

# Wylie City Council Regular Meeting Minutes

January 23, 2024 – 6:00 PM

Council Chambers - 300 Country Club Road, Building #100, Wylie, Texas 75098



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## CALL TO ORDER

Mayor Matthew Porter called the regular meeting to order at 6:04 p.m. The following City Council members were present: Councilman David R. Duke, Councilman Dave Strang, Mayor *pro tem* Jeff Forrester, Councilman Scott Williams, Councilman Sid Hoover, and Councilman Gino Mulliqi.

Staff present included: City Manager Brent Parker; Assistant City Manager Lety Yanez; Assistant Fire Chief Brian Ritter; Assistant Police Chief Anthony Henderson; Public Information Officer Craig Kelly; City Secretary Stephanie Storm; Purchasing Manager Chris Rodriguez; Engineering Project Manager Jenneen Elkhaliq; Finance Director Melissa Brown; City Engineer Tim Porter; Public Works Director Tommy Weir, Library Director Ofilia Barrera; Wylie Economic Development Corporation Executive Director Jason Greiner; and various support staff.

## INVOCATION & PLEDGE OF ALLEGIANCE

Mayor *pro tem* Forrester led the invocation, and Mayor Porter led the Pledge of Allegiance.

## PRESENTATIONS & RECOGNITIONS

### PR1. Recognition of In-Sync Exotics.

Mayor Porter announced that In-Sync Exotics was unable to attend this evening; therefore, this item will be moved to a future meeting.

### PR2. Eagle Scout Award - Brian Goodrich.

Mayor Porter presented a proclamation recognizing Brian Goodrich for his achievement of the Eagle Scout Award. Goodrich was present to accept the proclamations and gave a brief description of his Eagle Scout project.

### PR3. National Human Trafficking Prevention Month.

Mayor Porter recognized the month of January as National Human Trafficking Prevention Month.

## 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.*

Zahid Khan, Mohammad Abdul Moeed, Rania Noffel, Omer Shakoore, Hira Shakoore, Keli Abuhaseesh, Akheel Mohammed, Sara Khan, Shazia Al Hassan, Ahmed Al Hassan, and Alexandra Drago addressed Council requesting Council pass a Resolution for a cease-fire for Gaza.

Mayor Porter convened the Council into a break at 6:50 p.m.

Mayor Porter reconvened the Council at 7:01 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 January 9, 2024 Regular City Council Meeting minutes.**
- B. Consider, and act upon, the City of Wylie Monthly Revenue and Expenditure Report for December 31, 2023.**
- C. Consider, and place on file, the City of Wylie Monthly Investment Report for December 31, 2023.**
- D. Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of December 31, 2023.**
- E. Consider, and act upon, Ordinance No. 2024-02 amending Ordinance No. 2023-39, which established the budget for fiscal year 2023-2024; providing for repealing, savings and severability clauses; and providing for an effective date of this ordinance.**
- F. Consider, and act upon, Ordinance No. 2024-03 amending Ordinance No. 2023-39, which established the budget for fiscal year 2023-2024; providing for repealing, savings and severability clauses; and providing for an effective date of this ordinance.**
- G. Consider, and act upon, Ordinance No. 2024-04 for a change in zoning from Multi-Family (MF) to Commercial Corridor - Special Use Permit (CC-SUP) on 0.198 acres to allow for an office use within a residential structure. Property located at 100 S. 3rd Street (ZC 2023-14).**

### **Council Action**

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

## **REGULAR AGENDA**

- 1. Consider, and act upon, Resolution No. 2024-02(R) authorizing the City Manager of the City of Wylie to execute the Grade Crossing Construction Agreement between The Kansas City Southern Railway Company and the City of Wylie, Texas concerning the construction of the railway crossing of Eubanks Lane, north of Centennial Drive.**

### **Staff Comments**

Engineering Project Manager Jenneen Elkhaid addressed the Council stating this agreement is between the City and Kansas City Southern Railway (KCS), also now known as Canadian Pacific Kansas City (CPKC). This agreement is for the grade crossing and the new signal at Eubanks, just north of Centennial and south of the North Texas Municipal Water Districts (NTMWD) driveway. The estimated cost is \$1,222,722 and is funded 80 percent by NTMWD and 20 percent by the City's east and west thoroughfare funds. The railroad will give the City a minimum of a week's notice for the closing of the railroad crossing, which will be closed for three days. Regarding the status of the project, franchise utilities are being finalized, permits are being approved through TxDOT, the contractor is in place, and the project will be ready to move forward after the crossing work is completed.

