

Wylie City Council Regular Meeting Minutes

May 09, 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 6:05 p.m. The following City Council members were present: Councilman David R. Duke, Councilman Dave Strang, Mayor *pro tem* Jeff Forrester, Councilman Scott Williams, and Councilman Garrett Mize. Councilman Timothy T. Wallis was absent.

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; Finance Director Melissa Brown; Public Information Officer Craig Kelly; City Secretary Stephanie Storm; Purchasing Manager Glenna Hayes; City Engineer Tim Porter; Engineering Project Manager Jenneen Elkhaid; Community Services Director Jasen Haskins; Fire Marshal Cory Claborn; Building Official Phillip Booth; Assistant Library Director Lisa Galletta; Public Works Director Tommy Weir; Wylie Economic Development Executive Director Jason Greiner; and various support staff.

INVOCATION & PLEDGE OF ALLEGIANCE

Pastor Keith Spurgin, New Hope Church, led the invocation, and Mayor *pro tem* Forrester led the Pledge of Allegiance.

Mayor Porter requested a moment of silence for the families, friends, and communities affected by the tragic event that occurred this past Saturday in Allen.

PRESENTATION TO OUTGOING COUNCILMEMBERS

Mayor Porter announced that outgoing Councilmember Timothy "Toby" Wallis was unable to attend and would be recognized at the May 30, 2023, City Council meeting.

Mayor Porter and the Wylie City Council presented outgoing Councilmember Garrett Mize with a plaque of appreciation for his dedication and support to the City of Wylie during his tenure as Councilmember Place 6.

ISSUANCE OF CERTIFICATE OF ELECTIONS & ADMINISTRATION OF OATH OF OFFICE

Mayor Porter presented Certificates of Election and Municipal Court Associate Judge Ashley McSwain administered the Oath of Office to Mayor-elect Matthew Porter, and Councilmembers-elect Sid Hoover, Place 5, and Gino Mulliqi, Place 6.

Council took a short recess at 6:25 p.m.

Councilmen Hoover and Mulliqi took their seats at the dais for the remainder of the meeting.

Mayor Porter reconvened the regular meeting at 6:37 p.m.

PRESENTATIONS & RECOGNITIONS

PR1. National Police Week.

Mayor Porter presented a proclamation proclaiming May 14-20, 2023 as National Police Week in Wylie, Texas. Members of the Wylie Police Department were present to accept the Proclamation.

PR2. Economic Development Week.

Mayor Porter recognized May 8-12, 2023 as Economic Development Week.

Additional Recognitions

Mayor Porter recognized a Shining the Wylie Way student.

Mayor Porter recognized National Nurses Week.

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 before 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.

Robert Heath, representing Downtown Merchants Association, addressed Council thanking WISD staff and student volunteers, and City Parks and Recreation staff for their assistance at the Pedal Car race.

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 April 25, 2023, Regular City Council Meeting minutes.**
- B. Consider, and act upon, authorizing the Mayor to enter into a Cooperative Agreement for additional Law Enforcement Services, between the City of Wylie, Lavon Lake, Texas initiates Agreement No. W9126G23Q0010 and the U.S. Army Corps of Engineers. This agreement is for the provisions of additional Law enforcement Services from May 19, 2023, through September 9, 2023, for a sum not to exceed \$53,896.98.**
- C. Consider, and act upon, the approval of a request to construct a new residential structure on an existing lot for retail/office use, located at 308 N. Ballard within the Downtown Historic District.**
- D. Consider, and act upon, the approval of a request for substantial renovation to construct a new kitchen to an existing residential structure, located at 304 W. Jefferson St. within the Downtown Historic District.**
- E. Consider, and act upon, the approval of an update to the 2023 Procurement Manual.**
- F. Consider, and act upon, the award of bid #W2023-22-B for Eubanks Lane Improvements from Hwy. 78 to North Texas Municipal Water District Entrance Drive to McMahon Contracting, LP in the amount of \$3,444,832 and authorizing the City Manager to execute any and all necessary documents.**

- G. Consider, and act upon, the purchase of two (2) 2016 Horton Ford F550 ambulances from Siddons-Martin Emergency Group in the amount of \$247,403.00; and authorizing the City Manager to sign any and all necessary documents.**
- H. Consider, and act upon, Resolution No. 2023-07(R) authorizing the purchase of a LIFEPAK 15 V4 Cardiac Monitor and service agreement from Stryker Sales Corporation Medical Division, as a single source purchase exempt from the competitive bid law pursuant to Local Government Code, Section 252.022(a), in the amount of \$50,926.68; and authorizing the City Manager to execute any necessary documents.**

Mayor Porter requested Items C, D, and F be pulled from the Consent Agenda and considered individually.

