

# Wylie City Council Regular Meeting Minutes

March 28, 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 6:01 p.m. The following City Council members were present: Councilman David R. Duke, Councilman Scott Williams, Councilman Timothy T. Wallis (6:05), and Councilman Garrett Mize. Mayor *pro tem* Jeff Forrester and Councilman Dave Strang were absent.

Staff present included: City Manager Brent Parker; Deputy City Manager Renae Ollie; Assistant City Manager Lety Yanez; Police Chief Anthony Henderson; Finance Director Melissa Brown; Digital Media Specialist Kristina Kelly; City Secretary Stephanie Storm; Purchasing Manager Glenna Hayes; City Engineer Tim Porter; Community Services Director Jasen Haskins; Parks and Recreation Director Carmen Powlen; Wylie Economic Development Executive Director Jason Greiner; and various support staff.

## INVOCATION & PLEDGE OF ALLEGIANCE

Councilman Williams led the invocation and Councilman Mize 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.*

Tina Stelnicki, representing the Wylie Chamber of Commerce, thanked the Mayor for his speech at the State of the City and thanked the City Council for attending. Stelnicki spoke about the upcoming awards banquet on April 20, 2023.

Councilman Wallis took his seat at the dias at 6:05 p.m.

## 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 March 14, 2023 Regular City Council Meeting minutes.
- B. Consider, and act upon, the City of Wylie Monthly Revenue and Expenditure Report for February 28, 2023.
- C. Consider, and place on file, the City of Wylie Monthly Investment Report for February 28, 2023.
- D. Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of February 28, 2023.

- E. **Consider, and act upon, the award of a professional services project order (PSPO) #W2023-46-E for Wastewater System Model to Birkhoff, Hendricks & Carter LLP in the amount of \$200,140.00 and authorizing the City Manager to execute any necessary documents.**
- F. **Consider, and act upon, a Preliminary Plat for Dominion of Pleasant Valley Phase 6 creating 153 single-family residential lots and two open space lots on 36.113 acres, generally located at the southwest intersection of Dominion Drive and Pleasant Valley Road.**

#### **Council Action**

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

#### **REGULAR AGENDA**

- 1. **Hold a Public Hearing to consider, and act upon, an amendment to the Browngate Pointe Planned Development 2020-43, to allow for a modification of the construction schedule terms of the townhome/commercial development. Property generally located on the northeast corner of Brown Street and Sanden Blvd. (ZC 2023-06).**

#### **Staff Comments**

Community Services Director Haskins addressed Council stating for this particular zoning case the applicant is asking for amendments to the original construction terms that were in the Planned Development (PD) that was approved in 2020. This was for a mixed-used development which included a commercial property on lot one, track one at the southwest corner, and eight townhome buildings for a total of 39 units. The applicant is requesting to allow for about half of the townhome buildings to be built before the commercial building is started. The original terms of the PD required the commercial building and the townhome buildings to be started at the same time. All of the flat work throughout the entire development is almost completed, they just do not want to start the construction of the commercial building until they get some of the townhomes built. Additionally, the applicant requested, but Planning and Zoning (P&Z) Commission recommended it not be included, to file their final plat without rebuilding the sidewalk that goes along Sanden Boulevard on the west side of the property. The current sidewalk is aged and does not meet current City standards, and under the original PD, the applicant did agree to rebuild that sidewalk to current standards. Once that was removed, P&Z did recommend approval 7-0.

#### **Council Comments**

Councilman Williams asked about the flatwork and asked for clarification on what the requested changes are from what was originally approved. Mayor Porter clarified the original development agreement stipulated in order to get a certificate of occupancy (CO) and sell the townhomes they had to have the commercial CO obtained at the same time and now the applicant is requesting to obtain the CO for 22 of the townhomes before getting the CO for the commercial building. Haskins clarified they have done the flatwork and are generally committed to the commercial. Williams asked what leverage the City has that the designated commercial will be commercial once the townhomes are filled. Haskins replied the applicant would only be able to sell 22 townhomes and would not get a CO for the 23rd unit without the commercial being started.

