

Wylie City Council Regular Meeting Minutes

July 12, 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 6:02 p.m. The following City Council members were present: Councilman David R. Duke, Councilman Dave Strang, Mayor *pro tem* Jeff Forrester, and Councilman Timothy T. Wallis (6:12 p.m.). Councilmen Scott Williams and Garrett Mize were absent.

Staff present included: City Manager Brent Parker; Assistant City Manager Lety Yanez; Assistant Police Chief Tommy Walters; Finance Director Melissa Beard; Fire Chief Brandon Blythe; Public Information Officer Craig Kelly; Planning Manager Jasen Haskins; Public Works Director Tommy Weir; Parks and Recreation Director Carmen Powlen; City Engineer Tim Porter; EDC Executive Director Jason Greiner; Purchasing Manager Glenna Hayes; Interim Building Official Phillip Booth; Library Director Ofilia Barrera; City Secretary Stephanie Storm; and various support staff.

INVOCATION & PLEDGE OF ALLEGIANCE

Councilman Williams led the invocation, and Mayor Porter 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.

No citizens were present wishing to address Council on non-agenda items.

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 June 28, 2022 Regular City Council Meeting minutes.
- B. Consider, and act upon, the approval for substantial renovations in accordance with Ordinance No. 2013-17 for the remodel of an existing commercial structure, located at 108 E. Marble Street within the Downtown Historic District.
- C. Consider, and act upon, the approval for demolition of a residential structure in accordance with Ordinance No. 2022-34. Property located at 100 S. Cottonbelt St. within the Downtown Historic District.
- D. Consider, and act upon, a Preliminary Plat of Lot 1, Block A of Validus Addition, establishing one industrial lot on 0.620 acres, located west of the intersection of Martinez Lane and Kristen Lane.

- E. **Consider, and act upon, Resolution No. 2022-19(R), authorizing the City Manager of the City of Wylie to execute, on behalf of the City Council of the City of Wylie, Texas, the interlocal cooperation agreement between the City of Wylie and the City of Murphy, Texas concerning the construction of McCreary Road at the intersection of FM 544 (TxDOT CSJ# 0619-03-0364).**
- F. **Consider, and act upon, the approval of repairs to Wylie Fire Rescue Quint #141 from Daco Fire Equipment Inc. in the estimated amount of \$92,776.15, and authorizing the City Manager to sign any and all necessary documents.**

Mayor Porter stated a citizen comment form was received for Item C; therefore, that item will need to be pulled from Consent Agenda and considered individually.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang, to approve Items A, B, D, E, and F on the Consent Agenda as presented. A vote was taken and the motion passed 4-0 with Councilmen Wallis, Williams, and Mize absent.

REGULAR AGENDA

- C. **Consider, and act upon, the approval for demolition of a residential structure in accordance with Ordinance No. 2022-34. Property located at 100 S. Cottonbelt St. within the Downtown Historic District.**

Staff Comments

Planning Manager Haskins addressed Council stating the property owner proposes to demolish an existing residential dwelling that has undergone significant modifications from its original construction. The Historic Review Commission (HRC) discussed at length with the applicant the interior damage and modifications to the house and voted 5-0 to recommend approval as presented.

Council Comments

Mayor *pro tem* Forrester clarified any new structures built would have to comply with HRC regulations. Haskins confirmed that is correct.

Citizen Comments

Arnulfo Perez, representing the homeowners, addressed the structural issues with the current home including that it has collapsed and is leaning, there are no floors, and stated the house is in dire need. Perez stated they will build it back to what it was historically; it will be no bigger than the current house, the driveway will be improved, and the garage will be demolished.

Council Action

A motion was made by Councilman Strang, seconded by Councilman Duke, to approve Item C as presented. A vote was taken and the motion passed 4-0 with Councilmen Williams, Wallis, and Mize absent.

- 1. **Consider, and act upon, Resolution No. 2022-20(R) approving a Resolution of the Wylie Economic Development Corporation to obtain a loan in the principal amount of \$8,108,000.**

Council Comments

Mayor Porter reminded Council they had received some information in an email about some of the projects that have only been discussed in Executive Session.

