

Wylie City Council Regular Meeting Minutes

September 27, 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 6:01 p.m. The following City Council members were present: Councilman David R. Duke, Councilman Dave Strang (7:02), Mayor *pro tem* Jeff Forrester, Councilman Scott Williams, Councilman Timothy T. Wallis (6:11), and Councilman Garrett Mize.

City Manager Brent Parker; Deputy City Manager Renae Ollie; Assistant City Manager Lety Yanez; Police Chief Anthony Henderson; Finance Director Melissa Beard; Fire Chief Brandon Blythe; Interim Director of Community Services Jasen Haskins; Public Information Officer Craig Kelly; Public Works Director Tommy Weir; City Engineer Tim Porter; Project Engineer Jenneen Elkhaid; Purchasing Manager Glenna Hayes; City Secretary Stephanie Storm; Animal Control Manager Shelia Patton; 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. Manufacturing Day 2022.

Mayor Porter presented a proclamation proclaiming October 1, 2022, as Manufacturing Day in Wylie, Texas. Members of the Wylie Chamber of Commerce, Downtown Merchants Association, WEDC staff, and board members, WISD staff, CNC Innovation, Deanan Gourmet Popcorn, Barco Pump, SAF-Holland, and Savage Precision Fabrication were present to accept the Proclamation.

Councilman Wallis took his seat at the dais at 6:11 p.m.

PR2. Hispanic Heritage Month.

Mayor Porter presented a proclamation proclaiming September 15 through October 15, 2022, as Hispanic Heritage Month in Wylie, Texas.

COMMENTS ON NON-AGENDA ITEMS

Bob Heath addressed Council with concerns regarding the beautification of Wylie regarding the solicitation signs, not political or garage sale signs, along the roadways in the City.

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, the approval of the September 13, 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 August 31, 2022.
- C. Consider, and act upon, the City of Wylie Monthly Revenue and Expenditure Report for August 31, 2022.
- D. Consider, and place on file, the City of Wylie Monthly Investment Report for August 31, 2022.
- E. Consider, and act upon, Resolution No. 2022-27(R) approving the current Investment Policy as required by the Texas Government Code, Chapter 2256, Public Funds Investment Act, Subchapter A - Authorized Investments for Governmental Entities.
- F. Consider, and act upon, approving the Debt Management Policy.
- G. Consider, and act upon, approving the Financial Management Policies.
- H. Consider, and act upon, a Preliminary Plat for Jericho Village, Lot 1, Block A, establishing one lot on 2.472 acres, located at 511 West Brown Street.
- I. Consider, and act upon, a Final Plat for Price Addition, being Lot 1, Block A, establishing one lot on 5.856 acres in the City of Wylie Extra Territorial Jurisdiction, located south of 2065 E. FM 544.
- J. Consider, and act upon, a Final Plat for the Brown and Burns Addition, being a replat of Lot 1 and 2, Block 1, establishing two lots on 0.169 acres, located at 129 and 131 N. Ballard Avenue.
- K. Consider, and act upon, approval of the demolition of a residential structure in accordance with Ordinance No. 2022-34, property located at 407 N. Ballard within the Downtown Historic District.
- L. Consider, and act upon, Resolution No. 2022-28(R) of the City Council of the City of Wylie, Texas, to approve the submittal of McMillen Drive, E. FM 544, and Park Boulevard Improvements Projects to Collin County for consideration for their 2022 Collin County Call for City Projects.
- M. Consider, and act upon, Resolution No. 2022-29(R) of the City of Wylie, Texas finding that Oncor Electric Delivery Company LLC's ("Oncor" or "Company") application to change rates within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the company and legal counsel.
- N. Consider, and act upon, the approval of the 2023 Procurement Manual.

Councilman Williams requested Item I be pulled from the Consent Agenda and considered individually.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Duke, to approve the Consent Agenda as presented with the exception of Item I. A vote was taken and the motion passed 6-0 with Councilman Strang absent.