#### **Applicant Comments**

Chuck Branch, the applicant, addressed Council stating the original agreement required the foundation to be started at the same time for both the townhomes and commercial building, and now they are requesting to move the foundation for the commercial after the 22nd townhome. Branch clarified, regarding the framing, originally it was at 50 percent and the shell was at 85 percent, and they are now requesting the framing and shell be done at 85 percent, or 33 of the COs. Branch clarified the flatwork has been completed and they have reached out to the EDC to assist with locating tenants for the commercial property.

Williams asked the reason for the requested changes. Branch replied the budget was based on 2020 numbers and with inflation and shortage of materials and labor, they are requesting the City's help so they can push through this and then will start the commercial. Porter confirmed it was related to cash flow. Branch confirmed that was correct.

#### **Public Hearing**

Mayor Porter opened the public hearing on Item 1 at 6:17 p.m. asking anyone present wishing to address Council to come forward.

No one came forward for the public hearing.

Mayor Porter closed the public hearing at 6:17 p.m.

#### **Council Action**

A motion was made by Councilman Williams, seconded by Councilman Duke, to approve Item 1 as presented. A vote was taken and the motion passed 4-1 with Councilman Wallis voting against and Mayor *pro tem* Forrester and Councilman Strang absent.

- 2. Hold a Public Hearing, to consider, and act upon, a change in zoning from Agricultural (AG/30) and Commercial Corridor (CC) to Light Industrial - Special Use Permit (LI-SUP) on 14.03 acres generally located on the southwest corner of Old Alanis and West Alanis Drive (ZC 2023-01).**

#### **Staff Comments**

Community Services Director Haskins addressed Council stating the applicant is requesting to rezone about 14 acres in order to do a 100,000-square-foot warehouse distribution center. The use is intended for a facility for coating and pre-manufactured windows. The applicant is requesting in the Special Use Permit (SUP) conditions that the bay doors on the north side of the property face Alanis and have landscape screening, which is not typically allowed under normal zoning. In addition to that, the applicant is going to provide a board-on-board fence along the east side of the property between them and the mobile home park. There were a couple of different options looked at and staff, working with the applicant, felt that was the best option in order to provide division between the two properties. The future land use plan is compatible with the proposed application, and if the zoning is approved, they still have to go through site planning and platting. Haskins reported notification was sent to six surrounding property owners, and one response in favor and none in opposition was received. After a few questions about the nature of the business and operating hours, the Planning and Zoning Commission did recommend approval 7-0.

#### **Public Hearing**

Mayor Porter opened the public hearing on Item 2 at 6:21 p.m. asking anyone present wishing to address Council to come forward.

No one came forward for the public hearing.

Mayor Porter closed the public hearing at 6:22 p.m.

#### **Council Comments**

Councilman Wallis asked what type of canopy the applicant is proposing. Haskins replied it would be constructed of metal, and staff will ensure the site plan meets the architectural intent of the Zoning Ordinance. Councilman Mize asked when it comes to the intended use for coating premanufactured windows, he wanted to ensure the nearby residents will not experience exposure to chemicals, fumes, and odors and asked if any insight could be provided on that. Haskins replied, from the staff's understanding, the entire operation will take place indoors. Chase Killingsworth, the applicant, addressed Council and clarified the film coating gets run through a laminator machine so there are no toxic fumes, confirmed everything will take place inside, and there will be no discharge from the facility. Councilman Williams asked if staff could speak to the need for the SUP. Haskins replied the Zoning Ordinance does not allow loading or service areas to be seen from a public street without a masonry wall, and the applicant is requesting landscaping instead of a masonry wall. Williams clarified only the side of the building will be facing the street and not the entire front of the building, and it will be along Alanis which is more of a

commercialized street instead of a residential street. Haskins confirmed that was correct. Porter stated he travels this road and would prefer to see landscaping instead of a masonry wall as it would be a nicer look.