Council Action

A motion was made by Councilman Williams, seconded by Councilman Strang, to approve the Consent Agenda Items A, B, E, G, and H as presented. A vote was taken and the motion passed 7-0.

REGULAR AGENDA

- C. Consider, and act upon, the approval of a request to construct a new residential structure on an existing lot for retail/office use, located at 308 N. Ballard within the Downtown Historic District.**

Council Comments

Mayor Porter asked staff with the addition of a new structure that will alter the amount of permeable surface, what is being done regarding drainage. Deputy City Manager Ollie replied the item before Council is the consideration of the zoning to allow this structure on this property in the Downtown Historic District, and approving or denying this item does not allow the construction to take place. If Council approves the request, they will have to submit full building and engineering plans before construction can begin. City Engineer Porter added if the item is approved and plans are submitted, he would review them and the City would work with the owner to help offset the drainage with this addition.

Council Action

A motion was made by Councilman Duke, seconded by Councilman Strang, to approve Consent Item C as presented. A vote was taken and the motion passed 6-1 with Mayor *pro tem* Forrester voting against.

- D. Consider, and act upon, the approval of a request for substantial renovation to construct a new kitchen to an existing residential structure, located at 304 W. Jefferson St. within the Downtown Historic District.**

Council Comments

Mayor Porter confirmed this Item is specific to the zoning and not engineering. Deputy City Manager Ollie replied this Item is a little different in that it is adding 280 square feet for a kitchen addition that will be attached to the existing structure; therefore, Council will not see the full engineering plans. Councilman Williams confirmed this item is only coming before Council due to its location in the Downtown Historic District and clarified a kitchen remodel does not always come before Council for approval. Ollie confirmed that was correct, and any item that goes to the Historic Review Commission has to come before Council for action.

Council Action

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

- F. Consider, and act upon, the award of bid #W2023-22-B for Eubanks Lane Improvements from Hwy. 78 to North Texas Municipal Water District Entrance Drive to McMahon Contracting, LP in the amount of \$3,444,832 and authorizing the City Manager to execute any and all necessary documents.**

Council Comments

Mayor Porter stated he had no questions but since this has been an item of interest for some time he wanted to highlight the Item and put forth that the bidding has been completed and is pending Council's vote. Purchasing Manager Hayes added the bid came in at \$2,995,505.86 and there is a procurement law that limits the amount you can increase any contract to 25 percent of the original award to prevent vendors from lowballing and then submitting change orders to drive up the price. Hayes added the City is asking to pre-award 15 percent of the 25 percent so that the department can keep the construction moving if change orders do come through. Mayor *pro tem* Forrester added this is a shared expense between the City and North Texas Municipal Water District (NTMWD). City Engineer Porter confirmed that 80 percent of this contract is paid for by NTMWD and 20 percent by the City.

Council Action

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

- 1. Consider, and act upon, the appointment of Mayor *pro tem* for a term beginning May 2023 and ending May 2024.**

Council Comments

Councilman Williams nominated Councilman Forrester for Mayor *pro tem*.

Council Action

A motion was made by Councilman Strang, seconded by Councilman Mulliqi, to approve the appointment of Councilman Jeff Forrester as Mayor *pro tem* for a term beginning May 2023 and ending May 2024. A vote was taken and the motion passed 7-0.

- 2. Tabled from 04-25-2023**
Remove from the table and consider

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang, to remove Item 2 from the table to be considered. A vote was taken and the motion passed 7-0.

Consider, and act upon, Ordinance No. 2023-17 for a change in zoning from Manufactured Home (MH) to Commercial Corridor - Special Use Permit (CC-SUP) to allow for a motor vehicle fueling station with convenience store and car wash on 1.793 acres, property located at 1001 S. Highway 78 (ZC 2023-05).

Staff Comments

Community Services Director Haskins addressed Council stating this Item was requested to be tabled by the applicant at the last Council meeting and was approved for the writing of an ordinance at the April 11 meeting. The land owner and applicant are present this evening.

Applicant Comments

Devan Pharis, the applicant, addressed Council giving a brief presentation on the proposed car wash and gas station, and addressed some of the concerns that were expressed at the April 11 meeting.

