



Wylie City Council

NOTICE OF MEETING

Amended Regular Meeting Agenda

August 27, 2019 – 6:00 pm
Wylie Municipal Complex
Council Chambers
300 Country Club Road, Building #100
Wylie, Texas 75098

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|-------------------------------------|----------------|
| Eric Hogue | Mayor |
| David R. Duke | Place 1 |
| Matthew Porter | Place 2 |
| Jeff Forrester | Mayor Pro Tem |
| Candy Arrington | Place 4 |
| Timothy T. Wallis, DVM | Place 5 |
| David Dahl | Place 6 |
| Chris Holsted | City Manager |
| Richard Abernathy | City Attorney |
| Stephanie Storm | City Secretary |

In accordance with Section 551.042 of the Texas Government Code, this agenda has been posted at the Wylie Municipal Complex, distributed to the appropriate news media, and posted on the City website: www.wylietexas.gov within the required time frame. As a courtesy, the entire Agenda Packet has also been posted on the City of Wylie website: www.wylietexas.gov.

The Mayor and City Council request that all cell phones and pagers be turned off or set to vibrate. Members of the audience are requested to step outside the Council Chambers to respond to a page or to conduct a phone conversation.

The Wylie Municipal Complex is wheelchair accessible. Sign interpretation or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Secretary's Office at 972.516.6020.

Hearing impaired devices are available from the City Secretary prior to each meeting.

CALL TO ORDER

Announce the presence of a Quorum

INVOCATION & PLEDGE OF ALLEGIANCE

PRESENTATIONS

- **Presentation by DART on the Collin County Rides program**

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.

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 August 13, 2019 Regular Meeting and August 13, 2019 Work Session of the Wylie City Council. (S. Storm, City Secretary)**
- B. Consider, and act upon, a Preliminary Plat of Emerald Vista Addition, to develop 168 residential lots, one nonresidential lot, nine open space lots, and one park lot on 51.669 acres, generally located on South Ballard Road at Elm Road. (J. Haskins, Planning Manager)**
- C. Consider, and act upon, FY2020 Employee Insurance. (L. Yanez, Human Resources Director)**
- D. Consider, and place on file, the City of Wylie Monthly Revenue and Expenditure Report for July 31, 2019. (M. Beard, Finance Director)**
- E. Consider, and place on file, the City of Wylie Monthly Investment Report for July 31, 2019. (M. Beard, Finance Director)**
- F. Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of July 31, 2019. (S. Satterwhite, WEDC Executive Director)**

REGULAR AGENDA

- 1. Consider authorizing the City Manager to sign a Development Agreement between the City of Wylie, CJG Development Group, and Robert and Phyllis Kreymer, for the development of a residential subdivision. Located at 2605 East Stone Road. (J. Haskins, Planning Manager)**

Executive Summary

The development agreement attached is a result of discussions between the developers listed above and City Council at the August 13, 2019 City Council meeting.

Tabled from 08-13-2019

Remove from table and consider

- 2. Hold a Public Hearing to consider, and act upon, a change of zoning from Agricultural-30 (AG-30) to Single Family (SF 10/24), to allow for single family development, not to exceed 49 residential lots on 16.48 acres, generally located at and north of 2605 E. Stone Road. ZC 2019-10 (J. Haskins, Planning Manager)**

Executive Summary

This item was tabled on the August 13, 2019 City Council meeting pending the outcome of a Development Agreement regarding building materials. That development agreement is on this agenda for consideration.

3. **Hold a Public Hearing to consider, and act upon, a change of zoning from Neighborhood Services (NS) to Neighborhood Services with a Special Use Permit (NS-SUP), to allow for the development of a motor vehicle fueling station, property located on 1.888 acres, northeast of the intersection of Ballard Avenue and Alanis Drive. ZC 2019-11. (J. Haskins, Planning Manager)**

Executive Summary

The applicant is requesting to rezone a 1.888-acre property located on the northeast corner of Ballard Avenue and Alanis Drive from Neighborhood Services (NS) to Neighborhood Services with a Special Use Permit (NS-SUP) to allow for a motor vehicle fueling station. The property is generally bordered to the north by Fire Station #1 and to the east and south by two vacant lots that are zoned within the Neighborhood Services district. The properties to the west, across the street from Ballard Avenue, are zoned within the planned residential development of Stone Ranch.