### **Council Action**

A motion was made by Councilman Williams, seconded by Councilman Duke, to approve Item 2 as presented. A vote was taken and the motion passed 5-0 with Mayor *pro tem* Forrester and Councilman Strang absent.

- 3. Hold a Public Hearing to consider, and act upon, an amendment to Planned Development 2014-28 and a zoning change from Commercial Corridor to Planned Development - Light Industrial (PD-LI) to allow for an expansion of the area where light industrial uses are allowed. Property generally located east of the intersection of Business Way and Commerce Drive (ZC 2023-03).**

### **Staff Comments**

Community Services Director Haskins addressed Council stating the applicant is requesting to expand an existing Planned Development (PD) that was approved in 2014 to allow for light industrial uses on the property. This particular PD will cover lots 5, 6, and 7 and the remainder of the property, lots 1, 2, 3, and 4 which are not part of this zoning case, would remain zoned commercial. The PD conditions do allow for a lumber yard in that particular area and that's the general plan going forward. The PD does also prohibit a list of uses in order to ensure that, should the lumber yard cease to exist, there would not be a light industrial type of use that may be detrimental to any of the residents that are on the north side of the railroad tracks. The future land use plan does call for regional commercial use in this area; therefore, it does meet the intent of the comp plan. Haskins reported notifications were mailed out to 43 surrounding property owners, one returned in favor, and two additional ones received after the packet was posted, one in favor and one against. The Planning and Zoning Commission did ask about the gravel surface that was shown in the exhibit where the lumber yard itself is and once it was explained that fire and engineering were generally okay with the idea they recommended approval 7-0.

### **Public Hearing**

Mayor Porter opened the public hearing on Item 3 at 6:32 p.m. asking anyone present wishing to address Council to come forward.

No one came forward for the public hearing.

Mayor Porter closed the public hearing at 6:32 p.m.

### **Council Comments**

Mayor Porter asked if the detention pond that's indicated is to help solve detention across the site, or does that only assist the back acreage. Jason Greiner, the applicant, replied the detention was drawn as a placeholder that would still allow for a 1.5-acre lumber yard. After calculations were made by the engineering firm, it was determined that lots 1 and 2 will have to detain their own, probably doing underground detention, and then outflow directly into the TxDOT system out front. Lots 3 and 7 do not have to be detained in the system the way that the engineering firm designed it, and there are some options to detain either on lot 4 or detain a little on lots 4, 5, and 6 which allows it to break up. The EDC is currently looking at cost estimates that propose a regional detention solution for lot 4 to see if they can size that appropriately to take detention off the entire site while the infrastructure is being installed. Greiner added if it's an incremental cost increase to minimize at the beginning and solve the problem for everyone, that will help avoid any detention issues. Porter asked what type of fence is proposed around the lumber yard. Haskins replied, in light industrial, chain link is allowed and if the Council desires a different type then that would need to be stated in the PD. Greiner replied if there is a desire to have a different type of screening he can get with their potential development partner on it. Greiner added there is some discussion that if the detention shifts offsite they would like to build three or four buildings and the buildings could potentially screen some of the lumber yard.

### **Council Action**

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

4. Consider, and act upon, the signing of the Memorandum of Understanding (MOU) between Dallas-Fort Worth Regional Intelligent Transportation System Partners concerning guiding principles for multi-agency communication, data, and video sharing and authorizing the City Manager to execute any necessary documents.

#### **Staff Comments**

City Engineer Tim Porter addressed Council stating in search of finding other sources of income for projects, staff has put together two projects that were submitted to the NCTCOG for their ITS program. Submitting projects does not guarantee funding for the project, but puts the City on a list and if funding becomes available they will reach out to the City. To be placed on the list the NCTCOG requires that they have a signed Memorandum of Understanding with the City. The Memorandum asks that the City share information throughout the region with others about our signals and does not require the City to give any kind of video information or money at this time. Porter added this is a standard form that any city that wants to participate in this program is asked to sign.