Staff Comments

EDC Executive Director Greiner addressed Council stating the WEDC had a special called meeting this morning in which the loan was approved and the rates locked in. WEDC Resolution No. 2022-01(R) authorizes the borrowing

of funds for this purpose and Resolution No. 2022-20(R) of the City Council ratifies this WEDC action. The loan terms are 240 months at a 4.8 percent interest rate with a five-year call restriction with the target funding date of July 20, 2022, and potentially as early as July 15, 2022.

Councilman Wallis took his seat at the dais at 6:12 p.m.

Greiner reported this loan is specifically for qualified infrastructure reimbursement. Greiner stated he would like to have future meetings with the EDC and Council to work together to prioritize projects.

Council Comments

Mayor *pro tem* Forrester asked if the interest rate has been locked in. Greiner replied it has been at 4.8 percent.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Duke, to approve Item 1 as presented. A vote was taken and the motion passed 5-0 with Councilmen Williams and Mize absent.

2. **Consider, and act upon, an appointment to the Animal Shelter Advisory Board to fill a board vacancy for a term to begin July 1, 2022 and ending June 30, 2024.**

Staff Comments

City Secretary Storm stated this board appointment is currently held by Mayor *pro tem* Forrester and was inadvertently left off the appointment process last month.

Mayor Porter asked Mayor *pro tem* Forrester if he was still interested in serving. Forrester replied that he was interested. Mayor Porter asked if any other Council members were interested in serving.

Council Action

A motion was made by Councilman Strang, seconded by Councilman Duke, to appoint Mayor *pro tem* Jeff Forrester to the Animal Shelter Advisory Board to fill a board vacancy for a term to begin July 1, 2022 and ending June 30, 2024. A vote was taken and the motion passed 5-0 with Councilmen Williams and Mize absent.

3. **Consider, and act upon, Ordinance No. 2022-49 amending Wylie's Code of Ordinances, Ordinance No. 2021-17, as amended, Chapter 10 (Alcoholic Beverages) to add Section 10-22 to authorize extended hours for the sale or delivery of alcoholic beverages in accordance with Chapter 105 of the Texas Alcoholic Beverage Code.**

Staff Comments

City Secretary Storm stated staff has received various inquiries over the years regarding extended alcohol sales hours at restaurants and other businesses such as gas stations. In past conversations with TABC they have opined that to allow extended sale hours in Wylie, the City Council must adopt an ordinance. Recent legislation allows for extended sale hours under state law without an ordinance for cities located in counties that exceed 800,000 population which both Dallas and Collin Counties do; however, Rockwall County does not. With Wylie being located in two counties that fall under that criteria and one county that does not, TABC declined to offer guidance on whether extended hour sales would be allowed in the portions of Wylie located in Dallas and Collin Counties, but not Rockwall County, without an ordinance passed by Council. Storm stated to be on the safe side, staff is bringing an ordinance to Council for consideration to cover all three counties.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang, to approve Item 3 as presented. A vote was taken and the motion passed 5-0 with Councilmen Williams and Mize absent.

WORK SESSION

Mayor Porter convened the Council into a Work Session at 6:20 p.m.

WS1. Discuss proposed development of 47.2995 acres generally located on Country Club Road approximately 2000' south of Parker Road.

John Arnold, representing Skorburg Development, gave a presentation on the following: the subject property, history of the Monroe Family Farm, previous zoning history, current zoning history, issues discussed and resolved, the new zoning plan, the original zoning plan, Parks and Recreation Board meeting recap, Wylie ISD approval recap, Planning and Zoning Commission's concerns, City Council's concerns, revised zoning plan, concerns addressed, variances for other subdivisions, current future land use, revised new future land use draft, a representative product, projected price points, Monroe Lake history, water impoundment rights, water service and CCN exchange, dedication and improvements in place of a fee, projected improvement value, and Birmingham Park dedication and trail layout. Arnold requested Council feedback on the proposed plan.