4. **Hold a Public Hearing to consider, and act upon, repealing and adopting regulations to Zoning Ordinance (2001-48) Article 6, Section 6.1 Planned Development Districts, Zoning Ordinance (2008-27) Article 8 Section 8.1 Zoning Related Applications, and to the Subdivision Regulations (2007-21) Sections 2.2, 2.3, and 2.4 Procedures and Approval. (J. Haskins, Planning Manager)**

Executive Summary

With the close of the 86th Legislature Regular Session came many changes that will have a direct impact on municipalities. In work sessions at the August 6, 2019 Planning and Zoning Commission meeting and the August 13, 2019 City Council meeting, staff discussed some of those changes and possible ordinance and regulation changes that may be needed as a result of the new statutes.

5. **Consider, and act upon, Resolution No. 2019-20(R) of the City Council of the City of Wylie, Texas, recognizing the designation of places and areas as historically, culturally, and/or architecturally important and significant, through the adoption of, Planned Development Districts, Special Use Permits, Overlay Districts, and other zoning. (J. Haskins, Planning Manager)**

Executive Summary

House Bill 2439 of the State of Texas 86th Legislature prohibits a governmental entity from adopting or enforcing an ordinance that limits the use or installation of a building product or material if the building product or material is approved for use by a national model code published within the last three code cycles, unless one of a number of statutory exceptions applies. This bill applies to both residential and commercial properties.

6. **Hold a Public Hearing on the proposed tax rate of \$0.688454 for fiscal year 2019-2020 and provide all interested persons an opportunity to be heard, either for or against the tax rate; set and announce the date, time and place of the meeting at which Council will vote on the final property tax rate. (M. Beard, Finance Director)**

Executive Summary

In accordance with the "Truth in Taxation" laws of the State of Texas, on August 13, 2019, the City Council voted to accept the calculation of the effective tax rate and the proposed tax rate for the 2019-2020 budget. Because the proposed tax rate is the effective rate, Council is not required to hold a public hearing on the tax rate. In the interest of transparency, a public hearing was scheduled for August 27, 2019 so that citizens may be heard. The proposed tax rate, the effective tax rate and last year's tax rate, as well as the date, time and location of the public hearing were published in the Dallas Morning News on August 20 and in the Wylie News on August 21.

7. **Hold a Public Hearing on the fiscal year 2019-2020 Proposed Budget and provide all interested persons an opportunity to be heard, either for or against any item in the proposed budget; and set and announce the date, time and place of the meeting at which council will vote on the final budget.** (*M. Beard, Finance Director*)

Executive Summary

A Public Hearing is required to be held on the fiscal year 2019-2020 Proposed Budget. The date, time and place that the vote will be taken on the final budget must also be scheduled. Any changes made to the proposed tax rate or Proposed Budget could affect required publications and steps in the tax rate and budget approval process.

8. **Consider, and act upon, the award of RFP #W2018-69-B for Construction Manager At Risk – Guaranteed Maximum Price Construction Agreement to Pogue Construction LLC, for the Renovation and Expansion of the City of Wylie Public Safety Building in the amount of \$13,993,887.00 and authorizing the City Manager to execute any and all necessary documents.** (*B. Parker, Asst. City Manager*)

Executive Summary

Contracting and delivery procedures for construction projects are governed by Section 2269 of the Government Code. Staff reviewed the various methodologies within this code and determined that the Construction Manager At Risk (CMAR) methodology as outlined in Subchapter F to be the most advantageous to the City for the renovation and expansion of the City of Wylie Public Safety Building. CMAR is a delivery method by which the City contracts separately with a construction manager to serve as the general contractor. The CMAR provides pre-construction services to the architects and City during the design phase. Once the construction plans and materials are finalized, the CMAR obtains competitive bids for the project and the Guaranteed Maximum Price (GMP) for the project is agreed upon. By statute, the CMAR assumes the financial risk and is obligated to complete the project for the stated GMP.

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. 551.072. 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.

- **Properties adjacent to McMillan Rd. between McCreary Rd. and Country Club Rd.**
- **Consider the sale or acquisition of property owned by the City of Wylie.**

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 2019-5c, 2019-7a and 2019-8a.**

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

ADJOURNMENT

CERTIFICATION

I certify that this Notice of Meeting was posted on August 23, 2019 at 5:00 p.m. as required by law in accordance with Section 551.042 of the Texas Government Code and that the appropriate news media was contacted. As a courtesy, this agenda is also posted on the City of Wylie website: www.wylietexas.gov.

Stephanie Storm, City Secretary

Date Notice Removed