#### **Council Comments**

Mayor Porter confirmed that one of the potential future projects that the City is interested in is to try to create a smarter regional traffic signal system specific to Wylie initially with the possibility of integrating in the future with other surrounding entities to improve traffic flow in the region. City Engineer Porter confirmed that was correct, and added the City would like to allow our signals to communicate with one another because as of right now, they cannot do that. Councilman Williams stated that the City just took over the maintenance of 16 signals that were handled by TxDOT when our population surpassed 50,000 and this might be an avenue to help save City tax dollars. City Engineer Porter replied this is a way to possibly get up to 80 percent of funding for a future project if they have funding for it. Councilman Wallis asked to what level, when they say media, data, and video, are they asking for and what can they obtain as some people do not want to be videoed. City Engineer Porter replied it does mention that before any video is shared both parties have to agree; however, signals do not capture video and they do not record; they are simply there to detect cars. Porter added information that may be shared might be locations of vehicles and the number of cars going through. Porter also added this program is in its infancy, and there are a lot of things that have not been decided yet, as far as how the cities are going to interact with one another but it does provide provisions that if there are any major changes all the entities that sign this document will be made aware and it will require approval.

#### **Council Action**

A motion was made by Councilman Mize, seconded by Councilman Williams, to approve Item 4 as presented. A vote was taken and the motion passed 5-0 with Mayor *pro tem* Forrester and Councilman Strang absent.

Mayor Porter recessed the Council into a break at 6:47 p.m.

Mayor Porter reconvened the Council into Regular Session at 6:55 p.m.

#### **WORK SESSION**

Mayor Porter convened the Council into a Work Session at 6:55 p.m.

#### **WS1. Discuss the City of Wylie's Tree Survey.**

Parks and Recreation Assistant Director Stowers addressed Council that in 2017, the City contracted with the Davy Resource Group to survey and take inventory of roughly 5,400 trees throughout our City located in public spaces. These areas included the Municipal Complex, athletic complexes at Founders and Community Park, several large roadways including State Highway 78, FM 544, and Brown Street, and a few of our neighborhood parks. This was the first step in eventually moving forward with an urban forest master plan. Stowers reported the current asset management software that Parks and Public Works use does not support GIS very well; therefore, they are unable to load the actual maintenance they do to the trees. The current software is going away by the end of this year as they are being bought out by another company; therefore, Parks and Public Works are looking for another software that can work well with GIS. The first step in creating an urban forest master plan is conducting a tree inventory;

however, staff is recommending holding off on this plan to allow a few staff members to obtain an arborist license, which will give staff the training and knowledge to inventory the trees themselves. Once new software is implemented, and with the help of mobile GPS trackers, staff can log this data themselves and increase their inventory, and will not have to have another survey conducted. Stowers added staff is seeking direction from Council on whether or not staff should pursue reaching out to a contracting firm to start an urban forest master plan, or if Council would rather the City take this in-house and have our staff become licensed. Stowers added it is a short class and it is inexpensive.

Council comments and feedback included: impressed by the data and work that has already been done; ensuring we are looking to do it sustainably so that the data is useful and reliable and something that we can update; being proactive to adding to the trees that we have in our community and our city; an urban forest master plan should be our aspiration for the future, but we need to start small and modestly; do like the idea of equipping our staff with the ability; look at public-facing municipal property first; when looking at software ensure a holistic approach to everything the City manages so that it is not just a tree software, and ensure the City would have control of the data; tracking tree data allows the City to have some variation of trees; having individuals with this knowledge on hand that can update the information themselves and understand the nuances would be beneficial; and it should be done in-house as much as possible.

The direction from Council was to move forward with employees obtaining licenses and purchasing new software that integrates with the City's GIS software.

#### **WS2. Discuss property surrounding the northern peninsula of Lavon Lake.**

Deputy City Manager Ollie addressed Council requesting Council's direction on if the City wants to move forward with looking at disannexing roughly 3,850 acres of the northern peninsula, with only about 700 acres being actual land, and the remaining 2,800 acres being water. All of the land is owned by the Corp, is non-taxable, and is undeveloped. The City disannexed Clear Lake Park in 1999 and Princeton would annex this additional area to be continuous to their current City limits. Some considerations include: the sewer would be provided by Princeton as the City does not have any services in that area, it is not within the City's water CCN, this is all Corp property, it is very little land, and for public safety, it is a long way for the City to get over to that side of the lake and Princeton has recently taken over Branch Fire Department. The next steps would include Princeton gathering the metes and bounds, an ordinance would be drafted and brought before Council to disannex the property, and Princeton would then go through the annexation process.

