



# Wylie City Council

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## Minutes

### Regular Meeting

April 27, 2021 – 6:00 p.m.

Wylie Municipal Complex – Council Chambers

300 Country Club Road, Bldg. 100

Wylie, TX 75098

### CALL TO ORDER

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Mayor Matthew Porter called the regular meeting to order at 6:00 p.m. The following City Council members were present: Junior Mayor Lillian Blackburn, Councilman David R. Duke, Councilman Dave Strang, Mayor *pro tem* Jeff Forrester, Councilwoman Candy Arrington, Councilman Timothy T. Wallis, and Councilman Garrett Mize.

Staff present included: City Manager Chris Holsted; Assistant City Manager Brent Parker; Assistant City Manager Renae Ollie; Police Chief Anthony Henderson; Fire Chief Brandon Blythe; Public Information Officer Craig Kelly; Finance Director Melissa Beard; Planning Manager Jasen Haskins; Parks and Recreation Director Rob Diaz; Human Resources Director Lety Yanez; WEDC Executive Director Jason Greiner; Public Works Director Tim Porter; Project Engineer Jenneen Elkhaid; Building Official Bret McCullough; City Secretary Stephanie Storm, and various support staff.

### INVOCATION & PLEDGE OF ALLEGIANCE

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Theresa Evetts led the invocation and Junior Mayor Blackburn led the Pledge of Allegiance.

### PRESENTATIONS

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#### **PR1. Presentation for Jr. Mayor.**

Mayor Porter introduced Junior Mayor Lillian Blackburn, administered the oath of office, and presented a proclamation for Mayor of the Day.

#### **PR2. Proclamation declaring May 9-15, 2021 as National Police Week.**

Mayor Porter presented a proclamation proclaiming May 9-15, 2021 as National Police Week in Wylie, Texas. Police Department staff was present to accept the proclamation.

#### **PR3. Proclamation declaring May 2-8, 2021 as Small Business Week.**

Mayor Porter presented a proclamation proclaiming May 2-8, 2021 as Small Business Week in Wylie, Texas. WEDC staff and board members, local business owners, members of the Wylie Chamber of Commerce, and Downtown Merchants Association were present to accept the proclamation.

**PR4. Proclamation declaring May 2021 as Building Safety Month.**

Mayor Porter presented a proclamation proclaiming the month of May as Building Safety Month in Wylie, Texas. Building Inspections Department staff were present to accept the proclamation.

**PR5. Proclamation declaring May 16-22, 2021 as National Public Works Week.**

Mayor Porter presented a proclamation proclaiming May 16-22, 2021 as National Public Works Week in Wylie, Texas. Public Works Department and Engineering Department staff were present to accept the proclamation.

**PR6. Wylie Way Students.**

Mayor Porter, Dr. David Vinson, WISD School Superintendent, and Kylie Reising, WISD School Board member, presented medallions to students demonstrating "Shining the Wylie Way." Each nine weeks one student from each WISD campus is chosen as the "Wylie Way Student."

**CITIZEN COMMENTS ON NON-AGENDA ITEMS**

There were no citizens present wishing to address the Council.

**CONSENT AGENDA**

*All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.*

- A. Consider, and act upon, approval of April 13, 2021 Regular City Council Meeting minutes.
- B. Consider, and act upon, a Final Plat for Woodbridge Phase 22A, to establish 86 residential and two open space lots on 23.993 acres, property generally located on Hensley Lane and Springwell Parkway.
- C. Consider, and act upon, a Final Plat for Woodbridge Phase 22B, to establish 62 residential and one open space lots on 14.149 acres, property generally located north of Hensley Lane approximately 1200' west of Springwell Parkway.
- D. Consider, and act upon, a Final Plat for Woodbridge Phase 22C, to establish 67 residential and two open space lots on 18.056 acres, property generally located on Springwell Parkway approximately 800' north of Hensley Lane.
- E. Consider, and act upon, a Preliminary Plat for Manors at Woodbridge, to establish 90 residential and six open space lots on 12.818 acres, property generally located on Woodbridge Parkway approximately 900' south of Hensley Lane.
- F. Consider, and act upon, a Final Plat for Inspiration Phase 2B, being a replat of Inspiration 2B lots 12R2, 13XR2, and 20XR, to establish one residential and two open space lots on 1.226 acres, property generally located on Tenacity Drive at Legendary Reef Way in the City of Wylie's Extraterritorial Jurisdiction.
- G. Consider, and act upon, a Final Plat for Inspiration Phase 6, being a replat of Inspiration 6 Lot 2XR, to establish one open space lot on 2.021 acres, property generally located on Huffines Boulevard at Miracle Mile in the City of Wylie's Extraterritorial Jurisdiction.

