

Wylie City Council Regular Meeting Minutes

April 11, 2023 – 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 6:01 p.m. The following City Council members were present: Councilman David R. Duke, Councilman Dave Strang, Mayor *pro tem* Jeff Forrester, Councilman Scott Williams, Councilman Timothy T. Wallis (6:05), and Councilman Garrett Mize.

Staff present included: City Manager Brent Parker; Deputy City Manager Renae Ollie; Assistant City Manager Lety Yanez; Fire Chief Brandon Blythe; Police Lieutenant Trey Cotten; Finance Director Melissa Brown; Public Information Officer Craig Kelly; City Secretary Stephanie Storm; City Engineer Tim Porter; Community Services Director Jasen Haskins; Parks and Recreation Director Carmen Powlen; Wylie Economic Development Executive Director Jason Greiner; and various support staff.

INVOCATION & PLEDGE OF ALLEGIANCE

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

PRESENTATIONS & RECOGNITIONS

PR1. National Public Safety Telecommunicator Week.

Councilman Wallis took his seat at the dais at 6:05 p.m.

Mayor Porter presented a proclamation proclaiming April 10-16, 2023 as National Public Safety Telecommunicator Week in Wylie, Texas. Telecommunicator staff was present to accept the Proclamation.

PR2. Sexual Assault Awareness Month.

Mayor Porter presented a proclamation proclaiming April 2023 as Sexual Assault Awareness Month in Wylie, Texas. Stephen Hood, representing The Turning Point, and Police Lieutenant Cotten were present to accept the Proclamation.

PR3. Blue Star Banner Presentation.

Tonya and Bubba Miller, and Dalton Hooker were present to accept the Blue Star Banner in honor of their son Dalton who is currently serving in the Air Force and recently graduated from the Air Force Engineering Apprentice school.

Mayor Porter recessed the Council into a short recess at 6:24 p.m.

Mayor Porter reconvened the Council at 6:29 p.m.

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.

No persons came forward 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 the March 28, 2023 Regular City Council Meeting minutes.**
- B. Consider, and act upon, the approval of a request to remodel and extend the existing patio and relocate the ADA ramp on a restaurant use, located at 302 N. Ballard within the Downtown Historic District.**
- C. Consider, and act upon, Resolution No. 2023-05(R) supporting a rent-based community to provide economically attainable rental housing for very low to moderate income households, located at 511 W. Brown Street.**
- D. Consider, and act upon, a Preliminary Plat for Dominion of Pleasant Valley Phase 7 creating 113 single-family residential lots and five open space lots on 71.635 acres, generally located at the southwest intersection of Dominion Drive and Pleasant Valley Road.**
- E. Consider, and act upon, Ordinance No. 2023-12 for an amendment to the Browngate Pointe Planned Development 2020-43 to allow for a modification of the construction schedule terms of the townhome/commercial development. Property generally located on the northeast corner of Brown Street and Sanden Blvd. (ZC 2023-06).**
- F. Consider, and act upon, Ordinance No. 2023-13 for an amendment to Planned Development 2014-28 and a zoning change from Commercial Corridor to Planned Development - Light Industrial (PD-LI) to allow for an expansion of the area where light industrial uses are allowed. Property generally located east of the intersection of Business Way and Commerce Drive (ZC 2023-03).**
- G. Consider, and act upon, Ordinance No. 2023-14 for a change in zoning from Agricultural (AG/30) and Commercial Corridor (CC) to Light Industrial - Special Use Permit (LI-SUP) on 14.03 acres generally located on the southwest corner of Old Alanis and West Alanis Drive (ZC 2023-01).**

Mayor Porter requested Items B and C, and Mayor *pro tem* Forrester requested Item E be pulled from Consent Agenda and considered individually.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Williams, to approve Consent Agenda Items A, D, F, and G as presented. A vote was taken and the motion passed 7-0.