### **Council Comments**

Mayor *pro tem* Forrester confirmed all the easements have been purchased from the landowners, and we are only waiting on the franchise utilities and the approval of this agreement. Elkhaid confirmed that was correct. Councilman Williams asked for additional information on the difference between the \$1.2 million versus \$2.4 million. Elkhaid replied the \$1.2 million is the agreement with the railroad and the \$2.4 million is a separate Interlocal Agreement with NTMWD as they are funding 80 percent of the project and due to inflation, the City

requested an additional \$2.4 million from NTMWD to keep it at the 80 percent ratio. Williams clarified the \$1.2 million is the actual cost to the City. Elkhaid confirmed that is correct, it is the cost for the railroad improvements. Councilman Strang asked for the detour route and asked what days they would be working. Elkhaid replied for the three days, drivers would need to take Skyview to CR 384 and then connect to either Parker Road or north on Highway 78, and as of now staff does not have specifics on which days they would be working but will work with them on the days to have the least amount of impact to drivers. Forrester confirmed the City can offer a variance to work on Sundays from the City Manager's Office and that may help with traffic concerns and would prefer to have weekend construction. Councilman Mulliqi asked if this agreement should be with CPKC instead of KCSR since they have merged, and requested the timeline of the construction on Eubanks. Elkhaid stated they clarified the name in the agreement with CPKC, and they anticipate about 15-18 months for construction of the entirety of the project and added that Eubanks will remain open minus the three days for the railroad crossing construction during the project.

City Manager Parker added the City will do the best it can to try to coordinate the closing to have the least amount of impact on the drivers; however, the City does not have control over when the railroad crossing is closed.

### **Council Action**

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Williams, to approve Item 1 as presented. A vote was taken and the motion passed 7-0.

## **2. Consider, and act upon, acceptance of the Annual Comprehensive Financial Report (ACFR) for FY 2022-23 following a presentation by the audit firm Weaver, LLP.**

### **Staff Comments**

Finance Director Brown addressed Council stating the City Charter requires that at the end of the fiscal year, an independent audit be made of all accounts of the City by a certified public accountant. In compliance with the City Charter, the City's outside auditor, Weaver LLP has performed an audit as of September 30, 2023.

John DeBurro, representing Weaver, addressed the Council giving a presentation on the introduction of Weaver, the audit process, the audit results, required communications, financial highlights, and discussion. Weaver issued an unmodified opinion on the Independent Auditor's Report on the financial statements, and no material weaknesses were noted regarding the Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and other matters based on an Audit of Financial Statements Performed in accordance with Government Auditing Standards. DeBurro spoke on some financial highlights of the City including Governmental Funds revenues for the FY 2023 totaled \$76.7 million, a \$10.8 million increase, attributed primarily to a \$4.2 million increase in intergovernmental revenues because of the federal financial assistance program revenue being recognized this year and a \$2.5 million increase in interest income due to the favorable rates this past year, an increase in both sales and property taxes; comparison of Governmental Funds revenues increasing from \$4.6 million in FY 2022 to \$8.8 million in FY 2023; Governmental Funds expenditures for FY 2023 totaled \$67.9 million, a slight increase of less than \$1 million, attributed to capital outlay expenditures decreased \$4.8 million, and public safety expenditures increased \$3.3 million; the City's governmental funds reported a combined ending fund balance of \$95 million at September 30, 2023 which was an increase of \$28.8 million, primarily due to a \$30.2 million increase in the Capital Projects Fund, the result of \$16 million general obligation bonds issued, and a \$12.1 million transfer from General Fund, and the unassigned fund balance in the General Fund, \$28.6 million, represents 56.1 percent of general fund expenditures; the General Fund budget versus the actual budget was overall favorable with a budgetary variance of \$7.2 million, with revenues over budget by \$2.8 million, and expenditures \$4.2 million below budget; and the Water and Sewer Fund net position increased by \$8.4 million over the prior year attributed to the operating revenues increased \$2.2 million primarily due to rate increases and increased consumption, operating expenses increased by \$2.3 million primarily due to a \$830,000 increase in water costs and a \$1.4 million increase in wastewater treatment costs, and nonoperating revenue increased by \$1.3 million due to a \$1.2 million increase in interest income.

### **Council Comments**

Mayor Porter thanked Weaver and the Finance Department staff for all of their work and professionalism. Councilman Williams confirmed staff will be coming to Council with a 2023 budget versus actual. Brown confirmed that staff will give a review before starting the budget process.

### **Council Action**

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

## **EXECUTIVE SESSION**

Mayor Porter convened the Council into Executive Session at 7:29 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 544/Cooper, FM 544/Sanden, Jackson/Oak, Regency/Steel, State Hwy 78/Ballard, State Hwy 78/Brown, and State Hwy 78/Skyview.**

### **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: 2013-9a, 2022-1c, 2022-10c, 2023-1c, 2023-2d, 2023-3b, 2023-4c, 2023-5b, 2023-9b, 2023-10a, 2023-12c, 2024-1a, and 2024-1b.**

## **RECONVENE INTO OPEN SESSION**

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

Mayor Porter reconvened the Council into Open Session at 8:38 p.m.

## **READING OF ORDINANCES**

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

City Secretary Storm read the captions of Ordinance Nos. 2024-02, 2024-03, and 2024-04 into the official record.

## **ADJOURNMENT**

A motion was made by Councilman Strang, seconded by Councilman Hoover, to adjourn the meeting at 8:40 p.m. A vote was taken and the motion passed 7-0.

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**Matthew Porter, Mayor**

**ATTEST:**

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**Stephanie Storm, City Secretary**