

Wylie City Council Regular Meeting Minutes

October 10, 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 6:02 p.m. The following City Council members were present: Councilman David R. Duke, Mayor *pro tem* Jeff Forrester, Councilman Scott Williams, Councilman Sid Hoover, and Councilman Gino Mulliqi. Councilman Dave Strang was absent.

Staff present included: City Manager Brent Parker; Assistant City Manager Lety Yanez; Fire Chief Brandon Blythe; Police Lieutenant Trey Cotten; Fire Prevention Division Chief Cory Claborn; Assistant Finance Director Ron Arp; Public Information Officer Craig Kelly; Community Services Director Jasen Haskins; City Secretary Stephanie Storm; City Engineer Tim Porter; Public Works Director Tommy Weir; Purchasing Manager Chris Rodriguez; Parks and Recreation Director Carmen Powlen; Library Director Ofilia Barrera; Project Engineer Jenneen Elkhaid; Crime Victim Advocate Kisha Voss; 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. Fire Prevention Week.

Mayor Porter presented a proclamation proclaiming October 8-14, 2023, as Fire Prevention Week in Wylie, Texas. Fire Chief Brandon Blythe, Fire Prevention Division Chief Claborn, Deputy Fire Marshal Joe Wetzal, and Firefighter/Paramedic Richard Hollien were present to accept the Proclamation.

PR2. Domestic Violence Awareness Month.

Mayor Porter presented a proclamation proclaiming October 2023, as Domestic Violence Awareness Month in Wylie, Texas. Police Lieutenant Cotten, Crime Victim Advocate Voss, and Hope's Door New Beginning Center Megan Flynn Valdez were present to accept the Proclamation.

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 persons 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 the September 26, 2023 Regular City Council Meeting minutes.**
- B. **Consider, and act upon, Ordinance No. 2023-49 setting the time and place for all regular City Council Meetings in the 2024 calendar year.**
- C. **Consider, and act upon, a First Amendment to Interlocal Cooperation Agreement for Jail Services between the City of Wylie and the City of Parker, and authorizing the City Manager to execute any necessary documents.**
- D. **Consider, and act upon, the award of contract #W2024-01-I Community Park and East Meadow Restrooms to RFL, a CorWorth Company, in the amount of \$670,900.00, and authorizing the City Manager to execute any and all necessary documents.**
- E. **Consider, and act upon, a donation from the Wylie Baseball Softball Association in the amount of \$42,268.20, for the installation of artificial turf at the home plate circles and pitching mounds located at Community Park baseball fields.**
- F. **Consider, and act upon, a Final Plat of Beaver Creek Estates, Lot 1-10, Block A establishing 10 residential lots on 17.053 acres in the City of Wylie Extra Territorial Jurisdiction, property located at the southeast corner of Beaver Creek Road and Fox Hollow.**
- G. **Consider, and act upon, a request to construct a new residential structure, located at 111 Keefer Street within the Downtown Historic District.**

Councilman Mulliqi requested Item D, Councilman Williams requested Item F, and Councilman Duke requested Item G be pulled from the Consent Agenda and considered individually.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Mulliqi, to approve Consent Agenda Items A, B, C, and E as presented. A vote was taken and the motion passed 6-0 with Councilman Strang absent.

REGULAR AGENDA

- D. **Consider, and act upon, the award of contract #W2024-01-I Community Park and East Meadow Restrooms to RFL, a CorWorth Company, in the amount of \$670,900.00, and authorizing the City Manager to execute any and all necessary documents.**

Council Comments

Councilman Mulliqi asked if the current restrooms will be able to be utilized while renovations are being done. Stowers replied the restroom structure will have to be removed soon, but there will be portable toilets available during the renovations and the baseball field concession stand restrooms will remain open. Mulliqi asked if there would be safety fencing around the area during construction. Stowers replied a security fence will be added once they start construction. Mulliqi asked if the basketball courts would remain open. Stowers replied the basketball courts would be available as the fence would only be around the area under construction. Councilman Williams confirmed this contract reflects the initial approved plans and design and is within budget. Stowers replied this is for the approved plans and design, and added it is actually under budget.

