

Wylie City Council Regular Meeting Minutes

March 26, 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 6:02 p.m. The following City Council members were present: Councilman David R. Duke, Councilman Dave Strang, Mayor *pro tem* Jeff Forrester (6:42 p.m.), Councilman Sid Hoover, and Councilman Gino Mulliqi. Councilman Scott Williams was absent.

Staff present included: City Manager Brent Parker; Deputy City Manager Renae Ollie; Assistant City Manager Lety Yanez; Fire Chief Brandon Blythe; 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; Parks and Recreation Director Carmen Powlen; Police Lieutenant Jeff Callan; Library Director Ofilia Barrera; Human Resources Director Jennifer Beck; Municipal Court Administrator Lisa Mangham; Wylie Economic Development Executive Director Jason Greiner; and various support staff.

INVOCATION & PLEDGE OF ALLEGIANCE

Councilman Strang led the invocation, and Councilman Hoover led the Pledge of Allegiance.

PRESENTATIONS & RECOGNITIONS

PR1. Congressman Keith Self presenting congratulatory letters to the Wylie Fire Rescue 2023 Award Winners.

Michelle Bishop and Susan Fischer, representing Congressman Self's office, recognized and presented Congressional Certificates of Recognition to 2023 Wylie Fire Rescue Award recipients.

PR2. Wylie Way Students (K-12).

Mayor Porter, WISD Board President Jacob Day, and WISD Superintendent Dr. David Vinson presented a medallion to students demonstrating "Shining the Wylie Way." Every nine weeks one student from each WISD campus is chosen as the "Wylie Way Student."

Mayor Porter recessed the Council into a break at 6:38 p.m.

Mayor *pro tem* Forrester took his seat at the dais at 6:42 p.m.

Mayor Porter reconvened the Council into Regular Session at 6:48 p.m.

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 March 12, 2024 Regular City Council Meeting minutes.**
- B. Consider, and act upon, Resolution No. 2024-12(R) of the City of Wylie, Collin, Dallas and Rockwall counties, Texas, amending Resolution No. 2024-03(R), Sections 2 and 3, to amend the Collin County early voting and election day polling locations.**
- C. Consider, and act upon, the City of Wylie Monthly Revenue and Expenditure Report for February 29, 2024.**
- D. Consider, and place on file, the City of Wylie Monthly Investment Report for February 29, 2024.**
- E. Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of February 29, 2024.**
- F. Consider, and act upon, Ordinance No. 2024-08 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).**
- G. Consider, and act upon, the approval of a Termination Agreement Regarding Southeast Collin County EMS Coalition Agreements and Mutual Release between Collin County, the City of Lavon, the City of Parker, the Town of Saint Paul, and the City of Wylie, Texas, and authorizing the City Manager to execute any necessary documents.**

Council Action

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

REGULAR AGENDA

- 1. Hold a Public Hearing, consider, and act upon, the writing of an ordinance for a change in zoning from Agricultural (AG/30) to Agricultural - Special Use Permit (AG/30-SUP) on 0.055 acres to allow for Telecommunications Tower. Property located at 5085 Bennett Road (ZC 2024-01).**

Staff Comments

Community Services Director Haskins addressed the Council stating the applicant, Verizon Wireless, is requesting a Special Use Permit (SUP) on a 60' by 40' leased space from Wylie ISD located in the southeast corner behind Wylie East High School. This request is for a 100-foot monopole tower which sits about 120 feet from the right-of-way of Bennett Road. The applicant will follow all the rules and regulations of the City, such as an 8-foot-tall concrete masonry unit (CMU) wall around the bottom and landscaping to make it look aesthetically pleasing from the road. The site will be accessed from a 30-foot access easement as proposed on the proposed zoning exhibit. One notification was mailed out to WISD and staff did not receive a response for or against it. Due to the US Telecommunications Act if Council were to deny this request the City does have to provide a written letter as to why; therefore, staff would need a specific reason for denial. After clarifying that the tower would be leased from the ISD and be located on ISD property the Planning and Zoning Commission did recommend approval 7-0.

Public Hearing

Mayor Porter opened the public hearing on Item 1 at 6:52 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 6:52 p.m.

