

Wylie City Council Regular Meeting Minutes

August 08, 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 6:00 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 Sid Hoover, and Councilman Gino Mulliqi.

Staff present included: City Manager Brent Parker; Deputy City Manager Renae Ollie; Assistant City Manager Lety Yanez; Fire Chief Brandon Blythe; Police Chief Anthony Henderson; Finance Director Melissa Brown; Public Information Officer Craig Kelly; City Secretary Stephanie Storm; City Engineer Tim Porter; Public Works Director Tommy Weir; Purchasing Manager Glenna Hayes; Engineering Project Manager Jenneen Elkhaid; AMI Analyst Alex Ocanas; Library Director Ofilia Barrera; and various support staff.

INVOCATION & PLEDGE OF ALLEGIANCE

Councilman Williams led the invocation, and Councilman Hoover led the Pledge of Allegiance.

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 persons present wishing to address the City 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 July 25, 2023 Regular City Council Meeting minutes.
- B. Consider, and act upon, the recommendation to reject all bids for W2023-82-B Woodbridge Parkway and Hensley Lane Traffic Signal Project.
- C. Consider, and act upon, Resolution No. 2023-11(R) to ratify Wylie PSPO Agreement #W2022-108-E with Kimley-Horn and Associates for On-Call Traffic ITS and Operations Services in the estimated annual amount of \$100,000.00, and authorizing the City Manager to execute any necessary documents.
- D. Consider, and act upon, Resolution No. 2023-12(R) authorizing the City Manager of the City of Wylie, Texas, to execute an Interlocal Agreement between Collin County and the City of Wylie, Texas concerning the construction of McMillen Drive from McCreary Road to Country Club Road.

- E. Consider, and act upon, Ordinance No. 2023-32 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.
- F. Consider, and act upon, Modification No. 2 to Wylie Contract #W2021-76-A for Employee Medical, Dental and Rx Benefits with Cigna Health and Life Insurance Company in an estimated annual amount of \$449,093.00; and authorizing the City Manager to execute any necessary documents.
- G. Consider, and act upon, Resolution No. 2023-13(R) suspending the September 1, 2023 effective date of CoServ Gas, Ltd.'s requested rate change to permit the City time to study the request and to establish reasonable rates; approving cooperation with other cities in the CoServ service area, to hire legal and consulting services and to negotiate with the company and direct any necessary litigation and appeals; requiring reimbursement of the steering committee of cities served by CoServ Gas' rate case expenses; 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.

Council Action

A motion was made by Councilman Mulliqi, seconded by Councilman Duke, to approve the Consent Agenda as presented. A vote was taken and the motion passed 7-0.

REGULAR AGENDA

- 1. Consider, and act upon, approval of an amendment to sewer CCN No. 20068 to include the 42.702-acre tract known as Breezy Beach RV Resort and authorize completion and filing of the Application to Obtain or Amend a Water or Sewer Certificate of Convenience and Necessity (CCN) with the Public Utility Commission of Texas.

Staff Comments

City Engineer Porter addressed Council stating this item is a request to amend Wylie's CCN for Breezy Beach RV Park. This proposed development does include a Lift Station that can handle the flow from two different sub-basins. Three pipes upstream of Braddock Place will need to be upsized to handle the flow, which the developer will do.

Council Comments

Mayor Porter confirmed bringing this property into Wylie's CCN only includes Breezy Beach at this time. City Engineer Porter confirmed that is correct. Mayor Porter asked if they will upsize the pipes in phases or all at once. Matt Adkins, representing Teague Nall Perkins, replied they can do everything upfront. Councilman Williams requested additional information on what is the CCN. City Engineer Porter replied the CCN is areas that the City of Wylie will serve with sewer and water, and added if this item is approved, this one specific area will be added to the Wylie CCN boundary. Williams confirmed this property is not being brought into the City limits and the City will not have to provide City services. Porter confirmed this property is not being brought into the City limits; and added this is formalizing an agreement to have City sewer service to that property. Mayor *pro tem* Forrester clarified the maintenance of the Lift Station will fall on the owner of the Lift Station. City Engineer Porter replied the City has requested that. Forrester asked if there will be an agreement in place between the City and the owner of the property that stipulates the requests of the City. City Engineer Porter replied the City can do one, and added they will submit plans to the City that have to be reviewed by Engineering and staff can identify the lines and maintenance at that time. Adkins replied the plat will go through the City of Rowlett since the property is located within their ETJ but they are willing to include the maintenance and operation of the Lift Station in the plans or a separate document. Forrester added he would like to see an agreement in place with the stipulations. Adkins replied they will work with the Planning Department to get one in place before the finalization of this development. Councilman Mulliqi asked if a stipulation could be added for any future owners as well, not just the current property owner; and asked if adjacent properties located in Wylie's ETJ will be able to join these lines and Lift Station in the future. City Engineer Porter replied no other developments can tie into the sewer main improvements as it is a pressurized line, an additional basin would require approval for future development, and if the future adjacent