REGULAR AGENDA

- I. Consider, and act upon, a Final Plat for Price Addition, being Lot 1, Block A, establishing one lot on 5.856 acres in the City of Wylie Extra Territorial Jurisdiction, located south of 2065 E. FM 544.

Council Comments

Councilman Williams confirmed that in approving the plat, this does not annex the property into the City limits. Haskins replied that was correct.

1. **Consider, and act upon, Resolution No. 2022-30(R) authorizing the City Manager of the City of Wylie, Texas, to execute adoption of the Collin County Hazard Mitigation Action Plan.**

Staff Comments

Fire Chief Blythe addressed Council stating this item is for the City to adopt the most current Collin County Hazard Mitigation Action Plan in order to identify the hazards the City is vulnerable to and to implement measures to reduce vulnerability to these hazards. This Plan also allows the City to get funds from FEMA if needed. The City originally adopted the Hazard Mitigation Action Plan in 2011 and updated it in 2016.

Council Comments

Councilman Mize asked if the stakeholders were limited to three, and would Collin College be a beneficial stakeholder to include in the future. Blythe replied that staff will look into adding more stakeholders in the future. Councilman Duke noted First Baptist Church Wylie, noted on page 120 of the agenda packet, should be changed to The Cross Church. Blythe noted the change.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Williams, to approve Item 1 as presented with the amendment of changing the reference to First Baptist Church Wylie to The Cross Church. A vote was taken and the motion passed 6-0 with Councilman Strang absent.

2. **Consider, and act upon, Ordinance No. 2022-61; amending Wylie's Code of Ordinances, Ordinance No. 2021-17, as amended, Chapter 18 (Animals), Article I (General), to add Section 18-16 (Trap-Neuter-Release Feral Cat Program).**

Staff Comments

Police Chief Henderson addressed Council stating staff has been requested to add a Trap-Neuter-Release (TNR) Feral Cat Program into the Code that gives information on the procedures of the program.

Citizen Comments

Sandra Stone addressed Council with concerns regarding the feral cats on her property and in her neighborhood and stated she has been in constant contact with the City with concerns. Stone reported that 14 cats have been picked up thus far and do not feel it is appropriate for the cats to be able to run wild when all other animals have to be registered with the City. Stone asked questions regarding the proposed ordinance regarding the management of feral cats and who will be policing that. Stone requested the feral cats not be released back into her neighborhood but released elsewhere.

Mandy Wilson addressed Council stating she is Stone's neighbor and has been in communication with City about the feral cat issue in their neighborhood. She expressed concerns with the verbiage in the proposed ordinance stating the caregivers are responsible to contact the City and added she did not want children in their neighborhood to be bit by a feral cat that could potentially be carrying diseases.

Staff Comments

Henderson responded that in the specific neighborhood spoken on tonight a resident was feeding the cats on the porch, staff spoke with the resident, and they are assisting Animal Services by notifying them if a cat is trapped as the traps have to be checked within a certain amount of time. Patton addressed Council stating that the proposed ordinance speaks to proper vaccination, assisting with transport, assisting in covering the cost, no feeding on the ground, and humane trapping. Patton added residents can contact Animal Services with any concerns.

