

Wylie City Council Minutes

September 14, 2021 – 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 Timothy T. Wallis, and Councilman Garrett Mize. Councilman Scott Williams was absent.

Staff present included: 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 Works Director Tim Porter; Project Engineer Jenneen Elkhaid; Public Information Officer Craig Kelly; Economic Development Executive Director Jason Greiner; Human Resources Director Lety Yanez; Municipal Court Judge Art Maldonado; Planning Manager Jasen Haskins; City Attorney Richard Abernathy; Library Director Ofilia Barrera; City Secretary Stephanie Storm, and various support staff.

INVOCATION & PLEDGE OF ALLEGIANCE

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

PRESENTATIONS & RECOGNITIONS

PR1. Hispanic Heritage Month.

Mayor Porter recognized Hispanic Heritage Month which is September 15 through October 15.

CITIZEN COMMENTS ON NON-AGENDA ITEMS

Darnell Marshall, Dan Chesnut, Diane Chesnut, Nakita Christensen, and Jessica Hughes addressed Council, speaking in objection to turning over the operations of the Wylie Recreation Center to the DFW YMCA.

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 August 24, 2021 Regular City Council Meeting minutes.
- B. Consider, and act upon, Resolution No. 2021-26(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.
- C. Consider, and act upon, approval of the Purchasing Policies.
- D. Consider, and act upon, approval of the Debt Management Policy.
- E. Consider, and act upon, approving the Financial Management Policies.

- F. Consider, and act upon, Ordinance No. 2021-45 for a change of zoning from Commercial Corridor (CC) to Planned Development - Commercial Corridor (PD-CC), to allow for commercial development on 7.79 acres generally located at the northeast corner of North State Highway 78 and Eubanks Lane (ZC2021-20).
- G. Consider, and act upon, a Preliminary Plat for Wylie Logistics Park, to establish nine industrial lots and two open space lots on 225.081 acres, property generally located at the northeast corner of State Highway 78 and Spring Creek Parkway.
- H. Consider, and act upon, the acceptance of the Bylaws governing the rules of procedure for the Cemetery Advisory Board.
- I. Consider, and act upon, the approval of the renewal of J.P. Morgan Chase Procurement Cards (P-Cards) through an inter-local agreement between the City of Wylie and the City of Ft. Worth, and authorizing the City Manager to execute any necessary documents.
- J. Consider, and act upon, the approval of the purchase of Annual Maintenance and Software Upgrade for Public Safety Radios and Network Recording Software from Motorola Solutions Inc. in the estimated annual amount of \$71,924.00 through a cooperative purchasing contract with the Texas Department of Information Resources and authorizing the City Manager to execute any necessary documents.
- K. Consider, and act upon, the approval of an Interlocal Environmental Services Agreement with Collin County Environmental Health Care Services to provide public health functions in the estimated annual amount of \$44,216.00; and authorizing the City Manager to execute any necessary documents.

Mayor Porter requested Items C, E, and H be removed from the Consent Agenda and considered individually.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang, to approve Consent Agenda Items A, B, D, F, G, L, I, J, and K as presented. A vote was taken and motion passed 6-0 with Councilman Williams absent.

REGULAR AGENDA

- C. Consider, and act upon, approval of the Purchasing Policies.

Council Comments

Mayor Porter asked if there is a way to allow Council to get involved on the larger priced projects before the item goes out for bid. Purchasing Manager Hayes explained the evaluation criteria and process utilized by staff. Hayes stated it is important to keep the process impartial and information confidential until the decision is made and announced; however, if Council wants to have discussions with staff about the overall architecture of a future building that can be completed during work sessions. Porter stated his concern is Council giving input at the end of the process after a vendor is chosen. Hayes stated a conflict can occur if Council gets into the specifications as Council is the final vote on the award process. Porter stated he does not want to get into the evaluation process, but instead would like to give input on how the scores are weighted in the different categories. Councilman Mize stated he is satisfied with the policy as presented, and where appropriate as mentioned, Council could give general feedback and direction, but not get involved in the weighting of the qualifications. Councilman Strang agreed with Councilman Mize with not getting involved in the details, but would like to see some examples of what the contractor built if that is possible. Porter stated specific names cannot be released during the process, but Council may have an initial work session with general examples of desired architectural designs to give to staff before the process begins. Hayes stated information such as that can also be included in the bid specs so the firms are aware of what the City is looking for.