REGULAR AGENDA

- B. Consider, and act upon, the approval of a request to remodel and extend the existing patio and relocate the ADA ramp on a restaurant use, located at 302 N. Ballard within the Downtown Historic District.**

Council Comments

Mayor Porter requested staff give a brief overview of the request and the recommendation from the Historic Review Commission (HRC).

Staff Comments

Deputy City Manager Ollie addressed Council stating this request is to extend the current outdoor patio about five feet to the existing ADA ramp for Frankie's restaurant at Ballard Avenue and Jefferson Street. The ramp will be moved to go along the west side of the building to the front. The HRC did recommend approval.

Council Action

A motion was made by Councilman Strang, seconded by Councilman Williams, to approve Consent Item B as presented. A vote was taken and the motion passed 7-0.

- C. Consider, and act upon, Resolution No. 2023-05(R) supporting a rent-based community to provide economically attainable rental housing for very low to moderate income households, located at 511 W. Brown Street.**

Staff Comments

Deputy City Manager Ollie addressed Council stating this Item is a resolution of support for the Jericho Village project on Brown Street. They are applying for a federal loan and part of that process, to increase their chances of earning points, is to get a resolution of support from the Council. This does not commit the City to any funding; it is simply showing support for them to apply. The original resolution that was drafted and included in the agenda packet has been updated as the Federal Home Loan Bank released its criteria, and a statement needed to be included in the resolution that states the City supports their application process. The resolution has been updated with that statement and was shared with Council for consideration.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Mize, to approve Consent Item C as amended. A vote was taken and the motion passed 7-0.

- E. Consider, and act upon, Ordinance No. 2023-12 for an amendment to the Browngate Pointe Planned Development 2020-43 to allow for a modification of the construction schedule terms of the townhome/commercial development. Property generally located on the northeast corner of Brown Street and Sanden Blvd. (ZC 2023-06).**

Council Comments

Mayor *pro tem* Forrester confirmed with staff this Item is not approving a new townhome development, this is the same development that was approved in 2020.

Staff Comments

Community Services Director Haskins confirmed this is not a new townhome development, and added it is a change to the construction schedule for the townhomes and the commercial structure.

Council Action

A motion was made by Councilman Strang, seconded by Councilman Duke, to approve Consent Item E as presented. A vote was taken and the motion passed 6-1 with Councilman Wallis voting against it.

- 1. Hold a Public Hearing, consider, and act upon, a change in zoning from Commercial Corridor (CC) to Commercial Corridor - Special Use Permit (CC-SUP) to allow for a restaurant with drive-thru on 0.7866 acres, property located at 3008 W. FM 544 (ZC 2023-04).**

Staff Comments

Community Services Director Haskins addressed Council stating the applicant is requesting a Special Use Permit (SUP) for a restaurant with a drive-through near the intersection of FM 544 and Springwell Parkway (east of Wild Fork Foods). The request does include a 3,000-square-foot structure for a Bojangles drive-through restaurant. The exhibit does meet the building and site plan requirements and, as part of the SUP conditions, the applicant has requested that the SUP approval act as the site plan approval. The applicant has completed the review process with fire and engineering. Haskins reported 10 notifications were sent out with no responses received. The Planning and Zoning Commission did vote 7-0 to recommend approval.

Council Comments

Councilman Mize asked staff if they are familiar with the number of similar businesses in the immediate area. Haskins replied within a half-mile radius there are three fast-food restaurants with drive-throughs. Mize asked how many of those restaurants sell similar products. Haskins replied Bojangles would probably respond that there are no similar products but considering that their main product is fried chicken, there is a Golden Chick across and down the street a little way.

Public Hearing

Mayor Porter opened the public hearing on Item 1 at 6:39 p.m. asking anyone present wishing to address Council to come forward.

No one came forward for the public hearing.

Mayor Porter closed the public hearing at 6:40 p.m.

