

Wylie City Council Regular Meeting Minutes

March 12, 2024 – 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 Dave Strang (6:29 p.m.), Mayor *pro tem* Jeff Forrester, Councilman Scott Williams, Councilman Sid Hoover, and Councilman Gino Mulliqi.

Staff present included: City Manager Brent Parker; Deputy City Manager Renae Ollie; Assistant City Manager Lety Yanez; Fire Chief Brandon Blythe; Police Chief Anthony Henderson; Public Information Officer Craig Kelly; City Secretary Stephanie Storm; Finance Director Melissa Brown; City Engineer Tim Porter; Public Works Director Tommy Weir; Community Services Director Jasen Haskins; Senior Buyer Kirby Krol; Parks and Recreation Director Carmen Powlen; Library Director Ofilia Barrera; and various support staff.

INVOCATION & PLEDGE OF ALLEGIANCE

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

PRESENTATIONS & RECOGNITIONS

PR1. Women's History Month.

Mayor Porter presented a proclamation proclaiming March 2024 as Women's History Month in Wylie, Texas. Tracy Lawson, Guest Service Specialist at the Brown House, shared information about women who have had an impact on Wylie's history. City staff members were present to accept the Proclamation.

PR2. Colorectal Cancer Awareness Month.

Mayor Porter recognized the month of March as Colorectal Cancer Awareness 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.

There were no members of the public 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 February 27, 2024 Regular City Council Meeting minutes.

- B. Consider, and act upon, Resolution No. 2024-11(R), amending Resolution No. 2024-05(R) authorizing the City Manager to execute an amended Joint General and Special Election Services Contract between the City of Wylie and the Dallas County Elections Administrator to be administered by the Dallas County Elections Administrator for the May 4, 2024 Wylie General Election.**
- C. Consider, and act upon, a Final Plat of Lot 2B1, Block A of Aldi Wylie Addition, amending one commercial lot on 1.162 acres, located at 3457 W. FM 544.**
- D. Consider, and act upon, Ordinance No. 2024-06 amending Wylie's Code of Ordinances, Ordinance No. 2023-10, as amended, Chapter 18 (Animals), Article I (General), to amend Section 18-16 (Trap-Neuter-Release Feral Cat Program).**
- E. Consider, and act upon, the approval of the purchase of one (1) Chevrolet one-ton utility body truck and one (1) Chevrolet 2500 pickup truck in the estimated amount of \$112,359.70 through a cooperative purchasing agreement with the Sheriffs' Association of Texas, and authorizing the City Manager to execute any necessary documents.**
- F. Consider, and act upon, the approval of Professional Services Project Order No. W2024-37-E for a Stormwater Utility Fee Study by Freese and Nichols, Inc. in an amount not to exceed \$149,985.00 for the Engineering Department, and authorizing the City Manager to execute any necessary documents.**

Council Action

A motion was made by Councilman Williams, seconded by Councilman Duke, to approve the Consent Agenda as presented. A vote was taken and the motion passed 6-0 with Councilman Strang absent.

REGULAR AGENDA

- 1. Hold a Public Hearing, consider, and act upon, the writing of an ordinance for a change in zoning from Commercial Corridor (CC) to Commercial Corridor - Special Use Permit (CC-SUP) on 1.074 acres to allow for a drive-through restaurant use. Property located at 2806 W. FM 544 (ZC 2023-19).**

Staff Comments

Community Services Director Haskins addressed the Council stating the applicant is requesting to add an addition to the old Bush's Chicken, currently Heal 360, building for a drive-through quick service restaurant. The reason this item is coming to Council as a Special Use Permit (SUP), even though it was already a drive-through with Bush's Chicken, is that the restaurant was approved before the Zoning Ordinance was changed which allowed for drive-through restaurants, and when it became Heal 360 the use had no drive-through requirements. With the addition the property still meets all the landscaping and parking requirements. One of the SUP conditions is that the zoning exhibit also acts as the site plan, which has been reviewed and meets all the requirements. Haskins reported that 15 notifications were mailed out to property owners within 200 feet, and one notification was received in opposition, which is the property owner of the self-storage that is to the east of this property. The Planning and Zoning Commission did vote 6-0 to recommend approval.