Council Action

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

- F. **Consider, and act upon, a Final Plat of Beaver Creek Estates, Lot 1-10, Block A establishing 10 residential lots on 17.053 acres in the City of Wylie Extra Territorial Jurisdiction, property located at the southeast corner of Beaver Creek Road and Fox Hollow.**

Council Comments

Councilman Williams asked where this subdivision was getting their sewer from. Haskins replied with the lots all being over one acre in size, they are utilizing septic systems which will go through the county approval process. Matt Atkins, representing Teague Nall Perkins, added this project will be permitted through the county and will have an onsite septic treatment plant and self-contained aerobic system.

Council Action

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

G. Consider, and act upon, a request to construct a new residential structure, located at 111 Keefer Street within the Downtown Historic District.

Staff Comments

Community Services Director Haskins addressed the Council stating the applicant has requested to build a single-family home of about 2,100 square feet on a 5,259 square-foot lot that is located at the southwest corner of Keefer and Marble. The applicant is proposing a craftsman-style home and has provided elevations and colors. Staff reviewed the plans and based on the information provided, it does meet the criteria for a craftsman-style home.

Council Comments

Councilman Mulliqi stated the Zoning Ordinance states the garage has to be separate from the main structure; however, the submitted plans show the garage is within the main structure. Haskins replied the Zoning Ordinance was discussed amongst staff, and since the garage is not being used as an accessory structure, and with new-style craftsman homes allowing garages to be a part of the home, it did not need to be detached from the home. Mayor Porter asked about setback verbiage which states for corner lots, side yards should be treated as front yards and have the same requirement as the primary front yard; however, on the proposed plans one side yard is five feet. Haskins replied the verbiage is referring to the side yard that faces the street. Porter expressed concerns with the interpretation of the verbiage in the Zoning Ordinance. Porter asked for the setbacks of the home next door and added he felt the intent of the Zoning Ordinance is that the garage should be separate. Haskins replied the houses near this property have three to five feet setbacks, and added the setbacks do meet the letter of the law as they meet the average by utilizing the setbacks of the nearby houses. Councilman Williams asked if a site plan or layout was submitted. Porter added there was one included in the Historic Review Commission (HRC) agenda packet.

Citizen Comments

The following individuals addressed the Council:

Allison Stowe stated when this item came before the HRC several items did not meet the ordinance requirements and added the City has to be cautious to not set a precedent of not following the requirements that were established.

Sandra Stone stated the garage should be a separate building, historic homes need to be built, is okay with vinyl windows as long as they are craftsman-style, the plans have a double sliding glass door on the back of the house which is not traditional craftsman, the proposed home is too big for this lot, and requested Council deny this item.

Angelica Hernandez, the applicant, stated they have tried making the home as close as possible to a craftsman-style home but have challenges with the small lot size and restrictions with the setbacks. They have worked through a lot of the items in the ordinance and feel they have made it look like a craftsman-style home.

Council Comments

Porter asked about the purpose of encourage versus discourage if we have homes coming through that have a lot of discourage items. Haskins replied the purpose is to allow for some variance but guide in a direction. Williams asked if they were proposing the use of regular windows as the depiction looks like regular windows, not craftsman-style. Haskins replied a true craftsman-style typically has the grill on the top. Williams suggested in the future the depictions be specific to show the differences. Councilman Duke stated this home has some elements of a craftsman-style but does not look like other craftsman-style houses. Mulliqi asked if the ordinance requirement for a separate accessory structure is for houses that are already existing to allow for a separate structure. Haskins replied the

ordinance could apply to a new home, not just an existing one. Mulliqi asked if they could convert the proposed garage to a bedroom. Haskins replied the ordinance requires two enclosed parking spaces. Porter stated the railing was added on and asked if it was on all three sides. Haskins replied it is on two sides. Porter asked if the proposed windows in the garage would be see-through. Hernandez replied they would be see-through. Williams asked if the new home built at Ballard and Brown with the separate garage would be considered an attached or detached garage. Haskins replied the Building Official considers that attached as the walkway shares a common roof with the home.