- H. Consider, and act upon, the award of a Job Order Contracting Project Order (JOCPO) #W2021-40-I for the Remodel of Fire Station 2 Kitchen and Day Room to ERC Inc., in the estimated amount of \$48,716.72 and authorizing the City Manager to execute any necessary documents.
- I. Consider, and act upon, Ordinance No. 2021-23, amending Wylie's Code of Ordinances No. 2021-17, as amended, Chapter 26 (Businesses), Article II (Garage and Yard Sales), Section 26-23 (Permit Required); removing requirement to obtain a garage sale permit; providing a savings/repealing clause, severability clause and an effective date.
- J. Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of March 31, 2021.
- K. Consider, and act upon, the approval of the purchase of a monument sign from Casteel & Associates, Inc. in the estimated amount of \$62,554.00 through a cooperative purchasing contract with the Texas Association of Schools Boards Buy Board, and authorizing the City Manager to execute any necessary documents.
- L. Consider, and place on file, the City of Wylie Monthly Investment Report for March 31, 2021.
- M. Consider, and place on file, the City of Wylie Monthly Revenue and Expenditure Report for March 31, 2021.
- N. Consider, and act upon, Resolution No. 2021-09(R), to ratify the emergency purchase of materials and labor for the repairs of the stormwater drainage culvert pipe, and associated soil erosion and road repairs for 6100 Pleasant Valley Road from Moss Utilities, LLC, in the estimated amount of \$67,000.00, and authorizing the City Manager to execute any necessary documents.

Staff requested Item H and Mayor Porter requested Items I and K be pulled from the Consent Agenda and be considered individually.

#### **Council Action**

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Duke, to approve Consent Agenda Items A-G, J, and L-N as presented. A vote was taken and motion passed 7-0.

#### **REGULAR AGENDA**

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- H. Consider, and act upon, the award of a Job Order Contracting Project Order (JOCPO) #W2021-40-I for the Remodel of Fire Station 2 Kitchen and Day Room to ERC Inc., in the estimated amount of \$48,716.72 and authorizing the City Manager to execute any necessary documents.

#### **Staff Comments**

Purchasing Manager Hayes addressed the Council stating staff requested this item be pulled from consent due to the dollar amount listed on the agenda has changed.

#### **Council Action**

A motion was made by Councilman Strang, seconded by Councilwoman Arrington, to approve the award of a Job Order Contracting Project Order (JOCPO) #W2021-40-I for the Remodel of Fire Station 2 Kitchen and Day Room to ERC Inc., in the estimated amount of \$49,338.22 and authorizing the City Manager to execute any necessary documents. A vote was taken and motion passed 7-0.

- I. Consider, and act upon, Ordinance No. 2021-23, amending Wylie's Code of Ordinances No. 2021-17, as amended, Chapter 26 (Businesses), Article II (Garage and Yard Sales), Section 26-23

**(Permit Required); removing requirement to obtain a garage sale permit; providing a savings/repealing clause, severability clause and an effective date.**

#### **Council Comments**

Mayor Porter clarified that the cost for a garage sale permit had been removed earlier in the year and this item removes the need to contact the City to obtain a garage sale permit.

#### **Council Action**

A motion was made by Councilman Duke, seconded by Councilwoman Arrington, to approve Ordinance No. 2021-23, amending Wylie's Code of Ordinances No. 2021-17, as amended, Chapter 26 (Businesses), Article II (Garage and Yard Sales), Section 26-23 (Permit Required); removing requirement to obtain a garage sale permit; providing a savings/repealing clause, severability clause and an effective date. A vote was taken and motion passed 7-0.