Council Comments

Councilman Mulliqi confirmed the current business is an urgent care and they want to add a restaurant to the back. Haskins confirmed that was correct, they would have two uses in the same building. Mulliqi confirmed the additional parking will not hinder traffic. Haskins replied they are proposing to eliminate one of the drive-through lanes to add the addition. Mulliqi asked if the existing kitchen space was removed and would be added to the new addition. Haskins replied it was removed and would be added back in the new addition. Mulliqi asked if there was adequate seating inside. Haskins replied staff has reviewed the drive-through and parking to ensure it meets zoning requirements but has not been presented with anything for the inside at this time. Mulliqi stated he was concerned with the lack of parking. Haskins replied that with the addition of the six parking spaces, the site meets the Zoning Ordinance requirements. Mayor Porter confirmed they currently have two ADA spaces but will not be adding any

additional spaces. Haskins responded that the two current spaces do meet federal law. Porter stated he understands that but has concerns with this being two separate businesses with no additional ADA spaces. Haskins replied with this being a SUP, the Council can require an extra handicap space to be added. Councilman Williams confirmed they are requesting to add 2,700 square feet for the drive-through restaurant, and how many parking spaces per 200. Haskins stated 150, and added the parking calculations are listed on the site plan which states medical is 1 per 300, which requires 10, and the restaurant drive-through is 1 per 150, which would require 19, for a total of 29 spaces. Williams expressed concerns with the 12-foot-wide drive-through crossing over the fire lane and would want more clearance on the corner. Mulliqi expressed concerns with people exiting from the drive-through. Haskins replied one solution may be to add a curb to separate the drive-through from the two-way lanes.

Public Hearing

Mayor Porter opened the public hearing on Item 1 at 6:27 p.m. asking anyone present wishing to address Council to come forward.

No one was present wishing to address the Council.

Mayor Porter closed the public hearing at 6:27 p.m.

Councilman Strang took his seat at the dais at 6:29 p.m.

Council Comments

Williams added it might work if you make it one-way around the building which would eliminate the two-way traffic on the right side. Haskins stated staff would work with the City Engineer on the best way to control the traffic. Porter asked if an indicated curb would work for a fire apparatus. Haskins replied after looking at it further, that it would need to stay open, except for a small curb along the drive-through, for fire access but could be marked one way and updated in the site plan accordingly. Mayor *pro tem* Forrester stated he liked the curb idea and indicators, and added it will not stop it from happening but might help. Councilman Hoover asked instead of a curb could small speed humps be added. Haskins replied staff will work with the applicant and the City Engineer for a solution. Williams stated that it does not appear the sidewalk goes around the building. Haskins stated that is correct and that the addition can be modified to add the sidewalk.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Williams, to approve the Special Use Permit and separate the site plan for resubmittal after the adjustments have been made as Council has discussed. A vote was taken and the motion passed 6-1 with Councilman Mulliqi voting against.

- 2. Hold a Public Hearing, consider, and act upon, the writing of an ordinance for a change in zoning from Planned Development 2020-27 (PD 2020-27) to Planned Development (PD) on 20.433 acres. Property located from 2535-2701 S. State Highway 78 (ZC 2023-20).**

Staff Comments

Community Services Director Haskins addressed the Council stating the applicant is requesting to amend Planned Development (PD) 2020-27 which was approved in April 2020. The property has new property owners and they are requesting to amend the PD to move forward with getting this property developed. The main purpose of the PD amendments is to separate the multifamily and commercial components; placing the commercial along Highway 78 and the multifamily behind the commercial. The townhome part is owned by a different company, and they want to separate their concurrency requirements from the townhomes because originally the commercial part had to be built before the townhomes could be built and that was tied to the multifamily. The applicant is still willing to do concurrency requirements with their part of the property being commercial and multifamily. Haskins reported when this was presented to the Planning and Zoning Commission they discussed the apartment density as they are proposing more residential and less commercial; therefore, resulting in a higher residential density than what was originally requested, and the location and potential users of the commercial development. The Commission did vote 6-0 to recommend approval.

Applicant Comments

Levi Wild, representing Wild Land Development Consulting, addressed the Council giving a presentation on Silverlake Station including the current status of the existing site, the proposed development plan, the proposed commercial development, and the proposed multifamily development.

Public Hearing

Mayor Porter opened the public hearing on Item 2 at 6:40 p.m. asking anyone present wishing to address Council to come forward.