Council Action

A motion was made by Councilman Duke, seconded by Councilman Williams, to deny Item G as presented. A vote was taken and the motion passed 5-1 with Councilman Hoover voting against and Councilman Strang absent.

- 1. Hold a Public Hearing, consider, and act upon, the writing of an ordinance for a change in zoning from Agricultural (AG/30) to Single Family 10/24 (SF 10/24) on 15 acres, Townhouse District (TH) on 3.8 acres, and Commercial Corridor (CC) on 4 acres. Property generally located at and around 605 Country Club Road (ZC 2023-15).**

Staff Comments

Community Services Director Haskins addressed the Council stating the applicant is requesting to rezone 25 acres that are currently zoned AG to 15 acres consisting of 45 single-family residential, four acres of town homes that would contain 30 residential homes, four acres of commercial for 2,500 square feet of commercial space, and a little over two acres of open space. This property is located north of Fire Station 2 on Country Club, and the future land use plan does have it listed as local commercial and low-density residential so it is compatible with the plan. The applicant is not asking for any variances, it is straight zoning; therefore, they will be required to meet all of the requirements of the Zoning Ordinance. Staff mailed 41 notifications within 200 feet as required by state law and received nine back in opposition. In addition, staff received 32 protest forms from outside of the notification area. Haskins added during the Planning and Zoning (P&Z) Commission public hearing, several citizens expressed concerns with traffic and the proposed commercial property, and some spoke in support of the property as it follows the Zoning Ordinance and the future land use plan. The P&Z Commissioners did vote 6-1 to recommend approval with the stipulations that Washington Street be open to this development for emergency vehicles only, and that a traffic impact analysis be required before plating.

Applicant Comments

Ahmed Helaluzzaman, representing Amazing Concept LLC, gave a brief presentation on College Park including the land area, the 2022 Comprehensive Plan, the concept plan, the site data, the commercial area and trip generation details, and the townhome and single-family building elevations.

Council Comments

Mayor *pro tem* Forrester stated the presentation did not take into account the feedback that the Council gave at the previous work session including no flat roofs, the look of the homes does not match the surrounding area, and having single-car garages instead of double-car garages. Forrester stated he was disappointed in the site plan as it appears the comments made by the Council were not taken seriously. Helaluzzaman replied the building elevations are preliminary and after the comments were received by Council, they did not redo the entire presentation reflecting those changes; however, did add a slide showing a sloping roof on the backside for privacy. Forrester stated if the item is approved as presented this evening then the developer could build it as is, which does not match what is being stated, and added, making no changes to the previous presentation reflecting the feedback appears there was no preparation for tonight's Council meeting. Helaluzzaman replied that for the flat roofs, they will follow the standard ordinance for single-family homes. Councilman Williams stated he appreciated them coming to the work session to gather input; however, bringing back the same presentation from the work session with no changes seems like the work session was a waste of time. Helaluzzaman apologized for the misunderstanding on his part in that since they are requesting no variances and are doing straight zoning, a flat roof would not be allowed. Councilman Mulliqi agreed with Forrester and Williams.

Public Hearing

Mayor Porter opened the public hearing on Item 1 at 7:19 p.m. asking anyone present wishing to address Council to come forward.

The following individuals addressed the Council:

Shaun Keefer expressed concerns with traffic on Country Club Road, overcrowding at the schools, knew something would be developed on this property but townhomes and retail are not the answer, and nothing in Wylie looks like this development.

DeAnn Montney expressed concerns with traffic on Country Club Road, the pathway through the subdivision, increased noise with construction, and debris.

