0 with Councilwoman Arrington absent.

- 5. Hold a Public Hearing on the proposed tax rate of \$0.671979 per \$100 assessed valuation for fiscal year 2020-2021 and provide all interested persons an opportunity to be heard, either for or against the tax rate.** *(M. Beard, Finance Director)*

### **Staff Comments**

Finance Director Beard addressed Council stating the proposed tax rate is lower than the no new revenue tax rate and lower than the voter approval tax rate; therefore, the City is not required to hold a public hearing, but in the interest of transparency, a public hearing was scheduled for August 25, 2020 so that citizens may be heard. All of the required tax information was published in the City's official newspaper, The Wylie News, on August 19.

### **Public Hearing**

Mayor Hogue opened the public hearing on Item 5 at 6:18 p.m. asking anyone present wishing to address Council to come forward.

No one came forward for the public hearing.

Mayor Hogue closed the public hearing at 6:18 p.m.

### **Council Action**

Council took no action on this item.

- 6. Consider, and act upon, Ordinance No. 2020-45 fixing the M&O tax rate/levy for the Tax Year 2020 and Budget Year 2020-2021 at \$0.512180 per \$100 assessed valuation.** *(M. Beard, Finance Director)*

### **Staff Comments**

Finance Director Beard addressed Council stating the tax rate has two components: \$0.512180 per \$100 valuation is allocated for operations and maintenance and \$0.159799 per \$100 valuation is allocated to fund the General Debt Service Fund. Texas Property Tax Code Section 26.05(a)(1) requires that each of these components be approved separately. The proposed M&O rate of \$0.512180 will generate a General Fund levy of \$26,932,239.

### **Council Action**

A motion was made by Councilman Porter, seconded by Mayor *pro tem* Forrester, to approve an ad valorem tax rate of \$0.512180 on each \$100 of assessed valuation of taxable property for general City purposes and to pay the current maintenance and operations expenses of the City of Wylie, for the fiscal year ending September 20, 2021, and to adopt Ordinance No. 2020-45, fixing and levying the same for a total tax of \$0.671979 on each \$100 of assessed valuation. A vote was taken and motion passed 6-0 with Councilwoman Arrington absent.

- 7. Consider, and act upon, Ordinance No. 2020-45 fixing the I&S tax rate/levy for the Tax Year 2020 and Budget Year 2020-2021 at \$0.159799 per \$100 assessed valuation.** *(M. Beard, Finance Director)*

### **Staff Comments**

Finance Director Beard addressed Council stating this is the proposed I&S tax rate and it will generate a debt service levy of \$8,417,673.

### **Council Action**

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Wallis, to approve an ad valorem tax rate of \$0.159799 on each \$100 of assessed valuation of taxable property for the purpose of creating an Interest and Sinking Fund with which to pay the interest and principal of the valid bonded indebtedness, and related fees of the City of Wylie, now outstanding, for the fiscal year ending September 20, 2021, and to adopt Ordinance No. 2020-45, fixing and levying the same for a total tax of \$0.671979 on each \$100 of assessed valuation. A vote was taken and motion passed 6-0 with Councilwoman Arrington absent.

City Manager Holsted expressed his gratitude to the Finance Department and Council on all the hard work they have done this year on the budget. Mayor Hogue also expressed his gratitude for the work staff has done.

Mayor Hogue convened the Council into Executive Session at 6:25 p.m.

### **EXECUTIVE SESSION**

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#### **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 Projects 2018-9b, 2018-10c, 2020-4a and 2020-7a.**

#### **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: Cooper & FM 544; Sanden & FM 544: and State Highway 78 & Brown.**

### **RECONVENE INTO OPEN SESSION**

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

Mayor Hogue convened the Council into Open Session at 7:04 p.m.

### **RECESS CITY COUNCIL**

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Mayor Hogue recessed the City Council so that the Parks and Recreation Facilities Development Corporation could meet at 7:04 p.m.

**CALL TO ORDER THE WYLIE PARKS & RECREATION FACILITIES DEVELOPMENT CORPORATION (4B)**

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Board member Porter called the Parks & Recreation Facilities Development Corporation (4B) Board to order at 7:05 p.m. The following members were present: Matthew Porter, Timothy T. Wallis, David R. Duke, Emmett Jones, and Scott Hevel. Chair, Dan Chesnut and board member Candy Arrington were absent.

- 1.(4B) Consider, and act upon, approval of the Minutes from the September 10, 2019 Special Called Meeting of the Wylie Parks and Recreation Facilities Development Corporation (4B).** *(S. Storm, City Secretary)*

**Board Action**

A motion was made by board member Jones, seconded by board member Wallis, to approve the Minutes from the September 10, 2019 Special Called Meeting of the Wylie Parks and Recreation Facilities Development Corporation (4B). A vote was taken and motion carried 5-0 with Chair, Dan Chesnut and board member Candy Arrington absent.

- 2.(4B) Consider, and act upon, the appointment and/or reappointment of the Wylie Parks and Recreation Facilities Development Corporation (4B) Officers and appoint a Chair and Vice Chairman from its board members for a term beginning January 1, 2021 and ending December 31, 2022.** *(S. Storm, City Secretary)*

**Board Action**

A motion was made by board member Wallis, seconded by board member Duke, to appoint Matthew Porter as Chairman and Emmett Jones as Vice Chairman; and Chris Holsted as President; Renae Ollie as Vice-President; Melissa Beard as Treasurer, and Stephanie Storm as Secretary of the Wylie Parks and Recreation Facilities Development Corporation (4B) for a term beginning January 1, 2021 and ending December 31, 2022 (2-year term). A vote was taken and motion carried 5-0 with Chair, Dan Chesnut and board member Candy Arrington absent.