No one was present wishing to address the Council.

Mayor Porter closed the public hearing at 6:40 p.m.

Council Comments

Mayor Porter asked the applicant if they develop commercial sites, or only multifamily. Wild replied the ownership group for this property has developed both in different markets. Porter clarified if the proposed PD states Lots 1, 2, and 4 would allow drive-throughs by right. Haskins confirmed that was what the applicant was requesting. Porter asked the applicant if the request for drive-throughs by right was integral to doing the commercial. Wild replied that it is not integral to the request but they would appreciate the flexibility, and clarified, that if it was not by right it would be allowed by a SUP. Porter confirmed that was the City's requirements. Wild added he would like the Council to consider the drive-through by right on the smaller lot. Councilman Williams asked if there are any restrictions in the PD regarding constructing the commercial before the residential can be constructed. Haskins replied Section 2, Development Schedule, addresses that they have to complete the necessary infrastructure on Lots 1, 2, and 4 before, or concurrently, with any multifamily development on Lot 3. Porter added he has concerns with the proposed language as other developers have come back after they put the flatwork in to request more residential. Councilman Mulliqi asked if the property to the right is zoned for multifamily use. Haskins replied it is. Mulliqi asked the applicant if they were opposed to doing both simultaneously, what have they built in the Texas market, what developers have they built with, and are they opposed to, based on a percentage, whatever residential is constructed in the back, the same in commercial is constructed in the front. Wild replied they are open to working with the property owners to the east to join the projects but would like to move forward with the project on the property they own. Wild replied he is a consultant to the landowner and does not have access to their full resume to give specific developers and projects they have constructed, and without knowing who the commercial tenants would be and their needs, they would hate to put in the foundation and plumbing and it be in the wrong spot to be able to attract the right users. Wild added they hope to develop the entire project all at once. Mayor *pro tem* Forrester expressed concerns with the size of units being about 100 square feet smaller than our minimum requirement, and the impact on the traffic, school district, and infrastructure. Forrester stated in the past there have been hurdles that were faced during the pre-development phases with the acquisition of water lines, sewer lines, and electrical, and asked if those have been taken care of. Haskins replied the utilities are there and are sized appropriately, and to help alleviate the impact on the school district, Section 5-3 was added to limit the number of three-bedroom units. Forrester asked if there would be decel lanes at the entrances and expressed he was concerned with the traffic flow through this development. Wild replied they have reviewed the traffic study, have intentions to build decel lanes and the median opening for the left turn lane, and staff has requested an updated traffic impact study. Councilman Strang asked for clarification on the traffic flow into and out of the development. Wild replied the intention is to maintain the same access as the approved plan, which is one median opening and one right in, right out. Strang expressed concern about potential stacking near the exit if a drive-through restaurant is added. Wild responded they have not had a lot of discussion on a drive-through user at this time, and think that the SUP process would allow for that further discussion. Williams stated he would like to see the two approaches on Highway 78 that are not being used, be used. Haskins replied staff would have to look into this to see if it would be allowed due to the spacing requirement. Councilman Mulliqi thanked the applicant for bringing this project before the Council to improve the property and expressed concern with the back part of the property being developed as residential and then the front commercial pads coming back before the Council requesting additional residential, and added he would like something added in the PD that is percentage based. Wild responded they are completely comfortable with putting in writing that there will be no residential on the commercial lots of this PD, but to commit to doing commercial and residential construction simultaneously, he cannot make that commitment on behalf of his client

tonight. Porter expressed concerns with this project as this area was designated as corridor commercial on the most recent Comprehensive Land Use Plan, and the proposed PD is requesting high-density residential which does not fit the plan the City put in place. Williams stated he would like to see a plan in the PD with the commercial and residential being constructed at the same time, and added he would not want to give away this land for residential rather than commercial. Councilman Duke stated he agreed with the Mayor's comments. Forrester stated he appreciated the thoughts and efforts that went into this project but expressed concerns that if this proposed PD is approved apartments will go in and further down the road the retail across the front of the property will be developed and it will not have a flow, and added this proposed project does not look like a destination.

Council Action

A motion was made by Councilman Mulliqi, seconded by Mayor *pro tem* Forrester, to table Item 2. A vote was taken and the motion passed 6-1 with Mayor Porter voting against.