- K. Consider, and act upon, the approval of the purchase of a monument sign from Casteel & Associates, Inc. in the estimated amount of \$62,554.00 through a cooperative purchasing contract with the Texas Association of Schools Boards Buy Board, and authorizing the City Manager to execute any necessary documents.**

#### **Council Comments**

Mayor Porter clarified that this item is for an electronic sign in Olde City Park and asked who will control the information and advertising on the sign. Parks and Recreation Director Diaz responded that the Parks and Recreation Department will work with Public Information Officer Kelly for the posting of information.

#### **Council Action**

A motion was made by Councilman Mize, seconded by Councilman Strang, to approve the purchase of a monument sign from Casteel & Associates, Inc. in the estimated amount of \$62,554.00 through a cooperative purchasing contract with the Texas Association of Schools Boards Buy Board, and authorizing the City Manager to execute any necessary documents. A vote was taken and motion passed 7-0.

Mayor Porter convened the Council into a Work Session at 7:04 p.m.

### **WORK SESSION**

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#### **WS1. Lake Lavon Study – Joint work session with Parks and Recreation Board.**

Parks and Recreation Director Diaz addressed the Council stating Elizabeth McIlrath and Adam Brewster, representing Dunaway, were in attendance to present the Lake Parks Master Plan: East Fork Park and Avalon Park. McIlrath gave a brief Lake Parks Master Plan presentation including: reviewing the planning process; Lake Lavon market analysis; concept imagery for RV camping; cabin rentals; glamping and retro RV camping; primitive camping; equestrian use; camping support amenities; day use; civic activities lawn; special events; trails; outdoor learning and nature activities; and boating, fishing, and lake access; East Fork Park program details, and proposed Concepts A and B; Avalon Park program details, and proposed Concepts A and B; and next steps.

Parks and Recreation board members present included Vice Chair Gloria Suarez and board member Brett Swendig. Vice Chair Suarez stated she was interested in learning more about the security and parking.

Regarding East Fork Park, McIlrath answered questions from Council regarding flooding concerns, fishing docks, equestrian loop camping, addition of pavilions, location of restrooms, dump station or full-service hookups, the need for 50-amp service at sites, request for 12-14-foot-wide RV slips, suggested more RV sites on the water, potential off-road ATV track, parking location for day use users, and requested beach access on Concept A. The consensus of Council was Concept A.

Regarding Avalon Park, McIlrath answered questions from Council regarding concerns with parking for events, length of nature trail for potential events, total acreage of the parks, lease details with Army Corp of Engineers, additional lighting, security and safety, suggestion of a potential pedestrian bridge to connect East Fork Park to Avalon Park, and adding a full-service restaurant. Councilwoman Arrington, Mayor Porter, Mayor *pro tem* Forrester, and Councilman Wallis preferred Concept B. Councilmen Strang, Mize, and Duke preferred Concept A.

McIlrath stated they will begin working on a preliminary master plan and gathering construction costs and costs to operate to bring back at a future Council meeting.

## **RECONVENE INTO REGULAR SESSION**

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Mayor Porter reconvened the Council into Regular Session at 8:08 p.m.

- 1. Hold a Public Hearing, consider, and act upon, a change of zoning from Agricultural District (AG/30) to Planned Development - Townhouse District (PD-TH), to allow for single family attached residential development on 1.83 acres, generally located at the southwest corner of Brown Street and W.A. Allen Boulevard. (ZC2021-10)**

### **Staff Comments**

Planning Manager Haskins addressed Council stating the applicant withdrew a similar zoning request for Townhome District zoning in February 2021 due in part to public hearing comments requesting landscape screening for neighboring residential properties. The applicant worked with staff and the requirements of the Planned Development (PD) in this request allows for the landscaping screening to be tied to the requirements of the development for the subject property. The HOA CCR's shall require landscaping to be maintained and replaced as needed and an easement shall be provided to facilitate such.