Council Action

A motion was made by Councilman Strang, seconded by Councilman Duke, to approve Item 1 as presented. A vote was taken and the motion passed 6-1 with Councilman Mize voting against it.

2. **Hold a Public Hearing, consider, and act upon, a change in zoning from Manufactured Home (MH) to Commercial Corridor - Special Use Permit (CC-SUP) to allow for a motor vehicle fueling station with convenience store and car wash on 1.793 acres, property located at 1001 S. Highway 78 (ZC 2023-05).**

Staff Comments

Community Services Director Haskins addressed Council stating this is an application for a Special Use Permit (SUP) to allow for a 3,000 square-foot convenience store gas station and car wash on a property that is on Highway 78 near Westgate Way. Besides the uses, the SUP conditions also request that the car wash vehicle bay be allowed to face Highway 78, which is not a normally allowed configuration. As a result, one of the stipulations from the Planning and Zoning (P&Z) Commission was the exit tunnel for the car wash be landscaped in such a way that the access tunnel would not be visible from Highway 78, and the applicant agreed. Staff sent out six notifications, and received no responses, and the P&Z Commission did vote 7-0 to recommend approval.

Council Comments

Councilman Williams confirmed the site plan is preliminary at this time and would come back before Council for final approval. Haskins confirmed it is only a zoning exhibit at this time, and if approved, would go through the platting and site plan process. Councilman Mize asked about the proximity of this business to the residential area, what protection can be provided to the residents in terms of visual and soundproofing, and the hours of operation. Haskins replied for the residents to the northeast, the developer would be required to screen the property and ensure the decibel level stays under the City's noise ordinance. Devin Ferris, representing Estacado Interests, addressed the Council stating the hours of operation for the car wash will be seven days a week from 7 a.m. to 8 p.m. Mize asked what type of screening will be utilized. Ferris replied there will be a live evergreen-type screening wall and added they pushed the building back to widen the landscape island that separates the exit drive from the main drive. Mayor *pro tem* Forrester asked the applicant what protection and screening material will they

use down the entire north side of the property to protect the neighbors to the north. Ferris replied the vacuum bays are on the north side of the property, and they are required by City ordinance to put in a screening wall along that side that separates their property from the residents to the north. Forrester asked how tall the wall would be. Ferris replied six to eight feet, and that they will comply with the ordinance requirements. Mayor Porter confirmed there is a proposed shared easement to connect the car wash with the residential neighbors. Haskins confirmed that was correct. Porter added this is in an area of misaligned streets where Martinez does not hit the light and currently it's a three-way light and asked if this proposal, which will have an entrance, will change the traffic signals at the intersection and add a fourth to match up. City Engineer Porter replied the current signal does dead end right at the entrance to the proposed site; however, staff has indicated to the developer that they are responsible for any improvements to make that intersection work. Mayor Porter added that would change the traffic patterns as you would have a split face signal which would lengthen the times for the light to go through its rotation. City Engineer Porter replied he would recommend a TIA study be done to see the impact it would have on the traffic. Ferris responded they are anticipating putting a light at the intersection and have discussed that with TxDOT, who is requiring them to get a TIA, which they are planning on doing once they receive approval on the project. Mize added there are not a lot of residents that would be directly adjacent to the property but did express concerns with the vacuum bays being loud and the 7 a.m. opening time, and asked the applicant if they would consider limiting the vacuum usage from 8 a.m. to 8 p.m. instead. Ferris replied he would have to check with the national brand that they would be leasing the property to, and added he did not think they would want to alter their hours of operation. Ferris added the property owner of the existing manufactured home park does have plans to put in a park facility between them and the residents, but he was unsure of how far back it will extend. Ferris added the owner is committed to putting measures in place to make sure the residents living adjacent to this development are comfortable. Councilman Duke added there is a federal regulation regarding car wash noise which is limited to 85 dB, provided examples of other appliances that are 85 dB, and added with that information, he did not think that was too loud. Mayor Porter added his concerns include the way the business is facing the highway, and the increased traffic at the intersection, and added it will have some impact on the neighbors but he understands there will be screening walls. Councilman Wallis confirmed the vacuum is a central unit that has multiple drops and not a bunch of individual vacuums, and if so can the central vacuum building be additionally screened. Ferris confirmed that was correct and that it would be located in a building. Ferris added, regarding the signal, it will line up with Westgate Way and they will be putting a turn lane in on Highway 78 to help the traffic flow. Williams added he thought it was a creative use of the space, it is needed along that stretch of highway, he understands the Mayor's concerns with the signal but believes a solution can be reached, there is a similar business with landscape screening up the highway, and does think the sound decibels will be sufficient for the neighbors. Ferris added it may be personal preference but regarding the screening and the orientation of the car wash, having the shorter side of the building face the street versus a 100-foot blank wall looks better than having a wall right up against the road and might be something to take into consideration.

