

# Wylie City Council Regular Meeting

February 22, 2022 – 6:00 PM

Council Chambers - 300 Country Club Road, Building #100, Wylie, Texas 75098



## CALL TO ORDER

Mayor Matthew Porter called the regular meeting to order at 6:00 p.m. The following City Council members were present: Councilman Dave Strang (6:51 p.m.), Mayor *pro tem* Jeff Forrester, Councilman Scott Williams, Councilman Timothy T. Wallis, and Councilman Garrett Mize. Councilman David R. Duke was absent.

Staff present included: Interim City Manager Brent Parker; Assistant City Manager Renae Ollie; Assistant Police Chief Tommy Walters; Fire Chief Brandon Blythe; Finance Director Melissa Beard; Parks and Recreation Director Rob Diaz; Public Information Officer Craig Kelly; Human Resource Director Lety Yanez; Planning Manager Jasen Haskins; City Engineer Tim Porter; City Secretary Stephanie Storm; EDC Executive Director Jason Greiner; and various support staff.

## INVOCATION & PLEDGE OF ALLEGIANCE

Mayor *pro tem* Forrester led the invocation, and Councilman Williams led the Pledge of Allegiance.

## PRESENTATIONS & RECOGNITIONS

### PR1. Black History Month.

Mayor Porter presented a proclamation proclaiming February 2022 as Black History Month in Wylie, Texas. Ms. Emma Stafford was present to accept the Proclamation.

## COMMENTS ON NON-AGENDA ITEMS

*Any member of the public may address Council regarding an item that is not listed on the Agenda. Members of the public must fill out a form prior to the meeting in order to speak. Council requests that comments be limited to three minutes for an individual, six minutes for a group. 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 the Council.

## 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 February 8, 2022 Regular City Council Meeting minutes.
- B. Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of January 31, 2022.

- C. Consider, and act upon, the City of Wylie Monthly Revenue and Expenditure Report for January 31, 2022.
- D. Consider, and place on file, the City of Wylie Monthly Investment Report for January 31, 2022.
- E. Consider, and act upon, Ordinance No. 2022-22 amending Ordinance No. 2021-43, which established the budget for fiscal year 2021-2022; providing for repealing, savings and severability clauses; and providing for an effective date of this ordinance.
- F. Consider, and act upon, accepting a donation to the City in the amount of \$5,779 from the Catholic Foundation of the Estate of Rita and Truett Smith.
- G. Consider, and act upon, a Final Plat, being a Replat of Lots 26R-1 & 26R-2, Block 2 of Brown and Burns Addition, establishing two lots on 0.603 acres, located on the northeast corner of N. Jackson Avenue and Jefferson Street.
- H. Consider, and act upon, approval of a Park Event Application for the 1LT Robert F. Welch fundraiser event in Olde City Park on Saturday, April 23, 2022.
- I. Consider, and act upon, approval of a Park Event Application for the Wylie High School PTSA Fun Run fundraiser event in Founders Park on Saturday, April 9, 2022.

#### **Council Action**

A motion was made by Councilman Williams, seconded by Councilman Strang, to approve the Consent Agenda as presented. A vote was taken and motion passed 5-0 with Councilmen Duke and Strang absent.

#### **REGULAR AGENDA**

- 1. Hold a Public Hearing to consider, and act upon, a change in zoning from Neighborhood Services (NS) to Planned Development - Multi-Family (PD-MF) to allow for an income adjusted multi-family social services development on 2.472 acres located at 511 West Brown Street (ZC2022-01).