Council Action

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

E. Consider, and act upon, approving the Financial Management Policies.

Council Comments

Mayor Porter requested additional information on General Fund, Utility Fund, and 4B Fund Fund Balance.

Finance Director Beard replied the Fund balance requirement for the General Fund is 25 percent of the budgeted expenditures for the year; however, the rating agencies like to see at least a 30 percent Fund balance. Traditionally the City has greater than 30 percent in the General Fund balance at the end of the year due to conservative budgeting and spending. Beard recommended keeping the General Fund Fund balance at 35 percent to assist the City with future ratings by the agencies.

Beard stated the Utility Fund Fund balance requirement is 90 days of the budgeted expenditures, and the City strives to keep a healthy Fund balance to prevent volatile rates charged to customers.

Beard stated the 4B Fund Fund balance requirement is 25 percent of the budgeted sales tax revenue, and the City strives to keep a healthy Fund balance due to the volatility of the sales tax revenues.

Council Action

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

H. Consider, and act upon, the acceptance of the Bylaws governing the rules of procedure for the Cemetery Advisory Board.

Council Comments

Mayor Porter confirmed that term limits were included in the rules of procedures. Cemetery Advisory Board liaison Ollie reported they had their first meeting which was successful. Mayor *pro tem* Forrester asked if staff has additional information regarding the oversight of the Board. Ollie replied there are laws that will govern the Board and an ordinance will be brought to Council at a future meeting. Forrester confirmed the City has not officially taken over the cemeteries. Ollie replied that is correct.

Council Action

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

EXECUTIVE SESSION

Mayor Porter convened the Council into Executive Session at 6:55 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 Right-of-Way Acquisition for McMillen Drive and Eubanks Lane.

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

Mayor Porter reconvened the Council into Open Session at 7:54 p.m.

EXECUTIVE SESSION

Mayor Porter convened the Council into Executive Session at 7:54 p.m. in regard to Work Session 1 CWD Rate Increase and contract modification discussion.

Sec. 551.071. CONSULTATION WITH ATTORNEY; CLOSED MEETING.

A governmental body may not conduct a private consultation with its attorney except:

- (1) when the governmental body seeks the advice of its attorney about:
 - (A) pending or contemplated litigation; or
 - (B) a settlement offer; or
- (2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

Mayor Porter reconvened the Council into Open Session and into Work Session at 8:11 p.m.

WORK SESSION

WS1. Presentation and discussion with CWD regarding a rate increase and contract modification to contract #W2018-118-A Solid Waste & Recycling Services with Community Waste Disposal L.P., adjusting the billing rates effective 10/1/2021.

Greg Roemer, representing Community Waste Disposal (CWD), addressed Council giving a brief presentation that included challenges such as the pandemic, residential trash volumes, February 2021 FEMA-Declared Disaster, and labor shortages; city of Wylie data and statistics; CWD Recovery Plan; and the October annual rate adjustment.

Roemer answered questions from Council regarding the labor shortage, if CWD can track a driver's route, identify hot spots, and if there are improvements to service that can be made to offset the cost increase. Council expressed concerns with a rate increase with the complaints received from residents which include the recycling and bulk not being picked up, mixing trash and recycling together, leaking hydraulic fluid, performance issues, and trash left on the ground after servicing.

Roemer explained the 10 percent increase includes a 4.5 percent inflation cost and a 5.5 percent fuel cost increase.

RECONVENE INTO REGULAR SESSION

Mayor Porter reconvened the Council into Regular Session at 8:46 p.m.