Public Hearing

Mayor Porter opened the public hearing on Item 2 at 7:03 p.m. asking anyone present wishing to address Council to come forward.

No one came forward for the public hearing.

Mayor Porter closed the public hearing at 7:03 p.m.

Council Action

A motion was made by Councilman Strang, seconded by Councilman Williams, to approve Item 2 as presented. A vote was taken and the motion passed 4-3 with Mayor Porter, Mayor *pro tem* Forrester, and Councilman Mize voting against.

3. **Hold a Public Hearing, consider, and act upon, a change in zoning from Commercial Corridor (CC) to Planned Development - Commercial Corridor (PD-CC) on 10.485 acres generally located on the southeast corner of State Highway 78 and Kreymer Lane.**

Staff Comments

Community Services Director Haskins addressed Council stating this request is to go from Commercial Corridor to Planned Development (PD) Commercial Corridor to allow for a commercial nine-lot development on about 10.5 acres. The zoning exhibit is showing approximately 11,500 square feet for sit-down restaurants, about 4,000 square feet for drive-throughs, and about 29,500 square feet for office space. The PD includes uses they are requesting to be allowed by right, and uses that are going to be expressly prohibited as long as the PD is in force. Additionally, there are two other requests that the applicant has made, one of those is a variance from the Subdivision Regulations that require a 30-foot frontage to a public road, and they are requesting a 24-access easement that runs the entire length of the property. Secondly, they are requesting a variance to the sign ordinance to allow three multi-tenant signs, instead of the required one multi-tenant sign on a property within a multi-tenant subdivision. Haskins stated this is in the regional commercial sector of the Comprehensive Land Use Plan, and notices were sent to over 20 property owners with no responses received. After some discussion about drainage and the decel lanes which were resolved, the P&Z Commission did vote 7-0 to recommend approval.

Council Comments

Councilman Williams asked if the proposed drive-throughs will come back to Council for separate SUP approval. Haskins replied that within the PD conditions, they are requesting that restaurants would be allowed by-right so they would only go through P&Z as site plans. Williams asked if there is a way to approve what they are asking for but still have drive-throughs come back through as a SUP. Haskins replied Council could remove the drive-throughs from the by-right allowed uses in the PD conditions. Williams asked by removing that verbiage does it make it harder on the developer as they market the properties. Matt Moore, representing Claymoore Engineering, replied they have heard some concerns about the drive-through components and would propose to allow the first three lots along Highway 78, starting at the corner of Kreymer, to have the ability to have drive-throughs without a SUP, and then Lots 4 and 5, which are on the far eastern side, would come back to Council for a SUP if involving drive-through. Moore added it is more difficult from a marketing standpoint for the development brokerage team to secure these users with that additional step which is why they were originally requesting the ability to do those without the SUP, but given the concerns they have heard, they would like to propose the compromise. Ferris added the middle of the three lots that they are requesting is a 13,000-square-foot multi-tenant retail building and it will be a mixture of uses. Mayor Porter asked if they would be amenable, on Lots 2 and 3, to having minimum building sizes. Moore replied he thought that is an amendable solution they could agree to. Porter asked what would be their recommendation on minimum building sizes. Moore replied about 1,800 square feet. Mayor *pro tem* Forrester added he would not be in favor or support of, by-right on this piece of property for drive-throughs, and added he did like the agreement to look at Lot 1, a portion of the building to Lot 2, and Lot 4. Moore added one of the challenges they have on Lot 3 is the North Texas Municipal Water District easement that bisects the property north to south, as they let them cross it but cannot pave all over it. Mayor *pro tem* Forrester and Councilman Strang provided feedback that they liked the way the current drawing is laid out. Strang added his concern was having too many drive-throughs and in and out traffic. Porter asked about the request for the by-right motor vehicle fueling station. Jim Jamerson, representing Segovia Partners, replied that with Fuel City nearby that is not as big of an issue and would like to have the option as well as having flexibility.