Wendy Good expressed concerns about flooding, increased traffic, adding commercial buildings and businesses, and other creative ways to use the land.

Steve Monier expressed concerns with flooding behind the homes with Muddy Creek, block Washington with a gate for Fire Department access only, and understands growth and is fine with homes as long as they meet the neighborhood.

Gayla Dahl and David Dahl were no longer present to address the Council.

Melia Abreo expressed concerns with traffic, the ISD capacity, and safety within the neighborhood by adding an access point.

Aleksandra Rolfson expressed concerns with adding to Country Club Road traffic, building setbacks on single-family homes, size of the backyard, maintenance of the pickleball and basketball courts and playground, detention pond, mailbox cluster location, the impact on the ISD, and stated the elevations do not look like anything located in Wylie and does not fit in.

Feras Ghaze stated he supports this project, and that we can find a solution to the concerns.

Darin Reeves stated he knew something would be built in this area but did not expect a hodge podge, and added there is nothing like this in Wylie. He stated he is not opposed to change, but this project does not make sense.

Gloria Holley stated she would like to see nicer homes built that are spread out and do not consist of so many different types, and she was not sure about the commercial piece of the project.

Mayor Porter closed the public hearing at 7:44 p.m.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Mulliqi, to deny Item 1 as presented. A vote was taken and the motion passed 6-0 with Councilman Strang absent.

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

Mayor Porter reconvened the Council into Regular Session at 7:57 p.m.

- 2. Hold a Public Hearing, consider, and act upon, the writing of an ordinance for a change in zoning from Neighborhood Services (NS) to Neighborhood Services - Special Use Permit (NS-SUP) on 1.814 acres to allow for a Smoke Shop Use. Property located at 456 Country Club Road Suite 126 (ZC 2023-16).**

Staff Comments

Community Services Director Haskins addressed the Council stating the applicant is asking for a special use permit (SUP) for a vape shop at 456 Country Club Road. The SUP does ask for a couple of variances to the Zoning Ordinance including being allowed in neighborhood services, no smoke shop established being within 1,500 feet of

another smoke shop, and being within 300 feet of a private school. Staff sent notices to six property owners and there was one response received in favor and two in opposition. After discussing the proximity to similar businesses and the private school the Planning and Zoning Commission did recommend denial by a unanimous vote of 7-0. Haskins stated that, in light of that, it would take a supermajority vote by the Council to overturn that decision.

Public Hearing

Mayor Porter opened the public hearing on Item 2 at 7:59 p.m. asking anyone present wishing to address Council to come forward.

No persons were present wishing to address the Council.

Mayor Porter closed the public hearing at 8:00 p.m.

Council Action

A motion was made by Councilman Mulliqi, seconded by Councilman Williams, to deny the writing of an ordinance for a change in zoning from Neighborhood Services (NS) to Neighborhood Services - Special Use Permit (NS-SUP) on 1.814 acres to allow for a Smoke Shop Use. Property located at 456 Country Club Road Suite 126 (ZC 2023-16). A vote was taken and the motion passed 6-0 with Councilman Strang absent.

- 3. Consider, and act upon, the award of a professional services project order (PSPO) #W2023-84-E for the Historic Downtown Traffic & Drainage Improvements Phase 1, Project to Kimley-Horn and Associates, Inc. in the amount of \$1,367,700 and authorizing the City Manager to execute any necessary documents.**

Staff Comments

City Engineer Porter addressed the Council stating staff and Kimley-Horn and Associates, Inc. have put together a first phase for design, including an extension of Birmingham Street, drainage, traffic patterns, updates to two signals, installing two new signals, and establishing a theme for downtown to help move forward with downtown renovations for Council's consideration.