Haskins reported after some discussion and a vote of 3-3 that failed to recommend approval, the Commission reconsidered the item and voted 5-1 to recommend approval with the condition that the number of units be reduced from 16 to 14. Haskins reported 23 notifications were mailed with four responses received in opposition and none in favor of the request.

### **Public Hearing**

Mayor Porter opened the public hearing on Item 1 at 8:11 p.m. asking anyone present wishing to address Council to come forward.

Else Thurman, representing the applicant, addressed Council giving a recap of the changes made as a result of the Commission meeting.

Mayor Porter closed the public hearing at 8:13 p.m.

### **Council Comments**

Councilwoman Arrington stated she attended the Commission meeting and the applicant was willing to make changes based on the feedback. She stated she has some concerns with the screening; however, is more in favor of the item after changes were made by the applicant. Councilwoman Arrington did ask about the location of the trash pickup. Haskins reported that it would be in the circular area in the front. Councilman Duke asked if the notifications sent out were recent or from the previous time this item came before Council. Haskins responded they were recent. Mayor *pro tem* Forrester stated he still had concerns with the proposed screening. Haskins responded that the language in the PD conditions has been completed the best it can on a staff level, and falls on the HOA to maintain as there is language included that the CCR's will require the screening to be maintained. Councilman Mize stated he appreciated the applicant's efforts to address the concerns, and asked for clarification on the concerns regarding privacy and proposed screening, and for the average price of each unit. Haskins reported the trees will be evergreens per the PD conditions. Thurman responded the average

price would start at \$300,000. Councilman Wallis expressed concerns with the definition of evergreens and asked for a better idea of what type and size of tree will be used for the screening. Thurman responded they can work with staff on the specifics. Mayor Porter confirmed with Haskins the way the PD is written, it just has to be an evergreen. Haskins responded that is correct, it is left up to the applicant to work with their landscape architect to choose landscaping, and if Council desires more specific language, staff would need to work with the applicant to add additional language to the PD.

#### **Council Action**

A motion was made by Councilman Strang, seconded by Councilman Duke, to deny with prejudice a change of zoning from Agricultural District (AG/30) to Planned Development - Townhouse District (PD-TH), to allow for single family attached residential development on 1.83 acres, generally located at the southwest corner of Brown Street and W.A. Allen Boulevard (ZC2021-10). A vote was taken and motion failed 2-5 with Mayor Porter, Mayor *pro tem* Forrester, Councilwoman Arrington, and Councilmen Wallis and Mize voting against.

A motion was made by Mayor Porter, seconded by Councilman Duke, to deny a change of zoning from Agricultural District (AG/30) to Planned Development - Townhouse District (PD-TH), to allow for single family attached residential development on 1.83 acres, generally located at the southwest corner of Brown Street and W.A. Allen Boulevard (ZC2021-10). A vote was taken and motion passed 4-3 with Councilwoman Arrington and Councilmen Wallis and Mize voting against.

2. **Consider, and act upon, the award of a professional services project order (PSPO) #W2021-62-E for the 2021-2022 update of the Comprehensive Plan for the City of Wylie to Freese and Nichols, Inc., in the amount of \$149,000.00 and authorizing the City Manager to execute any necessary documents.**

#### **Staff Comments**

Purchasing Manager Hayes addressed Council stating this PSPO is issued under a Master Agreement for Professional and Engineering Services (MAPES). Staff has determined Freese and Nichols, Inc. to be the most qualified firm for this project in Category M General Consulting, Analysis and/or Engineering Studies, in accordance with Government Code 2254.

#### **Council Comments**

Mayor Porter asked how the feedback from Council, citizens, business owners, and the Planning and Zoning Commission will be obtained. Haskins responded that one of the requirements staff requested, and is part of the contract, is an extensive public engagement process including the formation of an advisory committee. Haskins stated there will also be at least two meetings with Council to present all of the information.

#### **Council Action**

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang, to award a Professional Services Project Order (PSPO) #W2021-62-E for the 2021-2022 update of the Comprehensive Plan for the City of Wylie to Freese and Nichols, Inc., in the amount of \$149,000.00 and authorizing the City Manager to execute any necessary documents. A vote was taken and motion passed 7-0.