Public Hearing

Mayor Porter opened the public hearing on Item 3 at 7:17 p.m. asking anyone present wishing to address Council to come forward.

No one came forward for the public hearing.

Mayor Porter closed the public hearing at 7:17 p.m.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Williams, to approve Item 3 with the following amendments: Lot 1 to be by-right for a drive-through with a minimum building size of 1,800 square feet, Lot 2 with a by-right of one drive-through with the minimum building size of at least 13,000 square feet, and

Lot 4 with a by-right drive-through with a minimum of 800 square feet, in addition, remove by-right motor vehicle fueling station. A vote was taken and the motion passed 6-1 with Councilman Strang voting against it.

Mayor Porter recessed the Council into a break at 7:24 p.m.
Mayor Porter reconvened the Council at 7:33 p.m.

4. **Consider, and act upon, Ordinance No. 2023-15 amending Ordinance No. 2022-56, which established the budget for fiscal year 2022-2023; providing for repealing, savings and severability clauses; and providing for an effective date of this ordinance.**

Staff Comments

Finance Director Brown addressed Council stating there are several midyear budget amendment requests that go across many different funds, and added requests are sometimes defined as neutral, meaning that there is also matching revenue to cover that, but most of the expenses will have an impact on the fund balance of the relative fund that the request comes from. Brown pointed out a few highlights including salary savings for the General Fund of almost \$337,000 and for the Utility Fund of about \$198,000, which are results of unfilled positions; the General Fund fund balance will be drawn down, if all the requests are approved, by about \$6.5 million, but the majority of that was a planned drawdown of the \$6 million transfer of the ARPA fund money into the Stone Road construction fund that was created. There were a couple of other large item requests for the General Fund including the reserve ambulances as well as the Woodbridge Parkway/Hensley Lane signal construction. Mayor Porter clarified the ARPA funding was going to E. FM 544, not Stone Road. Brown clarified that was correct and City Manager Parker added there is a bit of confusion as the 2007 bond refers to the piece of roadway between Stone Road and where it splits at County Line Road and Vinson Road as Stone Road; however, it is not Stone Road it is E. FM 544, the piece that runs north and south. Brown reported the 4B Fund balance would be reduced by about \$2.9 million with \$1 million going to Founder's Park renovations, \$1.2 million to the additional cost of the splash pads and the dog park, and about \$600,000 to restrooms at Community Park and Brown House.

Council Comments

Mayor Porter requested additional information on the Founder's Park renovations, pickleball courts, dog park, and splash pads. Assistant Parks and Recreation Director Stowers replied the pickleball courts project will go quickly as they already have concrete, surfacing, and net prices, and are currently waiting for the fencing cost. Construction should start soon, and added that concrete does have to cure for about 28 days before surfacing and fencing can be completed; therefore, it could possibly be completed by midsummer. Stowers reported the dog park and splash pads were released for bid today with bids received around May 3rd, and Founder's Park renovations include three football fields on the west side that were constructed in 1999 and were meant for sheet drainage, so they are not ideal for athletic fields. With the \$1 million, staff is looking at rebuilding (crowning, sodding, new irrigation, and moving some of the field lightings) the three football fields which will be multipurpose with soccer as well.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang, to approve Item 4 as presented. A vote was taken and the motion passed 7-0.