properties are located in the area that the Lift Station serves they will be able to tie into the Lift Station. Councilman Duke confirmed the developer is paying for all of the improvements. Adkins replied they will pay for and install any improvements needed as required by City staff in accordance with engineering standards.

Council Action

A motion was made by Councilman Mulliqi, seconded by Councilman Williams, to approve Item 1 as presented with changes agreed upon at tonight's Council meeting. A vote was taken and the motion passed 6-1 with Councilman Strang voting against.

2. **Consider, and act upon, Ordinance No. 2023-33 amending Wylie's Code of Ordinances, Ordinance No. 2021-17, as amended, Chapter 98 (Solid Waste), Article I (In General), Section 98-2 (Definitions), and Article II (Junkyard; Salvage Yards), Section 98-21 (Residential Collection – Regulations), Section 98-23 (Residential Collection – Regulations), and Section 98-24 (Residential Collection – Fees for unusual collection); providing for a penalty for the violation of this Ordinance; providing for repealing, savings and severability clauses; providing for an effective date of this Ordinance; and providing for the publication of the caption of this Ordinance.**

Staff Comments

City Manager Parker addressed the Council stating changes were made to the bulk trash pickup program after the first of the year so that residents no longer have to call in, and instead is based on the day of the month and correlates with the Saturday that it gets picked up. Changes were not instituted in the ordinance to reflect that, and there are now four options for residents to remove their bulk trash including Saturday pickup, residents can call CWD to schedule a pick up for an additional charge, CWD provides two trucks at the Public Works Facility on Hensley Lane every Saturday from 8:00 a.m. to 12:00 p.m. where residents can drop off their bulk, and the resident can take bulk straight to the dump. Parker stated this item is amending the ordinance and allowing the City to charge residents who violate the ordinance, but added the City does try to work with the residents before charging a fine.

Council Comments

Councilman Mulliqi asked how do we charge residents if their bulk is larger than what they are allowed to have. Parker replied the City does not currently do this but that is part of this ordinance and will be billed on their water bill. Councilman Williams asked if there is a call to the homeowner if CWD shows up and it is going to be an additional charge. Parker replied yes, the homeowner is called after CWD notifies the City with a non-compliant list that they send every week. Once the non-compliant list is received, the Meter Technicians drive around and verify the noncompliance, issue door hangers, and work with the residents.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Duke, to approve Item 2 as presented. A vote was taken and the motion passed 7-0.

3. **Consider, and act upon, Resolution No. 2023-14(R) authorizing the City Manager to execute a Second Amendment to Amended & Restated Solid Waste and Recycling Contract (#W2023-88-A) between the City of Wylie, Texas and Community Waste Disposal, L.P.**

Staff Comments

City Manager Parker addressed the Council stating the City has been in partnership with CWD for several years for solid waste. The City's contract ended last year, and the City extended it one year to assess other potential options. After looking at other potential options, the City has worked with CWD to enhance the current contract so that it can be extended for another five years by adding performance measures which will be reviewed on an annual basis to ensure performance marks are being reached, and Utility Billing will set up routine meetings to meet with CWD to discuss any deficiencies that may come up. Parker added the number of complaints that have transpired in the past has drastically reduced. If the City switched providers, the rate would increase anywhere from \$7 to \$10 a month.