#### **Staff Comments**

Planning Manager Haskins addressed Council stating the applicant is requesting a Planned Development (PD) for an income-adjusted multi-family development with on-site social services. The site is currently zoned as Neighborhood Services. The requested PD would change the zoning to a PD with underlying Multi-Family zoning allowing for a maximum of 40 units in courtyard style buildings of approximately four units each. The proposal includes a density of roughly 16 units per acre. The units include studio, one, two, and three-bedroom apartments at 450, 650, 800, and 1,100 square feet, respectively. The surrounding properties to the north, east, and west are zoned Neighborhood Services and are currently occupied by daycare, restaurant, and retail uses. Properties to the south are zoned Single-Family 10/24 and contain residential uses. The proposal includes amenities such as a staffed community center and Xeriscape landscaping. Haskins reported 31 notifications were mailed in accordance with state law; with one response returned in favor and nine received in opposition to the request. After discussion regarding density, on-site management, parking, and the mission of Agape, along with several citizen comments that mostly spoke in favor of the project, the Commission voted 5-2 to recommend approval with the condition that the parking be increased to 1.5 spaces per unit from the currently offered one space per unit.

#### **Applicant Comments**

Janet Collinsworth, representing Agape Resource and Assistance Center, Inc., addressed Council giving a presentation addressing concerns received from neighbors, funding sources, statistics about Jericho Villagers, background on the formation of Agape, and empowering support services offered.

### **Council Comments**

Mayor *pro tem* Forrester asked for further information about the steps of the program. Collinsworth replied they initially tried to assist women to increase their income; however, they could not find affordable housing so they created a place they could graduate to and offer empowerment services which are homeless prevention services. They want women to graduate into a community that will embrace them.

### **Public Hearing**

Mayor Porter opened the public hearing on Item 1 at 6:31 p.m. asking anyone present wishing to address Council to come forward.

Steve Wright addressed Council stating he thought this is a good outreach but did have concerns with parking but felt covenants could be put into place to address the issue. Wright added he would like to look at potentially keeping the proposed garden and any safety concerns could be vetted by reaching out to the Plano location.

Joan Eads addressed Council with concerns about monitoring the facility, proposed location, and school capacity.

Mary Orta addressed Council with concerns about bringing other families in from other cities, parking on Winding Oaks, the proposed density, proposed location, and Agape not speaking with neighbors.

Mary Warkentine addressed Council stating she volunteers at the Christian Care Center and sees women that could benefit from this facility, and requested approval of this project.

Roberta Mallory, representing St. Vincent De Paul, addressed Council stating the families they assist are looking for a better future and it is very hard for them to find an affordable place to live, would appreciate the opportunity for this facility to come to Wylie, and requested approval of this project.

Sara Burkhart addressed Council stating she serves on the Agape Board and seen first hand how this program changes lives.

Councilman Strang took his seat at the dias at 6:51 p.m.

Cullen King addressed Council speaking in favor of this project as Chase Oaks Church has worked with Agape on other projects, and stated this project is needed in Wylie and Agape will address any safety concerns. King requested Council to support the project.

Penelope Diaz, architect for Agape project, addressed Council stating she was available for any questions.

Jon Bailey, addressed Council stating as the City grows, the need grows too. Hope for the Cities and FBC Wylie help prevent homelessness and there is a need for economic housing. Bailey requested Council consider approving this project and added it's not about the money, it is about the person.

Josh Vandertook addressed Council with concerns about the parking lot blending in with the surrounding homes, stating it is a needed project; however, not the appropriate location. Vandertook stated concerns with parking, potential property value decrease, and asked what the turnaround for residents would be for the program, and would there be a risk for abusers coming to the facility.

Mayor Porter closed the public hearing at 7:04 p.m.