5. **Consider, and act upon, the denial of a request to construct a residential structure on an existing lot for a new residential/retail office building, located at 308 N. Ballard within the Downtown Historic District.**

Staff Comments

Deputy City Manager Ollie addressed the Council stating this item went before the Historic Review Commission (HRC) with a recommendation of denial from staff, and after reviewing, the HRC is recommending denial. The reason for denial is the owner of the property has an existing 1,250-square-foot residential structure that has a commercial use and is proposing to build a 1,456-square-foot residential structure with a residential use behind the existing residential structure. The Zoning Ordinance for the Downtown Historic District does allow

commercial and residential in the same structure but because the owner is wanting to do a residential use in a separate structure from the commercial use that is not allowed as it is a single platted lot and, by definition, a single-family use is a single-family lot. In addition, the plans showed parking in the front with direct access onto Ballard Street which our current ordinance does not allow direct maneuvering from a parking stall onto a public right-a-way. Finally, there are six spaces in the rear of the property that the owner says he is going to maintain but those spaces were not on the plans.

Council Comments

Councilman Strang confirmed the applicant is already aware that the recommendation is denial and asked should he be asking for a zoning change instead. Ollie replied that would be true if the applicant only wanted residential. Strang confirmed if Council approves this Item, they are upholding the denial. Ollie replied yes, as the recommendation to Council is a recommendation to deny.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang, to approve Item 5 as presented. A vote was taken and the motion passed 7-0.

6. **Consider, and act upon, Resolution No. 2023-06(R), approving a Second Amendment to a Chapter 380 Agreement between the City of Wylie and Creekside Fine Grill, LLC, and authorizing the City Manager to execute any necessary documents.**

Staff Comments

City Manager Parker addressed Council stating in April 2021 the City entered into a 380 Agreement with Hillside Grill, and in April 2022 the applicant requested an extension to the 380 Agreement due to situations outside of his control specifically, with the SBA. In that Agreement, it allows for a 90-day extension to be requested so the applicant is requesting a 90-day extension as he is having supply chain issues. The remodeling of the interior of the restaurant is progressing and it is the applicant's full intent to become operational. After speaking with EDC staff and the applicant, staff proposes to remove the 90-day extension and request a six-month extension, which would expire on October 27, 2023, to fulfill the applicant's supply chain issues.

Council Comments

Mayor Porter asked the applicant if he is anticipating the full six-month time period before opening. Rick Valley, representing Creekside Fine Grill, LLC, replied he is not anticipating it will take the full six months but appreciates the extension. Currently, he thinks they can be done in July or August and added they are working hard on the project and doing everything they can. They will have everything in the restaurant in June but will not get a booth package, which is custom-made, until sometime in July as they are 20 weeks out at this point.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Williams, to approve Item 6 as presented, with an extension of the performance deadline for six additional months to expire on October 27, 2023. A vote was taken and the motion passed 7-0.

7. **Consider and act upon amendments to the Bylaws of the Wylie Economic Development Corporation.**

Staff Comments

Economic Development Executive Director Greiner addressed Council stating the EDC bylaws have not been amended in a long time and they started this process 15-18 months ago to clean up the language with most of the proposed changes being more procedural. A bylaw subcommittee was created during the process. Greiner added the EDC cannot approve their bylaws without Council approval, and the bylaws have to be approved by their board of directors with a 10-day notice to hold the meeting. Greiner reported this is the first version of the revised bylaws so he would intend to present this knowing that there could be changes or requests for changes, and added they have posted an agenda for the next bylaw meeting to discuss this item next Wednesday in compliance with the 10-day notice requirement. The more notable items are outlined in the agenda report and include the Director