1. **Hold a public hearing, consider, and act upon, Resolution No. 2021-27(R) of the City Council of the City of Wylie, Texas, recognizing and offering no objection to the intent of Roers Wylie Apartments Owner Limited Partnership to submit an application to the Texas Department of Housing and Community Affairs for 2021 Housing Tax Credits to develop Wylie Senior Apartments, property generally located on the south side of FM 544 approximately 1400 feet west of Sanden Boulevard.**

Staff Comments

Planning Manager Haskins addressed Council stating in July 2021, the City Council held a work session in which Roers Development presented a potential project for a Seniors only affordable living apartments. Based on Council feedback during that work session, Roers has decided to pursue tax credits for the potential development through an application to the Texas Department of Housing and Community Affairs. In accordance with the requirements, the governing body may, after a public hearing, provide a resolution regarding the tax credit application. The resolution is required for the application to be accepted. At Roers request, staff has prepared a resolution, which states the project location, name, and that Council does not object to the tax credit application. The resolution does not reference, support, or guarantee any zoning changes or other project requirements.

Public Hearing

Mayor Porter opened the public hearing on Item 1 at 8:49 p.m. asking anyone present wishing to address Council to come forward.

No person was present wishing to address Council.

Mayor Porter closed the public hearing at 8:49 p.m.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang, to approve Item 1 as presented. A vote was taken and the motion passed 6-0 with Councilman Williams absent.

- 2. Consider, and act upon, an agreement authorizing the appointment of Steve Feil as Associate Municipal Court Judge for the City of Wylie effective October 1, 2021, setting terms and hourly rate of service.**

Council Comments

Mayor Porter asked Municipal Court Judge Maldonado to share additional information on this item. Maldonado stated with the jail opening at the Public Safety Building, it has increased the need for an additional Associate Judge as it is a requirement that a Judge be present on the date a person is arrested to magistrate them. Judge Feil introduced himself to the Council and gave background information on himself which included serving as a prosecutor, defense attorney, and a magistrate in Dallas County.

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 Williams absent.

- 3. Consider, and act upon, the award of Request for Proposal (RFP) #W2021-76-A for Human Resources Health & Welfare Benefits to Various Vendors in the estimated annual amount of \$4,273,945.00 and authorizing the City Manager to execute any necessary documents.**

Mayor Porter announced he may have a conflict of interest and recused himself from the meeting at 8:55 p.m.

Staff Comments

Purchasing Manager Hayes addressed Council stating the City issued a Request for Proposals (RFP) for the employee and retiree health and welfare benefits, both City and employee funded programs, and the City received 27 responses. All submissions were reviewed by City staff and the consulting firm, HUB International, Inc., in accordance with the published evaluation criteria.

Council Comments

Councilman Strang asked if the benefits are the same as what was previously submitted. Human Resource Director Yanez replied the benefits are the same as what was presented with some enhancements, and added moving to the new medical carrier, the City will gain five percent savings, and the split for spouses to cover their dependents will be 53 percent instead of the current 50 percent. Strang asked about a potential spousal surcharge. Yanez replied that currently there are 80 spouses covered on City insurance, and after doing calculations on a possible surcharge it

would affect potentially a little more than half of the 80 employees; therefore, staff decided that the City would absorb the five percent savings and add an additional three percent for the employee cost.

Council Action

A motion was made by Councilman Mize, seconded by Councilman Duke, to approve Item 3 as presented. A vote was taken and the motion passed 5-0 with Mayor Porter abstaining (Conflict of Interest on file with City Secretary) and Councilman Williams absent.

Mayor Porter returned to his seat at the dais at 9:04 p.m.

Mayor Porter convened the Council into Work Session at 9:04 p.m.

WORK SESSION

WS2. Discuss Wylie Wastewater Treatment Plant Demolition Options.