Questions and feedback from Council included: how many parallel parking spots along the park are proposed, expressed concerns with what the pond turns into after it is drained, would like to see the lake remain, concerns with the movement of water through the property, not happy with the number of lots proposed, would like the number of lots closer to the standard zoning which would be about 74 lots, variance requests would be on a case by case basis based on what is presented, open to discussion on some 8,000 square foot lots but would like closer to 10,000 square foot lots, and would like to see usable park space such as fields.

Mayor Porter convened the Council into a break at 6:52 p.m.

Mayor Porter reconvened the Council into a Work Session at 6:59 p.m.

WS2. Budget Work Session.

City Manager Parker addressed Council giving a presentation on the following: the General Fund summary, proposed expenditures noting a change from a five percent increase to a 7.25 percent increase in health insurance for a total of \$220,000, recurring recommendations for the General Fund, non-recurring recommendations for the General Fund, the Utility Fund summary, recommended additions to the budget for the Utility Fund, the 4B Sales Tax Fund summary in which the revenue increased by \$150,000 as the new rates were not calculated at the last Council meeting, new Recreation Center pass rates, recommended additions to the budget for the 4B Sales Tax Fund, and Parks A&I Fund summary.

Parker presented the Parks A&I Fund summary which included the audited Park A&I Fund ending balance as of September 30, 2021 of \$568,319, projected 2022 revenues of \$400, available funds of \$568,719, projected 2022 expenditures of \$192,419, estimated ending Fund Balance as of September 30, 2022 of \$376,300, estimated beginning Fund Balance as of October 1, 2022 of \$376,300, proposed revenues for 2023 of \$511,480, proposed expenditures for 2023 of \$96,931 for the west zone concrete additions for a community garden and trail and east zone backstop replacement for Avalon Park, and an estimated ending Fund Balance as of September 30, 2023 of \$790,849.

EDC Executive Director Greiner presented the WEDC Fund summary including the audited ending balance as of September 30, 2021 of \$2,951,908, projected 2022 revenues of \$20,372,472 which includes loan proceeds of \$16.2 million and \$8.1 million to fund in July, available funds of \$23,324,380, projected 2022 expenditures of \$13,502,693, estimated ending Fund Balance as of September 30, 2022 of \$9,821,687, estimated beginning Fund Balance as of October 1, 2022 of \$9,821,687, proposed revenues for 2023 of \$8,180,146 in which the proposed Sales Tax is an 8.8 percent increase over the FY 2022 projected and projected FY 2022 is 100 percent of the budgeted amount (seven-month actuals at 61 percent) and includes \$3.9 million in the anticipated sale of properties, proposed expenditures for 2023 of \$16,142,650, and estimated ending Fund Balance as of September 30, 2023 of \$1,859,183.

Council comments and feedback included: how much more time until we see the rate settle for the utility fund, is the Ballard Street water tower included in the previous budget, when will the construction of the Ballard elevated storage tank start, will the proposed improvements work towards making the playground ADA compliant, did the hotel and motel tax assist the City, what can hotel and motel funds be spent on, confirmed on future EDC projects there will have a split out for special services non-tax versus specific services/incentive programs that did not deal with non-tax, and confirmed that capital investments that come before the EDC board and Council for consideration to help the City increase more taxable income.

RECONVENE INTO REGULAR SESSION

Mayor Porter reconvened the Council into Regular Session at 7:24 p.m.

EXECUTIVE SESSION

Mayor Porter convened the Council into Executive Session at 7:24 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, 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: 2020-11b, 2021-4a, 2021-6a, 2021-6c, 2021-8a, 2021-9e, 2021-12a, 2022-1a, and 2022-7a.

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

Mayor Porter reconvened the Council into Open Session at 7:58 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 caption to Ordinance No. 2022-49 into the official record.

ADJOURNMENT

A motion was made by Councilman Strang, seconded by Councilman Wallis, to adjourn the meeting at 8:00 p.m. A vote was taken and the motion passed 5-0 with Councilmen Williams and Mize absent.

ATTEST:

Stephanie Storm
Stephanie Storm, City Secretary

Matthew O. Porter
Matthew Porter, Mayor

