

# Wylie City Council Regular Meeting Minutes

December 12, 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 6:04 p.m. The following City Council members were present: Councilman David R. Duke, Councilman Dave Strang, Mayor *pro tem* Jeff Forrester, Councilman Scott Williams, Councilman Sid Hoover, and Councilman Gino Mulliqi.

Staff present included: City Manager Brent Parker; Deputy City Manager Renae Ollie; Assistant City Manager Lety Yanez; Assistant Fire Chief Brian Ritter; Police Chief Anthony Henderson; Community Services Director Jasen Haskins; Public Information Officer Craig Kelly; City Secretary Stephanie Storm; Public Works Director Tommy Weir; Purchasing Manager Chris Rodriguez; Finance Director Melissa Brown; City Engineer Tim Porter; Animal Control Manager Shelia Patton; and various support staff.

## INVOCATION & PLEDGE OF ALLEGIANCE

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

## 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.*

Robert Heath addressed Council expressing thanks to Angel Wygant with Wylie Economic Development Corporation, and Mike Grubbs, Building Inspector, for assisting in completing a form required by Oncor upon Final Inspection for the construction of 105 W. Jefferson.

## 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 November 9, 2023 Special Called Meeting and the November 14, 2023 Regular City Council Meeting minutes.
- B. Consider, and place on file, the City of Wylie Monthly Investment Report for October 31, 2023.
- C. Consider, and act upon, the City of Wylie Monthly Revenue and Expenditure Report for October 31, 2023.
- D. Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of October 31, 2023.
- E. Consider, and act upon, a Final Plat of Lot 1, Block A of Validus Addition, creating one industrial lot on 0.620 acres, located at 1602 Martinez Lane.

- F. Consider, and act upon, Ordinance No. 2023-54 for a change in zoning from Commercial Corridor (CC) to Commercial Corridor - Special Use Permit (CC-SUP) on 0.4496 acres to allow for Automobile Repair Minor use. Property located at 403 S. State Highway 78 (ZC 2023-17).
- G. Consider, and act upon, Ordinance No. 2023-55 releasing a portion of the City of Wylie's Extraterritorial Jurisdiction, consisting of two tracts of land totaling 6.948 acres located on the east side of Troy Road at Elida Lane.
- H. Consider, and act upon, Ordinance No. 2023-56 approving a Buyback provision for qualified employees as permitted under the rules and regulations of the Texas Municipal System (TMRS).
- I. Consider, and act upon, Ordinance No. 2023-57 adopting non-retroactive repeating COLAs for retirees and their beneficiaries under Texas Municipal Retirement System (TMRS).
- J. Consider, and act upon, approval of the Wylie High School PTSA Pirate Dash 5K/Walk fundraiser event at Founders Park on April 13, 2024.
- K. Consider, and act upon, the approval of the purchase of school zone flasher assemblies from Paradigm Traffic Systems, in the estimated amount of \$89,250.00 through a cooperative purchasing contract with BuyBoard, and authorizing the City Manager to execute any and all necessary documents.
- L. Consider, and act upon, the approval of the purchase of an ambulance from Southern Emergency and Rescue Vehicle Sales (SERVS) in the estimated amount of \$467,344.00 through a cooperative purchasing contract with Houston-Galveston Area Council (HGAC) and authorizing the City Manager to execute any and all necessary documents.
- M. Consider, and act upon, the award of a professional services project order (PSPO) #W2024-24-I for the design of a traffic signal at the Intersection of Sachse Road and Creek Crossing Lane to Kimley-Horn & Associates, Inc. in the amount of \$65,800, and authorizing the City Manager to execute any necessary documents.
- N. Consider, and act upon, the approval of the purchase of two (2) chassis from Sam Pack's Five Star Ford for Wylie Fire Rescue in the estimated amount of \$148,243.37 through a cooperative purchasing contract with The Local Government Purchasing Cooperative (BuyBoard) and authorizing the City Manager to execute any and all necessary documents.
- O. Consider, and act upon, the approval of the renewal purchase of Annual Maintenance and Software Upgrade for Public Safety Radios and Network Recording Software from Motorola Solutions, Inc. in the estimated amount of \$134,981.38 through a cooperative purchasing contract with the Texas Department of Information Resources and authorizing the City Manager to execute any necessary documents.

#### **Council Action**

Mayor Porter requested Item F be pulled from the Consent Agenda and considered individually.

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

#### **REGULAR AGENDA**

- F. Consider, and act upon, Ordinance No. 2023-54 for a change in zoning from Commercial Corridor (CC) to Commercial Corridor - Special Use Permit (CC-SUP) on 0.4496 acres to allow for Automobile Repair Minor use. Property located at 403 S. State Highway 78 (ZC 2023-17).