Council Comments

Mayor *pro tem* Forrester asked when heading south on Highway 78 will there be a protected light in the turn lane. Pharis confirmed there would be a protected green arrow. Forrester asked what will make up the landscape screen. Pharis replied it will be an eight-foot-tall solid hedge. Councilman Mulliqi asked if there will be any walls or bushes along the back of the property. Pharis replied there will be no shared access with no maneuvering between the two properties but there will not be screening. Councilman Williams added a screening fence appears to be on the neighboring industrial property line, and expressed concerns with traffic with the shared access drive and suggested the applicant look at other potential options related to that. Forrester confirmed the item before Council is for the

developer to move forward with putting this project together and the applicant would bring back a site plan in the future for consideration that would include more details. Haskins replied if the zoning is approved this evening, the site plan would go to the Planning and Zoning Commission for consideration, and a plat would come before Council for consideration.

Citizen Comments

David Zulejkic and Doug Wigby, property owners, addressed Council stating this project is a benefit to the City of Wylie, and addressed some of Council's concerns related to traffic, amenities, screening walls, lighting, and current residents' input.

Council Comments

Forrester asked where the gate will be in the residential home community. Zulejkic showed Council where the two gates would be located as well as the amenities. Mulliqi asked if the current office building is staying or will be removed. Zulejkic replied that the office building will be removed. Mayor Porter confirmed the playground will be walled in. Wigby confirmed that was correct. Mulliqi confirmed there are two entrances and exits. Wigby added there are three. Williams asked if staff is confident that the shared access easement will withstand any future scrutiny for any future sales on both pieces of property. Haskins replied that staff will require a plat and site plan that will dedicate a cross-access easement that is available forever.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Williams, to approve Item 2 as presented. A vote was taken and the motion passed 4-3 with Mayor Porter, and Councilmen Duke and Strang voting against.

- 3. Consider, and act upon, Resolution No. 2023-08(R), approving a Chapter 380 Grant Agreement between the City of Wylie and Agape Resource and Assistance Center, a Texas nonprofit 501(c)(3) tax-exempt corporation, and authorizing the City Manager to execute the Chapter 380 Grant Agreement.**

Staff Comments

Deputy City Manager Ollie addressed Council stating this Item is to allow for grant reimbursement where the City will reimburse them on their development and roadway impact fees. Ollie stated that based on the 38 units it is roughly \$184,000 so staff included verbiage in the agreement to not exceed \$200,000. Criteria, a start date of December 31, 2023, and a completion date of June 2025 are also included in the agreement.

Council Comments

Councilman Williams confirmed December 31, 2023, is an adequate amount of time to start the project. Ollie replied yes, the applicant is comfortable with that date.

Council Action

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

- 4. Consider, and act upon, the appointment of a 2023 Board and Commissions City Council Interview Panel to conduct the May 2023 board applicant interviews.**

Council Comments

Mayor Porter stated historically the Mayor *pro tem* has served as the Chair of the Interview Panel, and asked for any volunteers that would like to serve on the Panel. Councilmen Strang and Duke volunteered to serve on the Panel.

Council Action

A motion was made by Councilman Strang, seconded by Mayor *pro tem* Forrester, to appoint Mayor *pro tem* Forrester, Councilman Duke, and Councilman Strang to serve on the 2023 Boards and Commissions City Council Interview Panel. A vote was taken and the motion passed 7-0.

5. **Consider, and act upon, the appointment of three-committee members to the City of Wylie City Council Subcommittee to represent the City of Wylie in meetings with the Wylie Independent School District City/Schools Partnerships Committee.**

Council Comments

Mayor Porter stated this Committee typically meets once per quarter at 7:30 a.m. for an hour to two hours on a weekday and added flexibility and attendance are important. Porter stated he would put forth himself to continue serving as the Mayors from the surrounding communities regularly attend. Mayor *pro tem* Forrester nominated Councilman Williams and Councilman Williams nominated Councilman Mulliqi to serve on this committee.

Council Action

A motion was made by Councilman Strang, seconded by Councilman Williams, to appoint Mayor Porter, Councilman Williams, and Councilman Mulliqi to the City of Wylie City Council Subcommittee to represent the City of Wylie in meetings with the Wylie Independent School District City/Schools Partnerships Committee. A vote was taken and the motion passed 7-0.

WORK SESSION

Mayor Porter recessed the Council into a break at 7:45 p.m.