Council Comments

Councilman Williams asked regarding the complaints that Utility Billing receives on a day-to-day basis, since CWD installed the third eye system on the trucks, how often are complaints not CWD's fault. Ocanas replied, from a customer service standpoint, staff does not ask questions to determine who is right or wrong, but instead tries to solve the issue. Williams asked how much the third eye system helped show whether it was a training issue with an employee or just a happenstance. Ocanas replied the cameras have not necessarily been part of helping the City resolve any issues, as most of the issues are mainly having bulk out or the resident not knowing that their bulk was supposed to be out on a Saturday. Parker added that language has been added in the contract regarding the clean-up of hydraulic spills. Councilman Mulliqi requested additional information on the performance measures. Ocanas replied essentially having better communication with CWD including more standard meetings with CWD's Municipal Coordinator, roughly twice a month, and CWD providing the City with a monthly log of customer complaints that they receive at their customer service center. This is in addition to the cameras being added, the daily non-compliant list, and the emailing City staff when they are done with their routes every night. Mulliqi clarified since this is a five-year renewal is there an opt-out for either party. Parker replied every year this contract will be reviewed. Mayor *pro tem* Forrester asked when the non-compliant list is received, is staff contacting the customer and giving them the reason behind why they did not get the service that they expected and provide them corrective action. Ocanas replied they focus on the bulk and contact those customers as CWD communicates with the customer directly on other issues. Council thanked CWD and staff for the changes that have been implemented to improve service.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Williams, to approve Item 3 as presented. A vote was taken and the motion passed 7-0.

4. **Consider, and act upon, Ordinance No. 2023-34 amending Wylie's Code of Ordinances, Ordinance No. 2021-17, as amended, Appendix C (Wylie Comprehensive Fee Schedule), Section II (Garbage, Trash and Brush Fees).**

Staff Comments

City Manager Parker addressed Council stating this item is updating the Fee Schedule to reflect the contract that was just approved. The new rate is \$16.76 a month to the customer for trash and recycling service, which the previous rate was \$14.21. Parker added CWD has not increased rates in two years.

Council Comments

Mayor Porter added there have been a lot of changes with inflation, gas prices, cost of employment, and doing business in the last two years since the Council last considered any sort of rate change.

Council Action

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

5. **Consider, and act upon, Resolution No. 2023-15(R) of the City Council of the City of Wylie, Texas, accepting the proposed property tax rate for the fiscal year 2023-24, accepting the calculation of the no new revenue tax rate and the voter approval tax rate, establishing August 22, 2023 at 6:00 p.m. at the City of Wylie Municipal Complex for a public hearing and vote on the proposed property tax rate, and providing for the publication as provided by the Texas Property Tax Code, Chapter 26.**

Staff Comments

City Manager Parker addressed Council stating there has been discussion regarding the current tax rate that is being proposed and added if there are any changes to the proposed tax rate, those changes will need to be made tonight. Two cents are being added for the debt rate and that is above the no new revenue rate; therefore, that requires five Councilmembers to vote in favor of it in order to be approved.

Council Comments

Mayor Porter thanked staff and Council for the work they have put into the budget this year, and added at the previous Council meeting Council discussed moving forward with the no new revenue rate plus the debt; however, since that time, the County has provided the City additional information that the projected revenue is not going to be as high as what was expected. Porter added typically in the past, the county has overestimated; however, this year there was a significant difference in the amount which has an impact on the budget. Porter added the Council has done a lot in the past five to ten years concerning financial policy and management, but understands that part of being fiduciary responsible is making sure that the City is presenting a budget and tax rate that helps sustain the City and the City services, including the new EMS program. Mayor Porter, Councilman Strang, Mayor *pro tem* Forrester, Councilman Duke, and Councilman Mulliqi stated they would support a one-cent increase on top of the no new revenue rate, plus two cents for the debt, making the proposed tax rate 0.538882. Councilman Williams and Councilman Hoover stated looking at the future shortcomings with the new EMS program and other changes that Council has discussed making, they would like to see a two to three cent increase over the no new revenue rate plus two cents for the debt.

Council Action

A motion was made by Councilman Strang, seconded by Mayor *pro tem* Forrester, to approve Resolution No. 2023-15(R) as amended of the City Council of the City of Wylie, Texas, accepting the proposed property tax rate of \$.538882 for the fiscal year 2023-24; accepting the calculation of the no new revenue tax rate and the voter approval tax rate, establishing August 22, 2023, at 6:00 p.m. at the City of Wylie Municipal Complex for a public hearing; vote on the proposed property tax rate; and providing for the publication as provided by the Texas Property Tax Code, Chapter 26. A vote was taken and the motion passed 6-1 with Mayor Porter, Councilman Duke, Councilman Strang, Mayor *pro tem* Forrester, Councilman Hoover, and Councilman Mulliqi voting for, and Councilman Williams voting against.