### **Council Comments**

Mayor Porter recommended that a clause within the Special Use Conditions include that the Special Use Permit is allowed for the proposed user only. Councilman Strang stated that the SUP should not be transferred to anyone else if ownership changes. Councilman Williams asked if there is a downside to reverting to Commercial Corridor zoning if ownership changed. Haskins stated the only downside is if a new owner did not research and do due diligence before purchasing the property. Councilman Mulliqi expressed concern about exiting a bay door onto the street and stated that the SUP should not be transferable. Williams asked if the item could be tabled to allow the owner to be here for any questions. Haskins responded that the applicant has purchased the property, and if tabled, would push him five to six weeks out to pull permits. Mulliqi asked for clarification regarding parking outside after hours or overnight. Haskins responded that the Zoning Ordinance does not allow overnight parking.

### **Council Action**

A motion was made by Mayor Porter, seconded by Councilman Strang, to give staff direction to amend Exhibit B, SUP Conditions, under General Conditions, adding: 3. This Special Use Permit shall automatically terminate and be rescinded without further action by the City or City Council, and the property reverted to the underlying Commercial Corridor zoning, should any of the following occur: a. The specific Automotive Repair, Minor use, as proposed and operated as 1st Choice Auto and Tire, ceases normal business operation. b. The property and or business is not majority-owned, managed, or operated by Gazy Barwari or Newar Barwari (applicants). A vote was taken and the motion passed 6-1 with Councilman Mulliqi voting against it.

1. **Consider, and act upon, Resolution No. 2023-32(R) determining a public necessity to acquire certain properties for public use by eminent domain for right of way (in fee simple) and temporary construction easements and related improvements for the construction, expansion, access, repair, maintenance and replacement of a portion of approximately 1.25 miles of E. FM 544 (from north of Alfred Drive to County Line Road) roadway project, located on a portion of a 1.99-acre tract of land conveyed to Braddock Place Estates Homeowners Association, Inc. as recorded under instrument no. 20160329000367090 in the real property records of Collin County, Texas, generally located along the west side of E. FM 544 between Alanis Drive and Vinson Road, Wylie, Collin County, Texas; giving notice of an official determination to acquire certain properties for public use by eminent domain for such right of way (in fee simple), temporary construction easements and related improvements; authorizing the City Manager of the City of Wylie, Texas, to establish procedures for acquiring the right of way and easements, offering to acquire the property interests, voluntarily, from the landowner through the making of bona fide offers; appropriating funds; providing for repealing, savings and severability clauses; and providing for an effective date.**

### **Staff Comments**

City Engineer Porter addressed the Council stating the contractors have already ordered materials to move forward with construction of E. FM 544. The item before the Council is a recommendation based on a discussion with the city attorney, as well as the President of the Homeowners Association. All parties have agreed that this is the best way to move forward with this project without having to go to a vote from all the property owners within the subdivision, which a quorum may not be reached. The proposed is a small corner piece and a triangular piece near the roundabout, and an easement.

### **Council Comments**

Mayor *pro tem* Forrester confirmed that the item is a friendly Eminent Domain discussion, and all parties understand exactly what is getting ready to happen. City Engineer Porter replied that this was correct. Councilman Williams confirmed that no residents or citizens will be displaced or have any portion of their property acquired by the eminent domain and that the HOA owns the property and the property will revert to green space once the repairs are done. City Engineer Porter replied the City will maintain the two pieces of right-of-way and the property for the temporary easement will revert to the HOA to maintain. Engineering Project Manager, Jenneen Elkhaid, addressed the Council to clarify that the right-of-way property will not revert to green space as it currently stands, as the City needs a small portion at the fork with Vinson Road for the roundabout and a square piece for signal equipment at Alanis and E. FM 544.

Councilman Mulliqi asked if this would delay the start of the project. City Engineer Porter responded that the proceedings could take a little bit longer; however, the Contractor confirmed many other areas of the project could be completed, so there should not be a delay in construction. Councilman Strang asked about the consequences of not approving the item. City Engineer Porter responded that the project would be delayed, as staff would have to work with the engineer to change the design, which would increase the cost of the project.

### **Council Action**

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Mulliqi, to move that the City Council of the City of Wylie, Texas authorize the use of the power of eminent domain to acquire property, in fee simple, located in the area described and depicted in Exhibit A to the Resolution under consideration by the City Council, for the right of way and temporary construction easements and related improvements for the construction, expansion, access, repair, maintenance, and replacement of a portion of approximately 1.25 miles of E. FM 544 (from north of Alfred Drive to County Line Road) roadway project and all appurtenances related thereto. A vote was taken and the motion passed 7-0.