### **Council Comments**

Mayor Porter asked what type of barrier would be placed between the neighbors and the development. Collinsworth replied that they want to visit with each resident to see what would be acceptable to them, want to avoid two different fences, and increase the trees along the fence line. Porter asked how the program works. Collinsworth replied the goal is to provide a resource to the community of Wylie. The length of stay would be the same as it would be in another apartment building. The residents have to be working and a good neighbor in order to renew their lease, and added this is not a domestic violence shelter and they are very careful to ensure the residents are not in danger. Councilman Williams asked in the PD as written, what prevents or protects from ownership changing hands and turning into a for-profit organization, and asked about the outside perimeter fence restrictions. Haskins replied over the long-term, once it is built, there is nothing in there; however, a Deed Restriction might be able to be placed on the property but staff would have to look into that. Haskins replied the fence would have to meet the guidelines in the Zoning Ordinance. Mayor *pro tem* Forrester asked if this development follows the development standards for multi-family homes. Haskins replied everything that is not in the PD does follow the standards. Williams asked if the school district had been contacted. Collinsworth replied WISD was contacted and based on their experience, they gauge one child per unit, children would range from 1-18, and there would be a spread amongst multiple schools; therefore, it would not cause undue hardship. Parker stated he spoke with Dr. Vinson, the Superintendent, and he had no concerns with the project. Collinsworth stated the residents will be screened for income and background. Porter asked if preference would be given to help Wylie families first. Collinsworth replied that in their goals they have to help Wylie families first and would go through ministry groups in Wylie. Williams asked if this project was technically considered multifamily. Haskins replied it is platted as one and that is why it is considered multifamily. Porter asked if permitted parking could be done along Winding Oaks if issues arise. Haskins replied yes but feels the 1.5 and new layout should resolve the parking issues. Porter stated adding parking is a good thing; however, felt the neighbors would probably prefer green space (the community garden) over a parking lot between them, and asked if the only way to get the 1.5 is removing the green space. Haskins replied the Community Center is parked at 1 to 200 square feet and he recommends putting 1 to 400 square feet and that would allow more of the green space. Porter asked if there was anything in the PD that speaks to the buffer. Haskins replied the Zoning Exhibit shows the landscape buffer but could include a paragraph in the PD if Council desires.

Mary Orta addressed Council asking about the permitted parking along Winding Oaks. Mayor Porter responded to the questions about permitted parking.

### **Council Action**

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang, to approve with the following amendments: this project contain 38 units parked at 1.5 parking places per unit, with the exception of the community center parked at 1 to 500 square feet, and a landscaping buffer to be added as pictured in the presentation. A vote was taken and the motion passed 5-1 with Councilman Strang voting against and Councilman Duke absent.

- 2. Hold a Public Hearing to consider, and act upon, a change in zoning from Downtown Historic District – Residential only to allow commercial and/or residential uses, located at 401 N. Keefer within the Downtown Historic District (ZC 2022-04).**

### **Staff Comments**

Assistant City Manager Ollie addressed Council stating in accordance with Section 6.3 of the Zoning Ordinance, the Downtown Historic (DTH) District allows for both commercial and/or residential uses in the same structure. However, some properties are restricted to residential uses only as adopted by Ordinance No. 2015-08. Residential only properties were those lots west of Keefer to Cotton Belt and those properties located north of Brown, west of the railroad tracks. The property has been the subject of several requests for modifications and renovations over the years. The Wylie Economic Development Corporation purchased the property in 2021 with the proposed use of a salon. The Historic Review Commission voted 6-0 to recommend approval and the Planning and Zoning Commission voted 5-0 to recommend approval. Notifications were mailed to 23 surrounding property owners with eight responses received in opposition and two received in favor of the request. Any new development or renovations would continue to adhere to current design standards and allowed uses of the DTH regulations. In block faces within the District that are currently developed with residential structures, new construction shall be of historic design.

### **Council Comments**

Mayor Porter asked about the structure integrity of the current home on the property. Ollie replied that it is not structurally sound as previous owners removed some of the interior walls resulting in the structure being compromised. Councilman Williams asked what size building would be built. Ollie replied that the site plan has not been submitted yet and once those are submitted, they would come before Council. Mayor *pro tem* Forrester asked if the new building would have to be the same square footage as the current structure. Ollie replied they could make it larger as long as they meet lot coverage and setback requirements.

### **Public Hearing**

Mayor Porter opened the public hearing on Item 2 at 7:41 p.m. asking anyone present wishing to address Council to come forward.