Council Comments

Councilman Williams asked what was the best way to control the feral cats as he does not see a solution between the proposed ordinance and the problem, asked how the City can regulate the feral cat issue, and can the City release them elsewhere. Patton replied that TNR is an accepted practice, stated euthanizing will not fix the situation, added the lifespan of an outdoor feline is seven years; and therefore, the best option is to sterilize to control the number and vaccinate. Patton responded that taking the cats to another location is a very complicated issue and not humane, and added it would be adding more to another colony. Patton stated the proposed ordinance puts stipulations on the caregivers to ensure they are doing it correctly and responsibly. Regarding the mentioned neighborhood, the howling should start decreasing as this program continues. Councilman Wallis added people confuse a runaway or outdoor cat with a feral cat, and they are not the same, feral cats are wild animals. Wallis stated if you move them over time they revert to survival ways. Caregivers are overseeing them and need to have resources to help take care of them and TNR is an excellent reduction plan. Wallis asked staff about cats that test positive for a virus and what will happen to those cats. Patton replied they just started the testing process and so far, have not had a positive in a colony, but if they receive a positive virus test the feral cat will be humanely put down. Wallis added some diseases do not have cures and are contagious and it is responsible to try to manage that to maintain a healthy population, and added the program is a positive step. Mayor *pro tem* Forrester confirmed the proposed ordinance is for the entire City and asked about a solution for an individual problem. Patton replied the proposed ordinance is for the entire City, and staff will continue to monitor and work with Ms. Stone to get the feral cats in her area under control. Mayor Porter stated there was a colony that someone was feeding and encouraged staff to continue to watch that and work with the neighbors. Porter added the goal is to be proactive and stop replicating throughout the City. Porter stated he did not see language in the proposed ordinance that stated those caring for a colony must register with the City. Patton replied that verbiage is not currently included but does want to expand the program in the future. Mayor *pro tem* Forrester added an educational piece that would be helpful to provide to caregivers so they know what resources are available to them and also to inform them of their responsibility as a caregiver. Henderson added the current process takes so long due to the number of TNRs that can be done at a set time. Patton stated TNR sterilization is limited by resources and added staff has to transport the cats to Allen or Garland where the facilities are limited to 12 a day, or Kaufman County which takes six a day. Currently, SPCA is not currently allowing for TNR appointments, and staff has access to about three TNR runs in a single cage for the City. The City has reached out to these entities to see if the City can schedule appointments and currently that is not allowed, it is on a first come first serve basis.

Council Action

A motion was made by Councilman Williams, seconded by Mayor *pro tem* Forrester, to approve Item 2 as presented. A vote was taken and the motion passed 6-0 with Councilman Strang absent.

3. **Consider, and act upon, Ordinance No. 2022-62; amending Wylie's Code of Ordinances, Ordinance No. 2021-17, as amended, Chapter 74 (Offenses and Miscellaneous Provisions) by adding Article XIII (Possession of Catalytic Converter); defining terms for the article and prohibiting the possession of catalytic converters.**

Staff Comments

Police Chief Henderson addressed Council stating this item is to amend Chapter 74 Section by adding Article XIII Possession of Catalytic Converter. On September 1, 2021, HB 4110 was passed due to the number of catalytic converters being stolen across the nation. The City had 24 stolen in 2021 and seven so far for 2022. Henderson stated the issue with the HB is that it only deals with individuals that are trying to sell or buy, but not the people in possession of the catalytic converters. Staff is requesting approval of this Ordinance which gives officers the ability to act if someone is in possession of stolen catalytic converters.

Council Comments

Mayor *pro tem* Forrester asked what is this similar to in nature regarding enforcement, how the City solves this situation and stops it from occurring, and will this Ordinance give PD enough teeth to stop the situation. Henderson replied this Ordinance gives more teeth than what we currently have in place.

Councilman Strang took his seat at the dais at 7:02 p.m.

L Henderson stated PD will stop potential violators, ask them questions, and listen to their answers. Forrester asked what is the value of a catalytic converter. Henderson replied several hundred dollars. Forrester asked if the penalty listed in the Ordinance is enough to make it a deterrent to someone. Henderson replied he did not think there is a deterrent, as a criminal asks what are the odds of them being caught. Henderson stated there are tools available to law enforcement at metal salvage yards. Councilman Williams suggested that the verbiage on page 2 under Section 74-201(a) of the proposed Ordinance be amended to remove "or metal recycler" so that a criminal could not claim to be a metal recycler. Henderson replied that his interpretation is that this is for a documented recycling entity so that they can have possession of these, but not individuals. Mayor Porter stated he agreed with Williams' suggestion as he thinks that statement as is could be challenged. Councilman Strang stated he noticed in Section 4, the penalty provision, states each day a violation shall constitute a separate offense and asked if there is any way to determine how many days they have had the catalytic converter in their possession. Henderson replied that this particular section is trying to encompass different scenarios that may occur on different days. Strang asked if a metal recycler would have to be permitted or licensed, or can anyone claim that. Henderson replied that he does not have concerns with the proposed verbiage as the individual in possession would have to prove how they have it and the investigators will investigate. Henderson added he has full confidence in the officers to ask the right questions and make the right decision. Parker stated that the City did model this Ordinance from the City of Frisco, which was approved by the City Attorney's Office. Councilman Mize stated Metal Recycling Entities are defined in the definitions section on page one of the ordinance and suggested to provide clarification the word entities could be added after metal recycler. Councilman Wallis asked if metal recyclers are registered with the State, and suggested adding the word registered before recycling entities. Parker added after doing a quick search online it does look like recycling entities are registered with DPS.