2. **Consider, and act upon, the award of contract W2024-16-I, Pirates Cove Playground Equipment and Poured-In-Place Surfacing to WEBUILDFUN, in the estimated amount of \$678,482.00 through a cooperative purchasing contract with BuyBoard and authorizing the City Manager to execute any necessary documents.**

### **Staff Comments**

Assistant Parks and Recreation Director Stowers addressed the Council stating that this project is for the replacement of Pirates Cove playground at Founders Park and includes several different play areas, including a pirate ship theme, an elevated play structure for five to 12-year-olds, a small pirate themed structure for two to five-year-olds, and ground level ocean of interplay structures. Stowers added, with the intent to add as many inclusive components as possible, that there will be a sensory tunnel, roller slide, inclusive swing seat, inclusive whirl, and poured-in-place surfacing which qualifies this playground as a fully certified all-inclusive playground. Stowers added the new playground will be constructed north of the current playground, which will allow for the use of the current playground while the new playground is being constructed. This will allow for future expansion of the parking lot.

### **Council Comments**

Councilman Williams asked if the proposed new playground is smaller than the current playground. Stowers replied that the new playground is more spread out instead of a continuous playground like the current playground. Councilman Mulliqi asked for estimated start and completion dates. Stowers stated that production of the material takes about two to three months, and the goal for completion is late spring or early summer. Williams asked if the cost was in line with what was budgeted. Stowers responded that the cost is \$20,000 under budget. Williams asked if the staff knew what was happening with the funds that were acquired from the Blackland Foundation. Stowers stated he did not have the information tonight and would get back with the answer as Parks and Recreation took over the Blackland Foundation, and this project is coming out of the Parks and Recreation budget.

### **Council Action**

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

3. **Consider, and act upon, the acceptance of the resignation of Jacques Loraine III, and the appointment of a new board member to the City of Wylie Planning and Zoning Commission to fill term of December 12, 2023 to June 30, 2025.**

### **Council Comments**

Mayor *pro tem* Forrester stated that the City received a resignation from Mr. Jacques Loraine III, who currently serves on the Planning and Zoning Commission. The Council approved Commission replacement members in June 2023 to fill seats when a resignation is received.

### **Council Action**

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang, to accept the resignation of Jacques Loraine for the Planning and Zoning Commission and appoint Zeb Black to the remainder of the term from December 2023 to June 30, 2025. A vote was taken and the motion passed 7-0.

### **WORK SESSION**

Mayor Porter convened the Council into a Work Session at 7:00 p.m.

Mayor Porter recessed the Council into a break at 7:00 p.m.

Mayor Porter reconvened the Council into a Work Session at 7:08 p.m.

#### **WS1. Discuss the Renovation of the Animal Services Facility.**

Police Lieutenant Cotten addressed the Council giving a presentation on the Animal Services Facility renovations including the footprint, building history, current floor plan, current challenges for animals and personnel, proposed new floor plan, renovation cost, a temporary building, and structures needed for remodel, work schedule adjustments, and future planning.

Council questions and comments included costs associated with the rental of a temporary building, half of the building being able to be utilized, cost and time frame for phases, and scheduling adjustments for the staff during construction. Council recommendation was to move forward with phase one of this project, receiving a specific dollar amount for all the phases of designing and constructing, thank the staff and Animal Shelter Advisory Board members for the work they have done, would like the spending on this project to be limited to what is needed so that a brand new structure can be constructed in the future, nice design and necessary improvements, and would like more information on a permanent facility.

### **RECONVENE INTO REGULAR SESSION**

Mayor Porter reconvened the Council into Regular Session at 7:37 p.m.

### **EXECUTIVE SESSION**

Mayor Porter convened the Council into Executive Session at 7:38 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, State Hwy 78/Alanis, State Hwy 78/Brown, and State Hwy 78/Skyview.**

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

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

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

**ES2. Deliberation regarding commercial or financial information that the WEDC has received from a business prospect and to discuss the offer of incentives for Projects: 2021-4b, 2022-1c, 2022-10c, 2023-1a, 2023-1c, 2023-2b, 2023-2d, 2023-3b, 2023-4c, 2023-5b, 2023-8a, 2023-9b, 2023-10a, 2023-11a, 2023-12a, and 2023-12b.**

**RECONVENE INTO OPEN SESSION**

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

Mayor Porter reconvened the Council into Open Session at 8:57 p.m.

**READING OF ORDINANCES**


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

City Secretary Storm read the captions of Ordinance Nos. 2023-54, 2023-55, 2023-56, and 2023-57 into the official record.

**ADJOURNMENT**

A motion was made by Councilman Strang, seconded by Councilman Mulliqi, to adjourn the meeting at 9:00 p.m. A vote was taken and the motion passed 7-0.

**ATTEST:**

  
Stephanie Storm, City Secretary



  
Matthew Porter, Mayor