3. **Consider, and act upon, Ordinance No. 2021-24 amending Ordinance No. 2020-44, which established the budget for fiscal year 2020-2021; providing for repealing, savings and severability clauses; and providing for an effective date of this ordinance.**

#### **Staff Comments**

Finance Director Beard addressed Council stating the mid-year budget amendments are generally intended to cover unanticipated and/or unavoidable revenue and expenditure adjustments to the adopted budget. The items include: the General Fund salary and benefits savings from the first half of the fiscal year which totaled \$337,240, and expenses related to the February 2021 Winter Storm which totaled \$336,170 for General Fund, \$6,020 for 4B Sales Tax Fund, and \$38,667 for Utility Fund. Beard added these numbers are net of the

insurance proceeds the City received. The expenditure increase to the General Fund budget, as a result of these amendments, is an increase of \$151,198 and the revenue increase is \$43,862. This is an overall net increase of \$107,336 to the General Fund budget.

#### **Council Action**

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Wallis, to approve Ordinance No. 2021-24 amending Ordinance No. 2020-44 (2020-2021 Budget) for proposed budget amendments for fiscal year 2020-2021; providing for repealing, savings and severability clauses; and providing an effective date of this ordinance. A vote was taken and motion passed 7-0.

- 4. Consider, and act upon, the approval of a Fire Protection Agreement between the City of Wylie, Texas and Inspiration Residential Association, Inc. and authorizing the City Manager to execute any necessary documents.**

#### **Staff Comments**

Fire Chief Blythe addressed Council stating in November 2020 Inspiration approached the Fire Department and asked to renegotiate their 25-year contract for Fire and EMS emergency services with the City of Wylie. Inspiration Communities felt they were being overcharged and paying too much. After careful consideration by staff, it was determined that the contract could be modified to be more amicable and beneficial to both parties using an average home value method. Additionally, the service fee was lowered from 15 to 10 percent to match the other City service fees for outside services. The Fire Department is proposing to issue a new 25-year contract that is more in line with the original intent and spirit of the original agreement where Inspiration Communities pays the exact amount that a City of Wylie resident pays, based on the annual average home value in Inspiration, plus 10 percent.

#### **Council Comments**

Mayor Porter asked if the 10 percent administrative fee was comparable to other cities. Blythe replied the other entities we provide services to are charged 10 percent. Mayor Porter and Councilman Wallis expressed concerns with the infrastructure not being included in the cost breakdown for Inspiration residents as Wylie residents are paying for the infrastructure. Blythe responded that in the original agreement, the only capital included was a onetime purchase of the squad and the needed medical equipment for that vehicle; however, on a cost per call basis Inspiration pays more than other surrounding entities that have contracts with the City due to their home values. Blythe added, currently the Fire Department does not receive a lot of calls to the neighborhood, and stated that Inspiration does not own or have a say on the deployment of services. Assistant City Manager Parker added that the response to Inspiration is not taken into consideration for the City's ISO rating, and capital items are not typically included in the agreements with surrounding entities. Blythe added per mutual aid and dispatch agreements, other surrounding entities may respond to Inspiration if Wylie is unable to respond. Councilman Wallis expressed concerns with lowering the percentage before the neighborhood is built out, and asked if language could be added that stipulates the percentage will remain at 15 percent until build out and then will be lowered to 10 percent. Blythe stated he believes like the City is in the best position to respond to Inspiration, rather than other entities, especially with the elementary school located in the neighborhood which accommodates kids from all over Wylie. Mayor *pro tem* Forrester asked if surrounding entities have agreements with Inspiration similar to ours for response. Blythe replied no other entities have agreements with Inspiration, and the surrounding entities responding are handled through the mutual aid agreements with Wylie. Blythe added the City of Lucas has a similar agreement with Seis Lagos and the City of Wylie responds when needed. Mayor *pro tem* Forrester asked if the City does not want to contract with Inspiration, then who would. Blythe responded that a worst-case scenario would be that Inspiration contract with a smaller surrounding entity at a cheaper cost and rely on Wylie for mutual aid on a regular basis. Mayor *pro tem* Forrester confirmed the City could be required to respond to Inspiration for no revenue as mutual aid if the contract was not in place. Blythe confirmed that was correct. Councilwoman Arrington stated her thoughts are the same as Mayor *pro tem* Forrester, if Wylie is going to be the department to respond regardless why would Wylie not want to move forward with this contract, especially with the WISD campus located in the subdivision. Mayor Porter asked if Inspiration would be interested in assisting with costs