Council Action

A motion was made by Councilman Mulliqi, seconded by Councilman Duke, to approve Item 1 as presented. A vote was taken and the motion passed 6-0 with Councilman Williams absent.

- 2. Hold a Public Hearing, consider, and act upon, the writing of an ordinance for a change in zoning from Agricultural (AG/30) to a Planned Development with single-family attached, single-family detached, commercial development and open space on 25.037 acres. Property located near 605 Country Club Road (ZC 2023-18).**

Staff Comments

Community Services Director Haskins addressed the Council stating the applicant is requesting a Planned Development (PD) on 25 acres north of Fire Station #2 on Country Club that would allow for 50 single-family homes on about 15 acres, 32 townhomes on about four acres, roughly 24,000 square feet of commercial on about three acres, and roughly four acres of HOA owned and maintained open space. A similar development proposal was denied last year and the applicant has taken Council and the citizen's comments into consideration and tried to make adjustments to reflect those comments. The single-family homes will be built with all the current design standards with a more traditional design, rather than a modern design. The street connection into Presidential Estates to the north will be completely closed off from this particular development and Washington Place is still open for emergency vehicle access only. The applicant included commercial along Country Club to comply with the future land use plan, but at the same time, ensured the commercial will not back up to the existing residential lots in Presidential Estates, as that was a concern of some of the citizens that live there. In addition, the townhome lots will have a front setback of five feet, which would allow more of a brownstone look so they will be closer to the front street with all of the residential parking located behind the townhomes. A traffic impact analysis has been added as a requirement before this development can proceed even if zoning were to be approved this evening. In addition, the PD does prohibit some uses within the commercial, such as smoke shops, automotive repair, sexually oriented businesses, and equipment rental; anything that is normally allowed in Commercial Corridor but may be considered industrial to keep it more of a neighborhood friendly type of businesses. The zoning as presented is generally compatible with the future land use plan. Staff mailed 41 notices to property owners within the 200 feet that are required and received five responses against the proposal, and staff received an additional 18 from outside of the 200 feet against, and one in favor of the proposal. During the Planning and Zoning Commission (P&Z) there were concerns about increased traffic and the commercial space, and the Commission voted 4-2 to recommend approval with the dissenting Commissioners saying they liked the proposal overall but would want commercial across the entire frontage as it is shown on the future land use plan.

Applicant Comments

Doug Herring, representing Douglas Herring & Associates, addressed the Council giving a presentation on the College Park Development Proposal including the concept plan and renderings of examples of the single-family homes.

Council Comments

Mayor *pro tem* Forrester asked if the Washington Street pass-through for emergency vehicles only would contain a gate. Herring replied there would be a gate and a privacy fence along the alley. Forrester asked with the alley that currently exists in Presidential Estates, will there be an issue with residents backing up out of their driveway with the proposed fence. Haskins replied the right-of-way in the alley will be sufficient. Councilman Mulliqi asked if the intent is to build the residential and commercial at the same time. Herring replied the townhomes and commercial will be constructed first at the same time, but not the residential as the lots will be purchased by individual homeowners. Mulliqi confirmed they are not proposing drive-through restaurants on the commercial properties. Herring replied they were not. Mulliqi expressed concerns with the vertical positioning of the commercial property near the fire station as it may not be development-friendly, and asked for the proposed square footage of the townhomes. Herring replied the townhome's square footage is proposed at 2,500 to 3,000 square feet. Forrester

asked if there was a builder selected for the single-family homes. Herring replied there would be two to three builders but those have not been selected yet. Forrester asked if the single-family home lots would be for sale to an individual or a builder. Herring replied the lot would be sold to an individual and they would have to use the specified builder(s). Mayor Porter confirmed the amenities will be put in and maintained by the HOA, and asked how those get constructed if the single-family lots do not develop. Herring replied it is usually based on a percentage of homes built; however, the clubhouse will be done prior, to help sell the homes. Forrester added in the past, developers have made promises of amenities but did not put them in and would like them to be completed at the same time the commercial is put in to ensure it will be there for the use of the townhome residents. Herring replied it can be developed all at the same time, and from his understanding, permits will not be issued if those items are not completed. Forrester confirmed everything down Country Club can be completed all at one time with the townhomes. Herring confirmed that this is correct. Mulliqi confirmed the lots are 10,000 square foot lots and verified the price points of the homes. Herring confirmed those were correct. City Manager Parker read comments aloud that were submitted before the meeting from Councilman Williams who expressed concerns with the pickleball courts by the iron fence along Country Club Road, and would like to see more parking on the rear of the townhomes. Herring replied they have room for additional parking in the rear of the townhomes, and for the pickleball courts, they could do a stone wall along the bottom with a wrought iron fence on top.