Council questions and comments included whether Princeton is covering 100 percent of the cost to do the disannexation and annexation process, would like Princeton to cover the full cost as this project is at their request, would the City still be contiguous to the small peninsula that is currently within City limits if the City disannexes this piece, with the additional lake footage that they would be bringing into Princeton will they be able to provide services to that or will it still be on the City to provide services to those areas of the lake, if the Corp ever leased the space along the perimeter of the lake would the income be taxable, confirmed staff does not foresee any possible loss of tax revenue in the future, and concerned with losing a little bit of Wylie and any potential future opportunities.

The Council's direction included moving forward with the process of disannexation as long as it is paid for by Princeton.

#### **RECONVENE INTO REGULAR SESSION**

Mayor Porter reconvened the Council into Regular Session at 7:21 p.m.

#### **EXECUTIVE SESSION**

Mayor Porter convened the Council into Executive session at 7:23 p.m.

**Sec. 551.074. PERSONNEL MATTERS; CLOSED MEETING.**

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

- (1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or
- (2) to hear a complaint or charge against an officer or employee.

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

**ES1. Discuss the job performance of the City Manager.**

**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 Ballard/Brown, Brown/Eubanks, FM 544/Cooper, FM 544/Sanden, FM 1378/Parker, Jackson/Oak, Regency/Steel, State Hwy 78/Alanis, State Hwy 78/Ballard, 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).

**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: 2013-9a, 2017-6a, 2021-2d, 2021-5a, 2021-6a, 2021-6c, 2021-8a, 2021-9a, 2021-9b, 2021-9f, 2022-9i, 2022-1b, 2022-4d, 2022-7b, 2022-8b, 2022-9f, 2022-10d, 2022-11a, 2022-12a, 2023-1a, 2023-1b, 2023-1c, 2023-2a, 2023-2b, 2023-2c, 2023-2d, 2023-2e, 2023-3a, and 2023-3b.**

**RECONVENE INTO OPEN SESSION**

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

Mayor Porter reconvened the Council into Open Session at 9:09 p.m.

**Council Action**

A motion was made by Councilman Wallis, seconded by Councilman Williams, to authorize the Wylie EDC to enter into a Performance Agreement with Project 2023-3a in an amount not to exceed \$7,000. A vote was taken and the motion passed 5-0 with Mayor *pro tem* Forrester and Councilman Strang absent.

**Council Action**

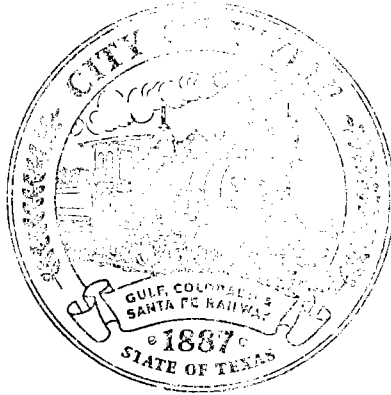
A motion was made by Councilman Duke, seconded by Councilman Williams, to authorize the Wylie EDC to enter into a Performance Agreement with Project 2023-1b in an amount not to exceed \$30,000. A vote was taken and the motion passed 5-0 with Mayor *pro tem* Forrester and Councilman Strang absent.

**ADJOURNMENT**

A motion was made by Councilman Mize, seconded by Councilman Williams, to adjourn the meeting at 9:11 p.m. A vote was taken and the motion passed 5-0 with Mayor *pro tem* Forrester and Councilman Strang absent.

ATTEST:

Stephanie Storm  
Stephanie Storm, City Secretary



Matthew O. Porter  
Matthew Porter, Mayor