6. **Establish a date, time and place to hold a Public Hearing on the fiscal year 2023-2024 Proposed Budget so that all interested persons may be heard, either for or against any item in the proposed budget before final approval. The date, time and place for the hearing and the final vote will be published in the City's official newspaper, as provided by the Texas Local Government Code, Section 102.006.**

Staff Comments

City Manager Parker addressed Council stating this item is to establish the date and time for a public hearing for the proposed budget. The date, time, and place for the hearing and the final vote will be published in the City's official newspaper and posted on the City's website. The hearing date must be at least 15 days after the proposed budget was filed with the City Secretary's Office on August 4th and the notice must be published at least five days before the hearing. Staff recommends August 22nd at 6 p.m. in the Council Chambers of the Municipal Complex.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang, establishing August 22, 2023, at 6:00 p.m. in the Council Chambers of the Wylie Municipal Complex, 300 Country Club Road, Wylie, Texas as the date, time, and place at which the public hearing will occur and Council will vote on the final budget. A vote was taken and the motion passed 7-0.

Mayor Porter recessed the Council into a break at 6:54 p.m.

Mayor Porter reconvened the Council into Regular Session at 7:03 p.m.

WORK SESSION

Mayor Porter convened the Council into Work Session at 7:03 p.m.

WS1. Discuss F.K. Homes CCN Sanitary Sewer Study.

City Engineer Porter addressed Council stating this Work Session is to discuss Council's input on adding this area to the City's CCN boundary. The area being discussed is outlined in the magenta color in the bottom right corner of Exhibit A, which was included in the agenda packet. Porter added as each of these developments come in, he requests they have a study done to show that the downstream sewer system can handle what they are proposing, specifically since they are not in the City's sewer CCN and we do not currently have any means or motive to accept sewer. Porter added this is a request of the developer to accept sewer and in return, they do a study for the City and anything downstream, including pipes or Lift Stations, the City requests the developer fund 100 percent of the costs associated with upsizing before coming to Council. Joe Carter, representing Birkhoff, Hendricks & Carter, LLP Professional Engineers, was present as the City's reviewing engineer to go over the results of this study, which was paid for by the developer. Mr. Carter reviewed Exhibit A showing a 30,000-foot view of the lines that are already equipped to handle the flow and made recommendations on what would need to be upsized. Carter stated that the developers for F.K. Homes Development contacted Birkhoff, Hendricks & Carter for this analysis due to their knowledge of the City's wastewater system. The proposed development is well over 15 acres in size and they have projected 101 lots. The closest gravity sewer is located across the street, and looking at the Sanitary Sewer from design point A, which is Sanitary Sewer Line B, and down to the Lift Station, the gravity system does have the capacity for the full development of the Lake Park Villas plus the F.K. Homes Development. The Pheasant Creek Lift Station has adequate capacity for the Lake Park Villas development with a small margin of additional capacity, but not enough to accommodate the full development of the 101 lot F.K. Homes development. Carter stated they contacted a pump vendor to find out the approximate cost to add new pumps, and it was roughly \$70,000 just for the pumps themselves. Carter added they were asked how much would it cost to upgrade the station, but Carter added in order to know the actual cost, it would require the hiring of an engineer to go in and do an analysis of the electrical systems, pipes, and the condition of everything at the site. The force main itself has the capacity for the proposed development. Carter stated they did a Proposed System Curve which shows the existing System Curve and what would be required for the pumps to handle peak flow for the F.K. Homes development, and it would go from the current capacity of 0.69 to a necessary capacity of 0.72, which is a small percentage increase. The City's criteria were utilized for this analysis including the number of people per unit, gallons per person, etc.

Staff requested Council's direction on if they are in support of extending the CCN boundary based on the facts in the study. Council comments and questions included whether they are seeking annexation of property, how the property would be handled not being in Wylie's ETJ, would feel better if the annexation was in front of Council first, would like documentation from Rowlett to release the area in their ETJ to Wylie's ETJ, request for CCN tied to an annexation would be preferred if the capacity is devoted to a new project, does it need its own Lift Station, and looks like a great product.

RECONVENE INTO REGULAR SESSION

Mayor Porter reconvened the Council into Regular Session at 7:23 p.m.

EXECUTIVE SESSION

Mayor Porter convened the Council into Executive Session at 7:23 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. Discuss FM 544 Property Acquisitions.

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

Mayor Porter convened the Council into Open Session at 7:32 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 of Ordinance Nos. 2023-32, 2023-33, and 2023-34 into the official record.

ADJOURNMENT

A motion was made by Councilman Strang, seconded by Councilman Mulliqi, to adjourn the meeting at 7:34 p.m.
A vote was taken and the motion passed 7-0.

ATTEST:

Stephanie Storm
Stephanie Storm, City Secretary



Matthew O. Porter
Matthew Porter, Mayor