Public Hearing

Mayor Porter opened the public hearing on Item 2 at 7:10 p.m. asking anyone present wishing to address Council to come forward.

David Dahl, residing in Presidential Estates, addressed the Council stating he was in favor of the landowner's rights to develop their land.

Aleksandra Rolfson addressed the Council expressing concerns with the number of homes proposed, the maintenance of the retaining walls, the increase in traffic, the effect on the school district, and the size of backyards.

Darin Reeves, residing in Presidential Estates, asked if there will be lights at the basketball courts, and what are the guidelines for lights, privacy, and noise as he resides right behind the proposed basketball court. Reeves added he would be opposed to lights, would like controls to be thought of ahead of time, does not think this development fits in this area, and would like a better understanding of regulations and what is going in before this is approved.

Lynette Harwell, residing in Presidential Estates, addressed the Council with concerns that this land has been agricultural land and requested the zoning not change to residential at this time, this is not a good project for this property, would like to know when the traffic report will be completed as she has concerns with the addition of more cars.

Mayor Porter closed the public hearing at 7:23 p.m.

Council Comments

Porter asked when the traffic impact analysis (TIA) would be seen. Haskins replied this is addressed in the general conditions in the PD requirements and would have to be turned in and reviewed before approval of the preliminary plat. Porter asked if quiet hours and lighting were addressed. Haskins replied the City has an ordinance that addresses these two areas, Section 7(e) for spillover lighting and Section 7(f) for noise, and added illumination studies with site plans could be required. Porter asked if there would be lights on the courts. Herring replied all the information for illumination will be on the submitted plans, added there will be a retention pond in the back to capture the water, and added the developer is trying to do the best he can to make the most people happy and trying to meet all of the requirements. Forrester expressed concerns with the back of commercial building two facing Country Club as it is an eyesore and would like front-facing businesses, likes the plan overall, and the developer has taken comments from the neighbors and implemented changes. Herring replied they could try switching the parking lot and the building. Mulliqi asked if the park would be gated for residents' use only. Herring replied it will be gated as it will be maintained by the HOA. Mulliqi asked if commercial building one was two stories. Herring replied it is but may not be two levels of occupancy. Mulliqi stated he would want all of the commercial buildings to be front-facing and would want all of the homes that back up to Presidential Estates to be one-story. Councilman

Strang stated he agrees with Forrester and Mulliqi about having the building front-facing, asked about the fencing around the pickleball court to ensure balls will not go into other yards, agreed with Mulliqi that the northern lots be one-story, and confirmed they are not requesting any variances on the lots. Herring replied they are not requesting variances, and that he would need to talk with the developer about the single-story homes backing up to Presidential Estates. Mulliqi stated he proposed that this item be tabled so they can come back with additional information. Parker encouraged the Council to provide the architect clear guidance as this is the third time the developer has come before the Council and they have addressed a majority of the concerns each time. Herring asked if they lose a lot to get one-story homes, would Council be okay with more commercial on the frontage in order to be feasible to the investor. Forrester stated we are trying to make changes to a plan that Council has already made changes to three times and would be apprehensive to ask the developer to go back to make more changes, and this use of the property with the way it is laid out with the one change of flipping the commercial building is an acceptable plan, and added Council is only approving the zoning and the concept tonight, not the plan. Councilman Hoover stated he agreed with Forrester.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang, to approve the Item as presented with the change of swapping commercial building two and the parking lot. A vote was taken and the motion passed 4-2 with Councilmen Duke and Mulliqi voting against and Councilman Williams absent.