- 3.(4B) Consider, and act upon, approval of the FY 2020-2021 4B Budget and authorize expenditures for the FY 2020-2021 Community Services Facilities Capital Improvement Plan.** *(M. Beard, Finance Director)*

**Staff Comments**

Finance Director Beard addressed the board stating as set out in the Articles of Incorporation, the Board has the power to authorize the expenditures of sales tax receipts for projects approved by the City Council. Further, the Bylaws state that "It shall be the duty and obligation of the Board to finance and implement the Community Services Facilities Capital Improvement Plan as adopted by the Wylie City Council." Bylaws further state that "The President shall submit the budget to the City Council for approval prior to submittal to the Board for final adoption."

Beard stated the activities of the 4B Corporation are accounted for in two fund types: 4B Sales Tax Revenue Fund and the 4B Debt Service Fund. The 4B Sales Tax Revenue Fund includes departments for the Brown House, Senior Activities, Recreation Center, Stonehaven House, a portion of Parks, and Combined Services. The proposed revenues for the FY 2020-2021 budget year are \$3,527,187 which includes a 5% decrease in sales tax revenue from FY 2019-2020. Proposed expenditures of \$3,193,517 include one recommended upgrade to the Recreation Building Attendant position and no requests for additional equipment. A very healthy fund balance of \$3,300,909 is projected and the fund balance policy requirement is 25% of budgeted sales tax revenue which is equal to \$742,110. The 4B Debt Service Fund will make bond payments of principal and interest for FY 2020-2021 totaling \$392,250 which is supported by a transfer from the 4B Sales Tax Revenue Fund. The current outstanding debt for the 4B fund is \$1,805,000 which will be completely paid off in FY 2025.

### **Board Action**

A motion was made by board member Jones, seconded by board member Hevel, to approve FY 2020-2021 4B Budget and authorize expenditures for the FY 2020-2021 Community Services Facilities Capital Improvement Plan. A vote was taken and motion carried 5-0 with Chair, Dan Chesnut and board member Candy Arrington absent.

### **ADJOURN 4B BOARD**

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A motion was made by board member Jones, seconded by board member Hevel, to adjourn the 4B Board meeting at 7:12 p.m. A vote was taken and motion carried 5-0 with Chair, Dan Chesnut and board member Candy Arrington absent.

### **RECONVENE INTO OPEN SESSION OF THE WYLIE CITY COUNCIL**

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Mayor Hogue convened the Council into Open Session and into Work Session at 7:13 p.m.

### **WORK SESSION**

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- **Discuss future development of the Brown and Stonehaven Houses.** (*R. Diaz, Parks & Recreation Director*)

Parks and Recreation Director Diaz addressed Council stating during the budget process for FY 2021 the City Council expressed concern with the proposed budget for developing an initial phase for the Stonehaven House. The Council directed staff to provide a more comprehensive roadmap for the development of both houses and bring that back to a subsequent meeting for review.

Diaz stated Parks and Recreation staff has created a plan for the development of both houses through FY 2025 based on the plans developed by consultants Kimley-Horn and Architexas. The proposed staff development plan outlines what will be done to the houses and surrounding property, construction budget amounts for each phase of development, and how each phase of development will be funded.

Diaz reported the intent of the staff proposed plan is to create a starting point for discussion and the plan can be modified or changed based on Council input.

Council gave direction to protect the Stonehaven House from deterioration; but, make the Brown House the priority due to its location downtown.

- **Discussion Regarding Project Update on the Intersection Improvements to FM 544 and Country Club Road.** (*T. Porter, Public Works Director*)

Public Works Director Porter addressed Council stating TxDOT has submitted to the City 30% plans. A tentative time schedule includes: submittal of 60% plans by the end of September, finish engineering by January of next year, and acquiring right of way and moving utilities throughout the next year, and would like to go for bid in May 2022. There have been many conversations with TxDOT regarding this intersection. The plan included in the packet is a schematic plan of what they have outlined today.

Public Works Director Porter stated he would request Council direction on possibly bringing a Resolution to Council at a future meeting to close one or two median openings that currently exist in order to increase the capacity at the intersection as well as for safety reasons.



Porter reviewed the maps and proposed changes with Council. Holsted verbalized that the goal is to add as many lanes as possible without negatively affecting the business in that location.

Council gave some suggestions for the intersection in which Public Works Director Porter replied he would share with TxDOT. Council gave direction in support of bringing a document for Council consideration closing the two median openings at a future Council meeting, and to move forward with the proposed changes to the intersection.

**RECONVENE INTO REGULAR SESSION**

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Mayor Hogue convened the Council into Regular Session at 7:58 p.m.

**READING OF ORDINANCES**

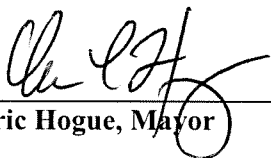
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City Secretary Storm read the caption to Ordinance Nos. 2020-43, 2020-44, and 2020-45 into the official record

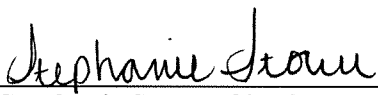
**ADJOURNMENT**

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A motion was made by Councilman Duke, seconded by Mayor *pro tem* Forrester, to adjourn the meeting at 8:00 p.m. A vote was taken and motion passed 6-0 with Councilwoman Arrington absent.

  
Eric Hogue, Mayor

ATTEST:

  
Stephanie Storm, City Secretary