Council Action

L A motion was made by Councilman Williams, seconded by Councilman Wallis, to approve Item 3 as presented with the amendment in Section 74-201(a) to change the verbiage to ...other than registered metal recycling entities... A vote was taken and the motion passed 7-0.

4. **Consider, and act upon, Ordinance No. 2022-63 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.**

Staff Comments

Finance Director Beard addressed the Council stating a budget increase of \$287,000 is requested for the General Fund. The request will increase the line item used to pay the monthly trash disposal fee to CWD. FY 2022 budgeted numbers were based on the FY 2021 budget with no increase. The budget amount should have taken into account customer growth and a rate increase for CWD which was approved in January 2022. The overall effect of this amendment is to increase the General Fund budget by \$287,000 and decrease the fund balance by the same amount.

Council Action

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

5. **Consider, and act upon, Ordinance No. 2022-64 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.**

Staff Comments

L Finance Director Beard addressed the Council stating TxDOT is widening FM 2514 (Parker Road) from FM 1378 to Brown Street. During engineering design, it was discovered that a City waterline main conflicts with the proposed improvements. To capitalize on the economy of scale involving this large project, the City elected to have the relocation of the City's impacted waterline included in the construction of TxDOT's project. To cover the full amount for the City's waterline relocation, TxDOT is requesting the remaining \$260,172 in funding. The funding will come from the City's Utility Fund.

Council Comments

Councilman Williams confirmed that TxDOT has handled all of the bids and the City is not in control of the bids or process. Beard confirmed that was correct. Mayor Porter added the City is required to participate in this project as TxDOT is widening the roadway and the City water lines have to be moved.

Council Action

A motion was made by Councilman Williams, seconded by Councilman Wallis, to approve Item 5 as presented. A vote was taken and the motion passed 7-0.

Mayor Porter recessed the Council into a break at 7:23 p.m.

Mayor Porter reconvened the Council at 7:29 p.m.

EXECUTIVE SESSION

Mayor Porter convened the Council into Executive session at 7:30 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.

ES4. WS1. Discuss Downtown Traffic Analysis Results - Pedestrian and Traffic Analysis.

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

Mayor Porter reconvened the Council into Open Session at 7:55 p.m.

WORK SESSION

Mayor Porter convened the Council into a Work Session at 7:55 p.m.

WS1. Discuss Downtown Traffic Analysis Results - Pedestrian and Traffic Analysis.

Public Works Director Porter introduced the design engineers Joseph Short and Josh Smith with Lee Engineering. Smith addressed Council giving a presentation on the Wylie Downtown Traffic Study including: The Study purpose, the Study progress, the Study methodology, and recommended options.

The Study methodology included the collected data on pedestrian and traffic counts, estimated future traffic, demand, modeled traffic, operations (pedestrian and vehicle delay) for each option including weekday (AM and PM) and Saturday peak hours, eliminated poor alternative combos, re-assigned traffic for new roadway capacity (TxDOT and City), utilized street light probe data to estimate bypass diversion, assumed new trips for future development, City and EDC owned parcels, other downtown redevelopment, estimated 550,000 square foot of new or redeveloped land downtown by 2045, coordinated trip generation and assignment with zoning, re-assigned trips to new traffic patterns, one-way streets, manual reassignment (labor intensive) included: 26 intersections x 12 movements each x 9 options x 3 peak hours (AM, PM, Sat) x many origins and destinations each = 100,000+ data points to consider, assumed improvements where needed and practical, curb bump-outs, crosswalks, Rectangular Rapid-Flashing Beacons (RRFB) sign assemblies for pedestrians, most downtown core, intersections signalized by 2045, evaluated operations for future conditions including: 2024 medium-term design year with Parker Road widening and Park Boulevard extension, future (2045) long-term design year with increased business density downtown, and with and without one-way street conversions.