- 3. Consider, and act upon, Resolution No. 2024-13(R), approving a Chapter 380 Agreement between the City of Wylie and Ferah Foods III, LLC, and authorizing the City Manager to execute the Chapter 380 Agreement.**

Staff Comments

City Manager Parker addressed the Council stating Ferah Foods is developing a restaurant in front of Seventy8 & Westgate apartments near Highway 78 and Westgate Way. A rebate in the amount not to exceed \$200,000 with a Chapter 380 Agreement containing different milestone requirements has been discussed.

Applicant Comments

Jeremy Berlin, General Manager & Co-Founder of Ferah Foods, addressed the Council giving a presentation on Ferah Smokehouse Cantina including the family-owned history, Ferah's Family of Brands, Ferah's Mission, ways they invest in the community, a menu sneak peek, Mama Rosa's Specialties, a groovy southwestern interior, construction update, The Ferah Difference, and contact information. Berlin added they hope to open in June.

Council Comments

Mayor Porter thanked the applicant for the presentation and for getting involved and giving back to the community before being open.

Council Action

A motion was made by Councilman Strang, seconded by Councilman Duke, to approve Item 3 as presented. A vote was taken and the motion passed 6-0 with Councilman Williams absent.

- 4. Consider, and place on file, the Wylie Economic Development Corporation 2023 Annual Report.**

Staff Comments

Wylie Economic Development Executive Director Greiner and Board President Whitehead addressed the Council stating the EDC brings an annual report to the Council for review of all their expenses and programs in addition to the budget update. Greiner reviewed some of the high-level expenses and notable items that are included in the annual report which was approved by the EDC Board. Greiner presented the total available resources including the beginning fund balance of \$10.7 million, a total revenue of \$5.1 million, with a majority of that funded through sales tax in the amount of \$4.6 million (which was up over 11.25 percent over the previous year), and additional revenue including lease income and the sale of two properties for a net effect of gain/loss sale of property of \$75,000. The total expenses were \$4 million, with personnel at \$471,000, administrative costs at \$166,000, marketing at \$222,000, debt service at \$1.2 million, acquisition of property at \$345,000, infrastructure at \$130,000, incentives at

\$855,000, and engineering, environmental and maintenance of properties at \$658,000, resulting in an ending cash balance of \$12.6 million. The total Performance Agreement incentives paid were \$855,000 including office, medical, commercial at \$569,000, industrial at \$257,000, and sales tax reimbursements at \$29,000. Of the incentive payments made, \$571,000 represented either a one-time commitment or the final payment on a multi-year agreement. Real Estate totaled 41 acres with 30,000 square feet of improvements and a \$16 million cost basis, with outstanding debt associated with real estate of \$7.6 million. In 2023, commercial and industrial properties were valued at \$1 billion, or 12.9 percent of the total \$9.2 billion market value, which is the first time the city of Wylie has had a billion-dollar commercial and industrial valuation. Over the past five years, commercial and industrial values have increased by \$287 million, or 37.23 percent, and the total valuations have increased by \$3.9 billion, or a 75 percent increase. High-impact initiatives include: Woodbridge Crossing at 601,000 square feet, \$89 million in taxable value, \$88 million in annual sales, \$1.76 million in annual sales tax, \$2.2 million in total taxes paid per year, and is projected to generate over \$22 million for the City over the next 10 years; and Woodbridge Centre, also known as the Kroger center, at just under 200,000 square feet, with \$50 million in taxable value and \$743,000 in total taxes paid to the City on an annual basis. Greiner reported that the 544 Gateway property and the Highway 78 and Brown Street redevelopments have multiple properties under contract. Greiner briefed on a few other high-impact initiative projects that have been a focus of the EDC. The 2024 goals and objectives include downtown revitalization and expansion, 544 Gateway Addition and Regency Business Park, Highway 78 Developments (Eubanks to Wylie East), and to expand and promote BRE and workforce programs.

Whitehead gave a brief overview of additional activities of the WEDC Board including new bylaw changes and the development of a handbook for new board members.

Council Comments

Mayor *pro tem* Forrester congratulated the EDC on the expansion and promotion of the BRE and workforce programs being one of the primary efforts of the EDC. Mayor Porter thanked staff and board members for their work.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Duke, to approve Item 4 as presented. A vote was taken and the motion passed 6-0 with Councilman Williams absent.