Council Comments

Mayor Porter asked for Birmingham Street, is that surface detention/retention or Phase 1 of the underground. City Engineer Porter replied a little of both as they are going to look at the detention that's proposed along the west side of Birmingham Street, and also look at getting the drainage along Birmingham Street underground. Mayor Porter asked if striping includes designing or planning for the new sidewalks that will go in on Ballard Avenue. City Engineer Porter replied Phase 1 does not include all the updates to the sidewalks, parallel parking, and lighting, but those could be part of Phase 2, which would be a more detailed design of each block as the City gets additional funding. Parker added there will be several work sessions going forward to get the Council's vision for the downtown area. Councilman Williams confirmed the bond for the downtown area was \$5 million, and Phase 1 will cost about \$1.3 million. City Engineer Porter clarified the \$1.3 million is for design only, no construction, and whatever funds are remaining after design will be utilized for construction in phases on design items identified by staff and Council. Williams asked what is the bulk of the cost of the \$1.3 million, and what was the discrepancy when funding was allocated. Parker added it was decided that \$5 million would be allocated for the downtown bond package, and at the time, did not know the actual costs. The \$5 million allocated is to get some of the Phase 1 items accomplished. Mayor Porter added the \$5 million was a recommendation from the Bond Committee and was open-ended for use. Mayor *pro tem* Forrester stated he understands we cannot start without a design, but asked what are the deliverables at the end of the day. City Engineer Porter replied this scope over the next year and a half will help identify the next steps and put plans together, but included as Phase 1 is one-way streets, and to do that, signals will be added. Forrester confirmed that once this design is complete, certain things can be implemented with the remaining funds. City Engineer Porter replied that was correct and added this is the last design or study that will be done before we start seeing work take place downtown. Councilman Mulliqi asked if these designs are going to take a year and a half, should this design be expanded through to Highway 78 to include the new developments at Brown Street and Highway 78 that are coming as we do not want to have to redo anything in the future. Parker replied the new Brown Street and Highway 78 development is not included in this design project; however, the

EDC is addressing a lot of the aspects as they are developing. One future consideration for the Council is what area should be included within the boundaries of downtown. Mulliqi asked if the walkways for the new Brown Street and Highway 78 development should be included in this design. Mayor Porter clarified the areas in blue are not getting new sidewalks in Phase 1 of the design, only the areas in green where there are new roadways and a decel lane on Highway 78 are included. Mulliqi asked if the new traffic lights are taking the new development into account so they do not have to be redone later. City Engineer Porter replied they have had discussions and anticipate future layouts when designing as they do not want to have to come back to redo anything that has already been done. Councilman Duke expressed concerns about what the citizens are getting out of the \$5 million. City Engineer Porter replied there are stages to engineering and unfortunately one does not see a lot during stage 1 as the following has to be completed before further items can be done: a survey, right-of-way acquisition, instruments for easements, geotech investigation, subsurface utility investigation, and archeological survey. Parker added in Phase 1, Ballard Avenue and Birmingham Street will be changed to one-way streets, drainage improvements along Birmingham Street, and new signals will be completed. Duke confirmed that is actual work that will be completed and asked when the design will be completed. City Engineer Porter confirmed that is actual work and is anticipating a year and a half for the design process. Forrester stated he agrees with Mulliqi and believes Brown Street and Highway 78 should start the downtown area, extend down Brown Street to the railroad, and then down Ballard Avenue to Highway 78. Parker replied he agrees with the sentiments and believes the Brown Street and Highway 78 development is being addressed; however, overall, it is a bigger discussion that includes items such as should the south Ballard overlay be included in the downtown area. Williams asked the cost of installing two traffic signals. City Engineer Porter replied they are about \$500,000 each. Williams asked the cost of drainage improvements on Ballard Avenue from Brown Street to Highway 78. City Engineer Porter replied the drainage on Ballard Avenue adds a lot of money to the project. This Phase 1 includes the drainage along Birmingham Street due to the piece of roadway being added, but building a concrete roadway for Ballard Avenue which would then include drainage improvements would be a future project and is not included in Phase 1. Mayor Porter asked what the additional cost would be to add drainage on Ballard Avenue; and possibly swap out the theming and pedestrian wayfinding to include Ballard Avenue as part of the scope. Parker replied the challenge is that there is not enough funding to do it correctly. City Engineer Porter added currently there is not enough money to do Ballard Avenue, and with Phase 1, they are trying to get enough done to set the trajectory of the way we want downtown to go in the future. Mulliqi stated he feels that we are going to start a project, run out of money, and have to bring back another bond before the voters; we have to have a foundation of where we are going rather than having bits and pieces. Parker replied that it would be Council's decision on whether to use the \$5 million for design only and include no construction; however, the fear with using all of the funding for design is how long the design waits before any construction can begin. City Engineer Porter replied to Mayor Porter that there was a Phase 2 to design two blocks along Ballard Avenue with drainage and it was around \$820,000.