associated with renovations and replacement of equipment for Fire Station 2, the district that responds to them. Blythe replied based on previous conversations, they would not be interested as they felt the response times were adequate as response is not guaranteed.

#### **Council Action**

A motion was made by Mayor *pro tem* Forrester, seconded by Councilwoman Arrington, to approve a Fire Protection Agreement between the City of Wylie, Texas and Inspiration Residential Association, Inc. and authorizing the City Manager to execute any necessary documents. A vote was taken and motion passed 7-0.

5. **Consider, and act upon, Ordinance No. 2021-25 of the City Council of the City of Wylie, Texas, amending Wylie's Code of Ordinances, Ordinance No. 2021-17, as amended, Chapter 10 (Alcoholic Beverages), Article II (Possession and Consumption in Public Places); modifying regulations on the possession and consumption of alcoholic beverages in public places; providing a repealing clause, a severability clause, a penalty clause and an effective date.**

#### **Staff Comments**

City Manager Holsted addressed Council stating the proposed ordinance brings the City's regulations into compliance with state law, and also gives Council the option for the sale, possession, and consumption of an alcoholic beverage, for special events approved by the City Council, or the City Manager or their designee, on the premises of a park, recreational area or other public open space or facility or structure owned, leased or operated by the City.

#### **Citizen Comments**

Dr. Kris Segrest, representing First Baptist Church Wylie, addressed Council stating he had concerns with the lack of adequate parking in downtown Wylie for events; therefore, utilizing FBC parking puts liability on the church if something was to happen in their parking lots. Segrest also added he had concerns with putting a policy in place, which could add additional stress and put our peace officers in harm's way. Segrest thanked the Council for their service.

Holsted clarified, based on the proposed ordinance, the events would be on a case by case basis and require approval by the City Council.

#### **Council Comments**

Councilman Mize stated he understood the concerns of Segrest and confirmed the events would be on a case by case basis but would allow the opportunity if passed as presented; however, stated he could see a significant need for parking downtown and asked if the City anticipated the parking needs for an event, could paying for the parking that is needed be an option. Segrest replied that is thoughtful but sometimes the church has events that are in conflict with City events. Holsted replied the City strives to be good neighbors with FBC and other businesses and their parking and tries not to overlap events. Mayor Porter replied he understands the concerns put forth, and added it would be on a case by case basis decided by Council to ensure the City is being a good neighbor. Wallis asked if the ordinance could be modified to specify the parks it would be allowed in. Holsted replied the way the ordinance is written it gives Council that option to be selective, but defining a park boundary or area could be possible. Councilwoman Arrington stated she would not vote to have alcohol at family friendly events. Segrest asked if it would be possible to add language to the proposed ordinance to omit the downtown historic district specifically until the parking need can be addressed. Mize stated he hears the concerns from the Councilmembers, but stated there may be future events that may be appropriate that would benefit small businesses downtown and provide potential economic benefits; therefore, he would not like to see an exclusion of the historic downtown area, and supports the ordinance as written. Mayor Porter proposed potentially tabling this item for further discussion as a work session. Mayor *pro tem* Forrester stated if an event is held and outside businesses are brought in, he would be concerned with potentially pulling business away from the small businesses downtown as some of those businesses currently sell alcohol, and added it would be prudent to look at this from a standpoint as items come before Council as the landscape of the City changes, the possibility to include events elsewhere in the City may be something to visit at that time. Duke stated he



liked excluding the downtown historic area from the proposed ordinance. Strang stated based on the discussion he had some concerns as well. Councilman Duke, Wallis, and Strang recommended tabling this item for further discussion. Wallis stated he believes there needs to be protection for the downtown area because it is family friendly, and there are multiple considerations to consider in downtown. Segrest reiterated the largest issue is parking, and stated the Church wants to be a good neighbor, but adding the element of alcohol creates greater liability and other potential issues.