Public Works Director Porter addressed Council to discuss options for demolition of the Wylie Wastewater Treatment Plant, including costs associated with each. Public Works Director Porter thanked Clayton Barnard, representing Freese and Nichols; Billy George and Scott Hoelzle, representing NTMWD; and Marvin Fuller, NTMWD board member for attending the work session this evening. Public Works Director Porter stated Option 1 would be to remove the top two feet of concrete of the basins that hold the water, Option 2 is the demolition of all of the structures two feet below the ground, Option 2A is an additional cost for the full removal of the concrete, Option 3 is the demolition of all the structures two feet below the ground and moving the wastewater interceptor, Option 4 is the demolition of all structures two feet below ground, moving the wastewater interceptor and adding a decel lane, and Option 5 is the demolition of all structures two feet below ground, moving the wastewater interceptor, and adding an access drive. Public Works Director Porter and Barnard answered questions from Council.

Direction from Council included Mayor Porter, Councilman Mize, Councilman Duke, and Councilman Wallis giving direction on Options 3 and 2A, and Mayor *pro tem* Forrester and Councilman Strang giving direction on Options 4 and 2A. The consensus of Council was to maintain the perimeter fencing around the site during demolition and then reduce the fencing to only the bioxide feed system.

Mayor Porter convened the Council into a break at 9:28 p.m.

Mayor Porter reconvened the Council at 9:34 p.m.

WS3. Discuss Potential Uses for the Fund Balance in the General Fund.

Mayor Porter stated he requested this item be placed on the agenda for discussion.

Direction from Council included: gather additional information for the Senior Center remodel and to allocate \$750,000 towards the project; allocate \$1,300,000 towards two splash pads, one on the east side and one on the west side of the City; allocate \$700,000 for a dog park; allocate \$600,000 for sidewalk repairs; allocate \$500,000 for storm drainage facilities; allocate \$1,200,000 for Quint Unit #116 replacement and potentially designating additional money to a separate fund for a future fire truck; allocate \$250,000 for LifePak 15 Heart Monitors; and allocate \$120,000 for a Library book sorter from the General Fund Fund balance.

Council stated other potential items to use Fund balance for include: trails, beautification, practice fields, land acquisition for park usage, connectivity of trails especially around downtown, lighting, benches, bike lane, field improvements for Founders, and improvements near Wylie High School and Kroger Marketplace to ensure safety of the students.

RECONVENE INTO REGULAR SESSION

Mayor Porter convened the Council into Regular Session at 10:34 p.m.

EXECUTIVE SESSION

Mayor Porter convened the Council into Executive Session at 10:34 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.

ES2. Consider the sale or acquisition of properties located at FM 544/Cooper, Jackson/Oak, State Hwy 78/Brown, State Hwy 78/Ballard, and Ballard/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).

ES3. 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, 2018-3a, 2020-11b, 2021-4a, 2021-4b, 2021-4c, 2021-6a, 2021-8a, 2021-9a, and 2021-9b.

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

Mayor Porter reconvened the Council into Open Session at 11:51 p.m.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Mayor Porter, authorizing the Wylie EDC to enter into a Performance Agreement with Project 2017-10a in an amount not to exceed \$2,300,000. A vote was taken and the motion passed 6-0 with Councilman Williams absent.

READING OF ORDINANCES

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

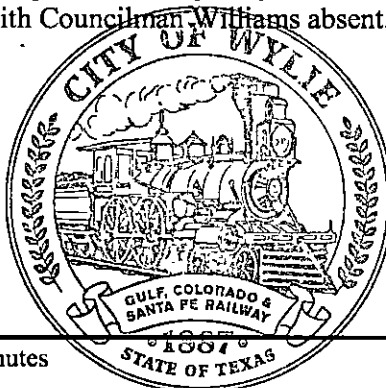
City Secretary Storm read the caption to Ordinance No. 2021-45 into the official record.

ADJOURNMENT

A motion was made by Councilman Strang, seconded by Mayor Porter, to adjourn the meeting at 11:52 p.m. A vote was taken and motion passed 6-0 with Councilman Williams absent.

ATTEST:


Stephanie Storm, City Secretary




Matthew Porter, Mayor