WORK SESSION

Mayor Porter convened the Council into Work Session at 8:19 p.m.

Mayor Porter recessed the Council into a break at 8:19 p.m.

Mayor Porter reconvened the Council into Work Session at 8:27 p.m.

WS1. Discussion regarding Public Works Department overview and Five-Year Plan.

Public Works Director Weir addressed the Council stating a presentation on Public Works and their five-year plan including the four divisions, overview of the organization, overview of the administration, the five year plan for Public Works and the Parks complex administration including limited parking, limited storage, limited locker room, and limited office space, five-year plan administration personnel needs, fleet services overview, Fleet Replacement Criteria, five-year plan fleet personnel and equipment needs, 2023 review of fleet services, street maintenance/stormwater/traffic overview, five-year plan for street/stormwater/traffic personnel, five-year plan for sidewalk repair, five-year plan for equipment needs for street maintenance, five-year plan for equipment needs for stormwater, five-year plan for equipment needs for traffic, overview of utilities: water distribution/water quality/wastewater, five-year plan for personnel needs for water, five-year plan for equipment needs for water, five-year plan for water quality upgrades, overview of utilities: wastewater, five-year plan for vehicle needs for wastewater, five-year plan for infrastructure improvements for wastewater, and an overview of Public Works positions.

Council comments and questions included is the information provided excluding all fire vehicles, what is taken into account for the reliability factors for vehicles, clarified that sidewalk repair is not something that all cities do as that typically falls under the purview of the residents, what is the annual cost for the contract with the street sweeper, and confirmed the daily pumping in water distribution and quality is millions of gallons a day.

WS2. Discuss Mid-Year Budget Adjustment for the Proposed Pay Plan.

City Manager Parker addressed the Council giving a presentation on the proposed pay plan including the proposed pay plan increases for general government, executive, and police and fire departments, the mid-year budget adjustment for the proposed pay plan, and the tax rate increase to support proposed General Fund pay plan for 2025.

Council comments and questions included what is compression in the pay plan, is there any cushion built in that we are forecasting what could happen to peer cities next budget cycle, want to ensure we are in line and not trying to play catch-up next year, have the same consultants that performed the pay analysis two to three years ago update their data, concerned about the percentage increase of compensation under \$80,000 versus those with compensation over \$80,000, willing to support an increase in overall payroll sufficient to compensate the employees competitively but will not agree now to a tax increase for next year without reviewing the validity of next year’s budget, see how quickly the consultants could assemble the data like they have in the past or a shortened version even if that means the changes are retroactively applied once the data is finalized, thanked staff for putting this information together quickly, it is tough to figure out the balance of raising property taxes or cutting City services, confirmed what a one-cent increase would be to the taxpayer, this increase will not fix all of our retention issues but employees will know that Council listens and supports them, and in support of the mid-year budget amendment as proposed and understand this will affect next year’s budget and tax rate.

RECONVENE INTO REGULAR SESSION

Mayor Porter reconvened the Council into Regular Session at 9:42 p.m.

EXECUTIVE SESSION

Mayor Porter convened the Council into Executive Session at 9:42 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 Brown/Eubanks, FM 544/Cooper, FM 544/Sanden, FM 1378/Park, Jackson/Oak, Regency/Steel, and State Hwy 78/Brown.

Sec. 551.087. DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS; CLOSED MEETING.

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

- (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or
- (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

ES2. Deliberation regarding commercial or financial information that the WEDC has received from a business prospect and to discuss the offer of incentives for Projects: 2013-9a, 2022-1c, 2022-10c, 2023-2d, 2023-5b, 2023-9b, 2023-12c, 2024-1a, 2024-1c, 2024-2c, 2024-3a, and 2024-3b.

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

Mayor Porter reconvened the Council into Open Session at 10:09 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 of Ordinance No. 2024-08 into the official record.

ADJOURNMENT

A motion was made by Councilman Mulliqi, seconded by Mayor Porter, to adjourn the meeting at 10:11 p.m. A vote was taken and the motion passed 6-0 with Councilman Williams absent.

Matthew Porter, Mayor

ATTEST:

Stephanie Storm, City Secretary