#### **Council Action**

A motion was made by Mayor *pro tem* Forrester, seconded by Councilwoman Arrington, to table the approval of Ordinance No. 2021-25 of the City Council of the City of Wylie, Texas, amending Wylie's Code of Ordinances, Ordinance No. 2021-17, as amended, Chapter 10 (Alcoholic Beverages), Article II (Possession and Consumption in Public Places); modifying regulations on the possession and consumption of alcoholic beverages in public places; providing a repealing clause, a severability clause, a penalty clause and an effective date to the next Council meeting as a work session. A vote was taken and motion passed 6-1 with Councilman Mize voting against.

6. **Consider, and act upon, Resolution No. 2021-10(R), approving a Chapter 380 Agreement between the City of Wylie and Hillside Grill, LLC, and authorizing the City Manager to execute the Chapter 380 Agreement.**

#### **Staff Comments**

City Manager Holsted addressed Council stating at a previous meeting, Council authorized the City Manager and the EDC Director to draft an agreement for a project located at 2600 W. FM 544. The Company obligations include the purchase of the property, construction of the improvements not less than \$1,100,000, receive a Certificate of Occupancy (CO) for the remodeled restaurant, and to remain open and continually operating one year from the CO date. The City obligations include a grant up to \$200,000 upon completion of the Company obligations as outlined in the Chapter 380 Agreement.

Mayor Porter convened the Council into a break at 9:33 p.m.

Mayor Porter reconvened the Council into Regular Session at 9:41 p.m.

#### **Applicant Comments**

Rick Valley, representing Hillside Grill, LLC, addressed Council stating they are currently in negotiations on purchasing The Rock on FM 544. Valley showed renditions of the proposed restaurant and reviewed the menu.

#### **Council Action**

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang, to approve Resolution No. 2021-10(R), approving a Chapter 380 Agreement between the City of Wylie and Hillside Grill, LLC, and authorizing the City Manager to execute the Chapter 380 Agreement. A vote was taken and motion passed 7-0.

7. **Hold a Public Hearing, consider, and act upon, a change of zoning to amend PD 2018-05, to allow for additional multi-family residential development in lieu of commercial development on 15.72 acres, generally located on the Northwest Corner of Westgate Way and State Highway 78. (ZC2021-09)**

#### **Staff Comments**

Planning Manager Haskins addressed Council stating the applicant is requesting to amend the Seventy8 & Westgate Planned Development (PD) Ordinance No. 2018-05 to allow for an additional multi-family building in lieu of the commercial development outlined in the PD. The amended PD conditions and zoning exhibit propose a 30-unit multi-family building with additional parking on approximately 3.5 acres previously reserved for nearly 19,000 square feet of commercial development. With the multi-family building, the proposed zoning exhibit amendments on the south side of the property include additional resident parking to

meet the concerns of the Planning and Zoning Commission (Commission). In addition, an initial proposal for townhomes in the place of the north side restaurant site was removed at the request of the Commission and would retain the original layout. Haskins stated the amendments are reflected in the PD Conditions by increasing the multi-family units per acre to 25 from the existing 24 and Phase II from 1.6 units per acre to 1.8 units per acre. Haskins reported 11 notifications were mailed with no responses received in opposition or in favor of the request. The Commission voted to recommend approval 6-0 with the conditions that the townhomes be removed from the zoning exhibit and additional residential parking be added.

### **Public Hearing**

Mayor Porter opened the public hearing on Item 7 at 9:52 p.m. asking anyone present wishing to address Council to come forward.

Marvin Fuller addressed Council stating he felt the development complemented the area and adds to the nearby retail center. Fuller stated there were many challenges with the property and the developer constructed a nice product and encouraged Council to consider continuing the success of the product they have constructed. Mayor Porter closed the public hearing at 9:55 p.m.