- 3. Consider, and act upon, Ordinance No. 2024-07 amending Wylie's Code of Ordinances, Ordinance No. 2022-44, as amended, Appendix A (Wylie Comprehensive Fee Schedule), Section IX (Parks and Recreation).**

Staff Comments

Parks and Recreation Director Powlen addressed the Council stating currently the fee ordinance for Parks and Recreation includes specific fees for pavilion and field rentals. In 2022 Council allowed staff to amend the ordinance to remove the Recreation fees so that staff would have the flexibility to change the fees as needed and offer promotions in conjunction with a fee study. Staff is requesting to remove the specific Park fees to be handled the same as the Recreation fees. Powlen stated the current fees listed in the ordinance would continue until fees are brought back to the Council for approval during the budget process.

Council Comments

Mayor *pro tem* Forrester clarified this request is only for rental fees, not parkland dedication fees. Powlen confirmed that was correct. Councilman Williams asked if this would give staff the most flexibility. Powlen replied yes as the fees can be set during the budget process and would not have to come back before Council each time for changes.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Mulliqi, to approve Item 3 as presented. A vote was taken and the motion passed 7-0.

- 4. Consider, and act upon, the approval of annual agreement No. W2024-21-A with Emergicon, LLC for EMS Billing Services for Wylie Fire Rescue, and authorizing the City Manager to execute any necessary documents.**

Staff Comments

Fire Chief Blythe addressed the Council stating this item is to approve an agreement for EMS billing with the City bringing that service in-house. A formal RFP process was completed where seven submissions were received, and after reviewing them, Emergicon ranked the highest and will bring the best value to the City. The current contract as it's written is for six percent of all payments collected, and if this item is approved, there is a Work Session later in the meeting to discuss the fee schedule and the details of the actual agreement. The initial contract is for three years with two, two-year renewals for a total of seven years, and there are opportunities for price adjustments as long as they are approved by the City.

Council Comments

Mayor Porter asked if the contract specifies who is responsible for collections. Blythe responded that if this item is approved and they become the vendor, that will be discussed during the work session. Porter stated he would like an understanding of what the six percent covers, which services they will provide, and which services will fall on the City as some of those are very time-consuming. Senior Buyer Krol replied there are some specifics with the claims process that are laid out within the contract terms itself but the six percent is the return for all collections on behalf of the City. City Manager Parker added the City will not handle any of the collections. Councilman Mulliqi

asked what stood out about Emergicon. Blythe replied having a location in Texas was a big deal, and they received good feedback from the other departments who contract with them. Mulliqi stated he is a little concerned with serving 200 cities with only 80 employees, and wanted to ensure they can provide the level of service to the citizens. Blythe replied the entities that the City spoke with of similar size, or larger, were happy and had no complaints with the service they provided. Mulliqi asked if their retention rate in terms of collections was a high or low volume. Blythe replied it would depend on where the fee schedule is set, but they do a good job with collections based on the feedback received. Mulliqi confirmed they will bill with the City of Wylie logo and will represent the City. Blythe responded that was correct and that they feel comfortable with that as currently, staff does not know who does the billing now. Councilman Williams asked for further information on the evaluation process. Blythe replied the criteria were established beforehand and the RFPs were graded based on those criteria, and added pricing is not a factor as it is not seen until the end. Williams asked if the City will have underwriting authority in the instance that changes need to be made. Blythe replied a fee schedule has not been established yet, but if this item is approved, they work for the City and are our vendor. Porter added he would like to ensure there are EMR integration capabilities to ensure that patient data is transferred when a patient is transported.

Council Action

A motion was made by Councilman Mulliqi, seconded by Mayor *pro tem* Forrester, to approve Item 4 as presented. A vote was taken and the motion passed 7-0.

WORK SESSION

Mayor Porter convened the Council into Work Session at 7:31 p.m.

Mayor Porter recessed the Council into a break at 7:31 p.m.

Mayor Porter reconvened the Council into Work Session at 7:38 p.m.

WS1. Discussion regarding the Police Department overview and Five-Year Plan.

Police Chief Henderson addressed the Council giving a presentation on the Texas Police Chiefs Best Practices Accreditation, the Police Department organizational chart, the crime rate from 2020-2023, the calls for service from 2020-2023, the mental health calls from 2021-2023, traffic collisions from 2021-2023, five-year plan-personnel and equipment, hiring and retention from 2021-2024, staffing levels, staffing concerns, and factors contributing to being understaffed. Henderson requested Council direction on evaluating a take-home vehicle program.