shall be hired by the Board, subject to Council approval and removed by a vote of four members of the Board, subject to Council approval; the annual report date was changed to April to give the EDC additional time as they gather information from the Comptroller's Office and the City's ACFR; term limits were discussed and that is one item they are requesting feedback on; amended their annual meeting to October which gives more time for new board members to get familiar with the members before voting for a new officer, and moving to October would allow for a better plan for their goals and objectives for the next fiscal year; a correction of numbering; board member expectations for attendance that decrease the number of meetings that one could miss in a given year; added language for a board member handbook, which is more of a code of conduct compliance for confidentiality; added language for board seat rotations; and restated the maximum allowance for the Executive Director to take action.

Council Comments

Mayor Porter asked what happens if the Vice President (VP) rolls off the board. Greiner responded the VP could be voted on at any time throughout the year, and if the new VP is selected, at the end of that next year's term that VP would automatically move to President, and added if they need to change the language to add another aspect in the absence of VP the President is retained for the remainder of the term, or another 12 months, they could. Gino Mulliqi, an EDC board member, replied the way the board is currently structured they do have financial members that cannot be treasurers, and sometimes positions have to be skipped. He replied his understanding is the board member that is VP has to serve a one-year term before becoming the President so if the VP rolls off, the current President would stay for an additional year until the new VP can serve for one year. Porter suggested language be added that the President would be held over in that instance. Mayor *pro tem* Forrester asked about ethics being included in their bylaws and asked if an inquiry came from the public what would the process be. Melisa Whitehead, an EDC board member, responded that ethics should be covered in their handbook which can be updated more easily and aligns closely with the City's ethics. Greiner added legal advised the best approach would be to refer to the Code of Conduct that was approved by the Council for every board and commission in the City in the board member handbook so that the EDC board would adhere to the same Code of Conduct. Forrester suggested that verbiage be included in their bylaws as the handbook is not a binding obligation. Forrester stated in 4.04 1h it says the Director should be hired by the board, subject to the approval of Council, and removed by a vote of four members of the board, subject to council approval. He confirmed the Director is a City employee and no other board or commission has the authority or the power to hire or fire a City employee so what would make this board different than other boards within the City. Mulliqi added they wanted to have at least a supermajority vote to hire or fire the Executive Director, and added the only difference between this board and other City boards is that there are no other boards that have an Executive Director and staff that serves the board. Forrester stated they are City employees though as their W2s, federal documentation for taxes, and policies and procedures they follow come from the City. Mulliqi replied in some ways they are; however, the structure of the EDC was set preceding the current board and Council but does think that could be clarified. Forrester added he wants to ensure that the board does not get stuck between a rock and a hard place with the relationship of the Executive Director if in the future the board ever votes to remove the Director but Council does not agree and votes to overturn the EDC board recommendation. The board members are appointed by and serve at the pleasure of the Council, and think setting the right expectations is the right thing to do. Whitehead added in response to the previous question of how this board is different from the other boards, no other boards or commissions do performance appraisals for their staff liaisons, or has the authority to increase salaries and give raises and things such as that. City Manager Parker added he will have to get a legal opinion as there is nothing in the City Charter that outlines that the City Manager is responsible for the EDC as it is a corporation outside of the City Manager's authority and is a unique board that is funded through a quarter-cent sales tax. There are aspects of the EDC that are part of the City and a lot of that is simply for money savings and added they do pay the City for those services. Parker added the employees are City employees when it comes to their paycheck and their benefits, but aside from that the City Manager has no authority over what the Executive Director does. Parker clarified that the EDC board level is not the same as other City boards for the facts that were previously stated and additionally, other boards do not recommend approval of expenditures or budgets. Mayor Porter requested staff get a legal opinion and gather information on the structure of other EDCs as the Parks and Recreation 4B board is a separate sales tax entity and Council does fund positions out of that. Greiner replied Wylie's EDC is a Type A Corporation, and added there are Type A's and B's, MDBs, and City departments, and clarified the process to create the board, elect the officers,