Mayor Porter reconvened the Council into Work Session at 7:54 p.m.

WS1. Discuss the potential development of 24 acres, generally located on the west side of Country Club Road approximately 1200' north of Brown Street.

Community Services Director Haskins addressed Council stating the property owners and developers are seeking input from the City Council for a potential development on approximately 24 acres on the west side of Country Club Road just north of Fire Station No. 2. The current proposal includes a mix of commercial uses along Country Club Road on four acres of land, single-family detached homes on 15 acres along the northern side of the property, and townhome units on 3.8 acres of land along the south side of the property.

Zaman Helaluzzaman and Naim Khan, applicants, gave a presentation to Council on the College Park development proposal addressing the land area, the site plan, a birds-eye view, single-family 10/24 zoning, townhome zoning, building elevations, front and back access, and the building fronts. Helaluzzaman and Khan responded to questions from the Council.

Council feedback and questions included is the mixed use development going to be developed in phases; concerned with the size of the homes on the lots; amenities are missing such as a park area; include more walkability; generally like it; what is the feasibility that has been done regarding the detention pond; concern with the commercial property in the back remaining vacant; confirmed there would be fencing on the property; what is the location for the dumpster concrete pad; confirmed there will be no requests for Special Use Permits for drive throughs at the commercial properties; what commercial building would be developed first; detention pond looks small compared to the size of the development; asked if the residential structures on the north side had entrances to the alley; has the developer done flat roofs and rooftop balconies before; it has an urban look and feel; the single-family homes are a little too urban when looking at the residential housing next door; have the same look and feel as the neighboring development to fit better aesthetically in the area; like the layout and plan; good looking project; would like to see a playground design; make the single-family homes more traditional and make the townhomes more urban; place the flat rooftops on the back of property facing the empty property instead of facing the existing single-family homes; is the developer planning on two story single-family homes throughout the property; what will the square footage of the homes be; and could they request a variance on flat roofs on the townhomes.

Abdul Khan, the property owner, responded to some of the Council's comments, questions, and concerns.

WS2. Discuss 4th of July Fireworks Show.

City Manager Parker addressed Council stating this item was placed on the agenda at the request of the Mayor. Parker added staff has reached out to a vendor and July 2 is available to host an event. The funding would have to come out of the General Fund Fund Balance as this event was not budgeted, but can be budgeted for in future years if that is the desire of the Council. Parker added that hotel-motel occupancy tax cannot pay for the fireworks show, and the cost would be roughly \$1,000-\$1,400 a minute with \$1,000 being a low-level show and \$1,400 being shot up in the air 300-500 feet. Parker added in the past a fireworks show was held at the Wylie High School stadium, so it could be held there or in the east meadow at the Municipal Complex, but would not be able to be held downtown.

Mayor Porter added he was interested in holding this event due to the one-time unique event of the Ethiopian Sports Federation in North America (ESFNA) coming to town and they will be holding their opening ceremonies on July 2. Porter added in future years the City could determine an event to take place before the firework show. Porter added for the funding source, the City did cancel the May 2023 election and therefore saved roughly \$40,000-\$50,000 and thought this event could come out of those savings.

Council feedback and questions included having some type of event that culminates with the end of the day firework show; having an event around such as a family picnic at Founders Park and/or food trucks before the firework show would be good; a firework show is better than nothing; make it a cross-cultural event and invite the community to come together; for funding sources reach out to corporate sponsors to see if the community can help make it happen; do it well or do not do it at all; hold the event on July 2; check with Chief Henderson to ensure the City has enough security with large attendance; and the location be determined by staff.

The consensus of the Council was to spend up to \$25,000 on a Fourth of July fireworks show.

RECONVENE INTO REGULAR SESSION

Mayor Porter reconvened the Council into Regular Session at 8:55 p.m.

EXECUTIVE SESSION

Mayor Porter convened the Council into Executive Session at 8:55 p.m. Mayor Porter stated they would like to invite representatives from Retail Coach to any of the Executive Sessions listed below at the discretion of the Council.

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. Discuss property generally located in the area of Parker Rd. and Country Club Rd.

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

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

Mayor Porter convened the Council into Open Session at 10:37 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. 2023-17 into the official record.

ADJOURNMENT

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang, to adjourn the meeting at 10:38 p.m. A vote was taken and the motion passed 7-0.

Matthew Porter, Mayor

ATTEST:

Stephanie Storm, City Secretary