Council comments and questions included are you seeing a correlation in a spike in shoplifting with the absence in company asset protection units, is staff trying to put alerts on addresses for mental health, does the flashing yellow arrow contribute to the increase in accidents, confirmed the proposed training officer is a sworn officer, explain the data for the reasoning behind the five year plan personnel requests, what would the mental health officer due when not on an active call, is the addition of staggered shifts during peak times sustainable with the current vehicle program, is the public safety parking expansion for parking out front for visitors or outback for employees, how would the transfer of the take home vehicle work, do not see an issue with a take home vehicle program if it helps close the gap with policies in place, would support the proposed April-July trial run for the take home vehicle program, trust the department and staff to do what is best, would the officers consider it a benefit to take home a vehicle, would like more tickets issued, can some of the replacement vehicles be repurposed for administrative purposes, the last two years when given comparison cities salaries we were behind on pay, the importance that staff is aware that Council does not want to lose employees to pay, appreciate the time and efforts of the Wylie Police Department, Council has given staff direction to bring back data for salaries in a short period of time so it can be addressed, work on a solution for recruitment to be proactive instead of reactive, does the Police Department have a recruitment officer, support a mid-year budget amendment for all employees, and staff continue to communicate to Council to help change from being reactive to proactive to ensure we do not find ourselves in this situation again.

Mayor Porter recessed the Council into a break at 9:17 p.m.

Mayor Porter reconvened the Council into Work Session at 9:29 p.m.

WS2. Discuss Wylie Fire Rescue EMS Billing Services.

Fire Chief Blythe addressed the Council stating the goal of this item to establish a fee schedule for EMS.

Rahim Fancy, representing Emergicon, addressed the Council giving a presentation on the overview of Emergicon including the customer service, the onboarding process, the logic behind the proposed fee schedule, the proposed fee schedule and comparison data, understanding Cash Per Transport (CPT) and CPT generated from the proposed fee schedule, how Wylie can support patients and residents, and Texas Ambulance Supplemental Payment Program (TASPP) reimbursement opportunity.

Council comments and questions included does the proposed fee schedule with the negotiated rates for commercial payers capture the maximum reimbursement amount, is the CPT based on the payers history, is the TASPP a self-pay person, when looking at the prompt pay discount what is the approximate percentage of Medicare that the billing reflects, would like a prompt pay discount for self-pay patients below what a commercial insurance would pay when billed to bring it more in line with what someone would get billed for Medicare, is a prompt pay discount a range that you work within, is PCG a grant provider or writer, are there multiple agencies in the state of Texas that do what PCG does, why does Emergicon choose PCG and how long has Emergicon partnered with PCG, how many claims did Emergicon process in the state of Texas last year, why are the proposed rates higher than the state average, how long have you been the vendor for the city of Sachse, what was the collection rate with the city of Sachse last year on the ALS-Emergency, how are the financial books going to work with the City, what was the number of transports last year, are there quarterly updates with the agency, want to ensure we are communicating and setting the appropriate standards with the customers, would like to gather feedback on the vendor every quarter or on a six month basis, would the fee schedule be part of the Comprehensive Fee Schedule or set by budget, is the TASPP program a state or federal program, and when will the new fee schedule be effective.

The consensus of the Council was to move forward with the proposed fee structure, let the vendor determine the prompt pay discount percentage amount, and are interested in looking further into the TASPP program.

RECONVENE INTO REGULAR SESSION

Mayor Porter reconvened the Council into Regular Session at 10:09 p.m.

EXECUTIVE SESSION

Mayor Porter convened the Council into Executive Session at 10:10 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. City Manager Quarterly Evaluation.

ES2. Deliberate and Provide EDC Director Direction.

Councilman Strang left Executive Session around 12:30 a.m.

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

Mayor Porter reconvened the Council into Open Session at 12:50 a.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. 2024-06 and 2024-07 into the official record.

ADJOURNMENT

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Duke, to adjourn the meeting at 12:51 a.m. A vote was taken and the motion passed 6-0 with Councilman Strang absent.

Matthew Porter, Mayor

ATTEST:

Stephanie Storm, City Secretary