### **Applicant Comments**

Brian and Steve Rumsey, representing Cross Architects, addressed Council stating they were available for any questions.

### **Council Comments**

Councilwoman Arrington stated she was surprised and disappointed to see this item on the agenda as the developer is requesting to do what the Council was concerned about previously, in which the developer said they would not do. Councilwoman Arrington asked if there was a Chapter 380 Agreement executed previously for this development. Mayor Porter responded there was a Chapter 380 Agreement for \$475,000. Rumsey replied there are four locations for commercial use in the proposed plan, and added they have marketed the back corner commercial sites for two years with no interest received. Rumsey stated there is a large demand in Wylie for apartments, and since that has been successful and there has not been a need for the commercial, they are back before Council. Mayor *pro tem* Forrester spoke on public art concerns and the lack of working with public art staff. Rumsey responded that he worked with staff; however, the requested dollar amount for the art was high; therefore, he requested to look at other options for the art source. Rumsey stated the art pieces were approved by staff. Mayor *pro tem* Forrester stated he was concerned with the request for additional high-density products when it was proposed as commercial, and asked what effect this would have on the schools. Rumsey responded that currently the apartment complex has four WISD students. Councilman Wallis stated this was an initial concern of Council and the developer gave their word they would not make this request. Rumsey replied there is a great need for apartments and they are trying to provide a need for Wylie as the demand for commercial has not come to fruition. Councilman Strang asked the price range for the proposed units and how close the units would be to the railroad tracks. Rumsey replied the cost would be about \$1.57 a square foot and the units would be about 150 feet from the railroad. Councilman Strang expressed concerns with the railroad being close to the units, the potential impact of the utilities, and felt in time as Wylie continues to grow the commercial demand will come and it's best to stick with the original plan. Mayor Porter stated he was not serving on Council at the time this development was approved, but spoke in opposition at the meetings regarding this property being changed from commercial to apartments, and was concerned that the developer would not develop the commercial in phase two. Mayor Porter stated his opinion is, an agreement was made between the applicant and Council for the commercial sites. Rumsey stated he understands the concerns, and that they are coming before Council with this request because they have had no interest in two years on the commercial sites and there is a need for housing.

### **Council Action**

A motion was made by Councilman Wallis, seconded by Councilman Strang, to deny with prejudice a change of zoning to amend PD 2018-05, to allow for additional multi-family residential development in lieu of commercial development on 15.72 acres, generally located on the Northwest Corner of Westgate Way and

State Highway 78 (ZC2021-09). A vote was taken and motion passed 5-2 with Mayor *pro tem* Forrester and Councilman Mize voting against.

Mayor Porter convened the Council into a Work Session at 10:17 p.m.

## **WORK SESSION**

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### **WS2. Human Resources Department Presentation.**

Human Resources Director Yanez addressed Council giving a presentation addressing: department responsibilities, employment data, accidents and injuries data, training overview, COVID-19 statistics, employee engagement during COVID-19, accomplishments for FY2021, and pictures of staff throughout the year.

## **RECONVENE INTO REGULAR SESSION**

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Mayor Porter convened the Council into Regular Session at 10:33 p.m.

Mayor Porter convened the Council into Executive Session at 10:33 p.m.

## **EXECUTIVE SESSION**

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### **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 FM 544 and Cooper, State Hwy. 78 and Birmingham, State Hwy. 78 and Brown.**

**ES2. Properties adjacent to McMillen Rd. between McCreary Rd. and Country Club Rd.**

### **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, 2020-11b, 2021-1f, 2021-2b, and 2021-4a.**

## **RECONVENE INTO OPEN SESSION**

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


Mayor Porter convened the Council into Open Session at 11:12 p.m.

## READING OF ORDINANCES


City Secretary Storm read the caption to Ordinance No. 2021-23 and 2021-24 into the official record.

## ADJOURNMENT

A motion was made by Councilman Strang, seconded by Councilman Duke, to adjourn the meeting at 11:13 p.m. A vote was taken and motion passed 7-0.

  
Matthew Porter, Mayor

ATTEST:

  
Stephanie Storm, City Secretary