The consensus from the Council was that since the beginning, it has been discussed that downtown renovations would be completed in phases, and this first step is a great start to show progress and lay the groundwork.

Council Action

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

4. Consider, and act upon, Resolution No. 2023-25(R) casting a nomination for a candidate for the Board of Directors of the Collin Central Appraisal District.

Council Comments

Mayor Porter stated there are specific requirements listed in the agenda packet for a candidate, and added if the Council does not have an individual to recommend, the Council is not required to take action.

Council Action

No action was taken on Item 4.

Mayor Porter convened the Council into a break at 8:50 p.m.

Mayor Porter reconvened the Council into Regular Session at 9:01 p.m.

WORK SESSION

Mayor Porter convened the Council into a Work Session at 9:01 p.m.

WS1. Wylie Fire Rescue overview of the EMS Division providing emergency medical services to the citizens of Wylie, Texas to begin in October 2024.

Fire Chief Blythe gave a presentation on the history of Wylie Fire Rescue, the Southeast EMS Coalition, the current agreement with Paramedics Plus, current evaluation of operations - call volume and operation, timeline, the need for change, review of nearby jurisdictions, ambulances per 1,000 population city statistics, EMS call volume trend, service/benefits/impacts, goals of the new division - changes implemented, ambulance service plan, hospital destinations, benefits of the new plan, the EMS division, FY 2024 organizational chart, staff training and certification, equipment overview including fleet, Lifepaks, cots, stair chairs, key challenges - contractual, medical control, medical direction - status, other contracts/considerations, financial review including initial budget and one-time expenses vs. ongoing expenses, revenue projections, billing and collection services, and coming soon.

Council questions and comments included are we concerned that Paramedics Plus might try to find another customer and back out of the contract early, how many service calls go outside of Wylie, will the cities that want to stay involved still be a part of a coalition, what stress would it put on the system for response times in the City, are we taking into consideration Lavon's growth when it comes to staffing, would ILA's be completed with surrounding communities, are certifications of firefighters being hired in Lavon comparable to Wylie, do we currently respond to areas outside the city of Lavon, legal responsibility currently falls on the third party but moving forward it would fall on the City, how will the non-emergency transfer service be handled, are we providing subsidy for personnel in Paramedic school and requiring the signing of an agreement, does staff see an issue with future staffing, do not want to overwork the current staff, what is the goal for the number of units, who will conduct chart reviews, what is the cost for an ambulance at this time, revenue from partner cities (coalition), answering calls outside of the City takes additional time and an ambulance away from the citizens, are we including capital when figuring the cost for surrounding cities, an option of adding an annual capital cost in the ILA, would like to cover the cost as much as possible, pass along the same costs to coalition cities, and will a third-party company be used for billing.

RECONVENE INTO REGULAR SESSION

Mayor Porter reconvened the Council into Regular Session at 10:15 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. 2023-49 into the official record.

ADJOURNMENT

A motion was made by Councilman Duke, seconded by Mayor Porter, to adjourn the meeting at 10:15 p.m. A vote was taken and the motion passed 6-0 with Councilman Strang absent.

Matthew Porter, Mayor

ATTEST:

Stephanie Storm, City Secretary