and give them authority to hire a Director was created with the creation of the Type A Corporation. Forrester clarified the simple solution would be to remove the step of “subject to Council approval” if the board stands separate from the City. Mayor Porter added he needed clarification on where the EDC employees fall. Councilman Strang asked who the Executive Director reports to. Greiner replied the Executive Director reports to the board, and even though it is not written in the bylaws, he currently does work directly with the City Manager's office and Council. Strang agreed that a legal opinion is needed on the current structure, why it is set up the way it is, and who reports to who. Councilman Williams added there might need to be a mechanism to get an update regarding the Executive Director from the EDC board to Council in executive session. Parker clarified he will get a legal opinion of whether the Executive Director is an employee of the City and how the EDC Corporation functions within the City. Councilman Duke recommended, with being close to two new Council members coming on Council, a decision should be held off until those new members are able to vote on the item.

Council Action

A motion was made by Mayor Porter, seconded by Councilman Strang, to table Item 7. A vote was taken and the motion passed 7-0.

Mayor Porter recessed the Council into a break at 8:40 p.m.

Mayor Porter reconvened the Council at 8:49 p.m.

WORK SESSION

Mayor Porter convened the Council into a Work Session at 8:49 p.m.

WS1. Discuss the findings of the self-evaluation of facilities, programs, and events in the development of an ADA Transition Plan in accordance with the federally mandated requirement by Title II (State and Local Government) of the Americans with Disabilities Act.

Deputy City Manager Ollie addressed Council introducing Lynn Fagerstrom, Risk Administrator, and Joe Tidwell, Construction Supervisor and ADA Coordinator, who have worked hard to help put this plan together. In 2021 this federally regulated ADA plan was started and the City is working to get in compliance. At this point, they have worked with every department to evaluate areas in our facilities that do or do not conform to federal regulations. This document will guide us to the future and ensure that we are in compliance with ADA standards. The Department of Justice (DOJ) will mandate this and will step in come October 2023 if a plan is not in place. Ollie clarified they are not asking the City to bring everything into compliance as of now, but they are asking the City to implement a plan to determine what the cost will be to bring everything into compliance, and then begin working on that plan. The next steps will be public outreach surveys, updating the transition plan with that public input, and then bringing it back to Council for adoption in June or July. Every department is represented in this document and will play a part. A Safety Committee, composed of department representatives, will be heavily involved in implementing this process. Ollie reported they have already started reviewing projects and have gone back to redo some ramps, and staff is working with new construction developers to ensure they will adhere to the standards now. Staff wanted to provide the Council with an update on where we are and where we are headed. City Manager Parker added Tidwell took the initiative on earning the ADA certification on his own and commended him for taking on the additional responsibility, and stated they did gather information from consultants to put this plan together which would cost \$100,000 or more, and recognized Ollie for spearheading this project to save the City money, and added they have done a great job.

Council comments and questions included the current draft plan does meet the October requirement, staff will be working with developers and builders at the beginning of their process to ensure that their project is ADA compliant, this is going to improve our City and the services that we provide to all of our residents, suggested to include in the plan a permanent and ongoing feedback group to give voice to the disability community, and confirmed consistent feedback from the public of those most affected will be sought.

Council commended staff for all of the work that has been put into putting this Plan together.

RECONVENE INTO REGULAR SESSION

Mayor Porter reconvened the Council into Regular Session at 9:12 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. 2023-12, 2023-13, 2023-14, and 2023-15 into the official record.

ADJOURNMENT

A motion was made by Councilman Strang, seconded by Councilman Williams, to adjourn the meeting at 9:14 p.m. A vote was taken and the motion passed 7-0.

ATTEST:

Stephanie Storm
Stephanie Storm, City Secretary



Matthew D. Porter
Matthew Porter, Mayor