Bob Heath addressed Council stating he had a passion for restoring historic homes and he used to own this building with intent of tearing the house down and building a historic looking commercial building. Heath stated it would be an asset to the historical district.

Randy Lanoue addressed Council speaking against changing the property to commercial use and expressed concerns with traffic.

Bobby Heath Jr. addressed Council speaking in favor of the property turned to a commercial use.

Mayor Porter closed the public hearing at 7:50 p.m.

### **Council Action**

A motion was made by Councilman Strang, seconded by Councilman Wallis, to approve Item 2 as presented. A vote was taken and the motion passed 6-0 with Councilman Duke absent.

Mayor Porter convened the Council into a brief break at 7:52 p.m.

Mayor Porter reconvened the Council into Regular Session at 8:00 p.m.

- 3. Discussion and consideration of all matters incident and related to the issuance and sale of “City of Wylie, Texas, General Obligation Refunding and Improvement Bonds, Series 2022”, including the adoption of Ordinance No. 2022-23 authorizing the issuance of such bonds and providing for the redemption of the obligations being refunded.**

### **Staff Comments**

Finance Director Beard addressed Council stating in November 2021, voters approved \$50.1 million of general obligation bonds which supports three propositions. Bonds will be issued as needed and only when projects are ready to move forward to minimize the impact on the I&S portion of the tax rate. This issue is for \$5.5 million for early stages of design, planning, and implementation. Also included in this ordinance is authorization to refund two previous bond issues for cost savings: Public Property Finance Contractual Obligations, Series 2012 and General Obligation Refunding Bonds, Series 2012. Bids were received the morning of February 22, 2022 and Nick Bulaich, representing Hilltop Securities, was present to review the results of the bids and to answer any questions.

Nick Bulaich addressed Council giving the results of the bid saying the City received six bids with BOK Financial Securities, Inc. being the winning bid with a 2.218757% true interest cost. The City was upgraded to Aa1 with Moody's and remained at Aa with S&P Global. Bulaich stated the first interest payment for the new money and refunding is not until 2023. Bulaich reported refunding resulted in a total savings of reduced debt service cost of about \$565,000, and they did not extend the final terms of the maturities and stayed with the same repayment schedule, but only took advantage of lower interest rates.

### **Council Comments**

Mayor Porter asked staff to identify what the \$5.5 million of new bonds are being used for. Beard replied there are three initiatives: \$2.5 million for beginning design and/or engineering cost for McMillen Dr. Park Blvd., and Ballard/ Sachse Rd.; \$2.0 million for general street improvements for specific streets that could be completed in a certain amount of time; and \$1.0 million for a drainage and street improvements study for the downtown historic district. These are amounts that will assist staff getting started on the projects.

### **Council Action**

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang, to approve Ordinance No. 2022-23 and all matters incident and related to the issuance of "City of Wylie, Texas, General Obligation Refunding and Improvement Bonds, Series 2022", as provided for in Agenda Item #3. A vote was taken and the motion passed 6-0 with Councilman Duke absent.

## **WORK SESSION**

Mayor Porter convened the Council into Work Session at 8:12 p.m.

### **WS1. Wylie Recreation Center Operations Presentation.**

Parks and Recreation Director Diaz addressed Council stating staff prepared a video presentation regarding the current operations of the Wylie Recreation Center.

Carl Dulac, addressed Council, stating in his opinion, since the recreation center was approved by the voters, it would need voter approval to pass it on to another company, and the vision of the Recreation Center was to put back into the community which the Recreation Center does.

Interim City Manager Parker stated the cost recovery of the Recreation Center has been brought up a few different times over the years and staff is requesting Council direction for the desire for cost recovery of the Recreation Center so that staff can bring back additional information for Council consideration in order to compare with what the YMCA is proposing. Parker stated when the Recreation Center was built Council's desire at that time was a cost recovery of about 50%, and the current cost recovery is about 45%. Diaz did state the fee structure has not been increased since opening the facility.