Smith presented the following options: Option 1: existing conditions with two-way traffic on Birmingham, two-way traffic on Jackson, and two-way traffic on Ballard; Option 2: existing conditions with curb bump-outs and two-way traffic on all streets; Option 3: Jackson-Ballard (one-way pair) with two-way traffic on Birmingham, one-way southbound traffic on Jackson, one-way northbound traffic on Ballard; Option 3a: north transition via Brown and south transition via College; Option 3b: same as 3a but without Birmingham extension; Option 3c: same as 3a but with south transition via Butler; Option 4: Birmingham-Ballard (one-way pair) with one way southbound traffic, two-way traffic on Jackson, one-way northbound traffic on Ballard; Option 4a: north transition via Brown and south transition via College; Option 4b: same as 4a but without Birmingham extension (transition via Brown, Jackson, and Marble); Option 4c: same as 4a except north transition via Jackson extension and Marble; and Option 4d: same as 4a but south transition via Oak.

Smith's presentation also included the Level of Service, Pedestrian Analysis, and Vehicular Capacity Analysis.

Porter added at the next Council meeting the presentation will address parking arrangements.

Citizen Comments

Bob Heath addressed Council stating he appreciates what Council is doing and appreciates the open communication with the Downtown merchants and owners.

Jeremy Meier, representing the Downtown Merchants Association, addressed Council stating the widening of the sidewalks would interfere with the traffic flow and in speaking with the downtown merchants the consensus is that they would like to see downtown be more pedestrian friendly for outdoor dining, entertainment, and walking, and are okay with losing some parking spaces to accommodate that.

Jon Lewis, representing the Birmingham Land Trust, addressed Council stating he really likes the thought of Birmingham being extended to the north to connect to Ballard and would like to see Council consider it.

Council Comments

Council direction included to move forward with bringing back information on Option 4a and look further at the extension of Birmingham Street.

RECONVENE INTO REGULAR SESSION

Mayor Porter reconvened the Council into Regular Session at 8:33 p.m.

EXECUTIVE SESSION

Mayor Porter convened the Council into Executive session at 8:34 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 1378/Parker, FM 544/Cooper, FM 544/Sanden, Jackson/Oak, Regency/Steel, State Hwy 78/Alanis, 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 2013-9a, 2017-6a, 2020-11b, 2021-2d, 2021-4a, 2021-5a, 2021-6a, 2021-6c, 2021-8a, 2021-9a, 2021-9b, 2021-9c, 2021-9f, 2021-11a, 2021-12a, 2021-12b, 2022-1a, 2022-4d, 2022-7a, 2022-7b, 2022-7c, 2022-9a, and 2022-9b.

Sec. 551.074. PERSONNEL MATTERS; CLOSED MEETING.

(a) This chapter does not require a governmental body to conduct an open meeting:

(1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or

(2) to hear a complaint or charge against an officer or employee.

(b) Subsection (a) does not apply if the officer or employee who is the subject of the deliberation or hearing requests a public hearing.

ES3. Discuss the evaluation of the City Manager.

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

Mayor Porter reconvened the Council into Open Session at 10:20 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. 2022-61, 2022-62, 2022-63, and 2022-64 into the official record.

ADJOURNMENT

A motion was made by Councilman Strang, seconded by Councilman Duke, to adjourn the meeting at 10:22 p.m. A vote was taken and the motion passed 7-0.

ATTEST:

Stephanie Storm
Stephanie Storm, City Secretary



Matthew J. Porter
Matthew Porter, Mayor