Council feedback and questions included why are costs increasing; however, revenues is not which is resulting in the gap starting to spread instead of coming closer together; the percentage of Wylie residents utilizing the Recreation Center; keep municipal management of the Recreation Center; open to YMCA option for operating the Recreation Center; rates need to be adjusted maybe to a 66% to 88% cost recovery with at least a 50% cost recovery; the Recreation Center has a strong element of community; offer what is most effective for the community; the amount the Recreation Center being subsidized, could that be utilized towards other park improvements; if we increase the fees are we increasing the value for the citizens; the senior citizen rate should not be raised; would like to see a comparison of what is being offered by the City and the YMCA; would like to compare the amount being subsidized versus the percentage of City residents using facility; have to balance other needs; would want background data in order to give guidance on percentage of cost recovery; would like to discuss with YMCA; if we increase fees are we remaining competitive; change membership fees to what is suitable; what business practices are implemented; how do we tell the citizens about what is offered; be cognizant of fixed income in regard to increases; make sure fees are apples to apples when comparing to the YMCA; do what we can to work on the fee structure; the Recreation Center was built by tax dollars for tax payers; and adjustments have not been made when needed.

### **WS2. Discuss the status of the Comprehensive Master Plan and specifically Future Land Use.**

Planning Manager Haskins addressed Council stating for the past several months City staff, a consultant team, and the Comp Plan Advisory Committee (CPAC) have been working on the Revised Comprehensive Master Plan. As

of this writing accomplishments include: draft of Chapter 1 - Plan introduction, is complete; draft of Chapter 2 - Community Snapshot, is complete; draft of Comp Plan goals is complete; draft Strategies are being reviewed; draft Future Land Use Map (FLU) and definitions are in progress. As Future Land Use represents a major component of the overall Comp Plan, staff is presenting the FLU map and definitions to the Council for review and comment.

Daniel Herrig, representing Freese & Nichols, addressed Council giving a presentation which included: a project reminder including the schedule, overview and discussion of the Future Land Use Map and Future Land Use (FLU) Category descriptions, and next steps. The first draft of the FLU Category descriptions includes: low-density residential, medium-density residential, mixed-use and special planning areas, downtown, local commercial, regional commercial, industrial, public/semi-public, and parks and open space.

## **RECONVENE INTO REGULAR SESSION**

Mayor Porter reconvened the Council into Regular Session at 9:39 p.m.

## **EXECUTIVE SESSION**

Mayor Porter reconvened the Council into Executive Session at 9:40 p.m.

### **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.

**ES1. Consider the sale or acquisition of properties located at Ballard/Brown, Brown/Eubanks, FM 544/Cooper, State Hwy 78/Alanis, State Hwy 78/Ballard, State Hwy 78/Birmingham, and State Hwy 78/Brown.**

### **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).

**ES2. Deliberation regarding commercial or financial information that the WEDC has received from a business prospect and to discuss the offer of incentives for Projects 2017-10a, 2020-11b, 2021-2d, 2021-4a, 2021-4b, 2021-6a, 2021-6c, 2021-6e, 2021-7a, 2021-8a, 2021-9e, 2021-9f, 2021-11a, 2021-12a, and 2021-12b.**

## **RECONVENE INTO OPEN SESSION**

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

Mayor Porter reconvened the Council into Open Session at 10:34 p.m.

## **READING OF ORDINANCES**

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

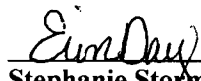
City Secretary Storm read the captions to Ordinance Nos. 2022-22 and 2022-23 into the official record.

## ADJOURNMENT

A motion was made by Councilman Strang, seconded by Councilman Williams, to adjourn the meeting at 10:35 p.m. A vote was taken and motion passed 6-0 with Councilman Duke absent.

  
Matthew Porter, Mayor

ATTEST:

  
Stephanie Storm, City Secretary